



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: 2010/456/PCD – LR10: Erect dwellinghouse: Site north east of Gilsbrake, Vidlin

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 committee.doc
J R Holden
Planning Board: 15/11/2011

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: 2011/054/PCO

To

Erect dwellinghouse: Site northeast of Gilsbrake, Vidlin

By

Lynn Johnson

Tuesday 15 November 2011

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Tuesday 15 November 2011

Section 1. Planning Submission – 2010/456/PCD

Tuesday 15 November 2011

Infrastructure Services Department
Shetland Islands Council
Planning Application

FOR OFFICIAL USE ONLY
Reference No:
Associated Application No:
Registration Date:

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997, AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006. TOWN & COUNTRY PLANNING (HAZARDOUS SUBSTANCES) (SCOTLAND) ACT 1997.

(PLEASE READ THE NOTES FOR GUIDANCE BEFORE COMPLETING THIS FORM. IT IS IMPORTANT THAT THIS FORM IS COMPLETED CORRECTLY TO AVOID DELAYS IN PROCESSING).

Separate forms must be completed for applications for House Alterations and Extensions, Listed Building Consent, Conservation Area Consent, Advertisement Consent and other categories of application.

1	I/We Apply To The Council For: Please tick relevant box	
	Full Planning Permission (FPP) <input checked="" type="checkbox"/>	Renewal of Temporary Permission <input type="checkbox"/>
	Planning Permission in principle (PPP) <input type="checkbox"/>	Variation of a planning condition(s) <input type="checkbox"/>
	Approval of matters specified in conditions (AMC) <input type="checkbox"/>	
Reference number(s) of previous planning application(s)/permission(s) (if known) _____		
Reference number(s) of proposal of Application Notice(s) (if applicable) _____		
Have there been any pre-application discussions with planning? YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		
If yes, what type: Telephone Letter Meeting: Pre-application officer's name:		

2	The Application is considered to be a:		
	National Development <input type="checkbox"/>	Major Development <input type="checkbox"/>	Local Development <input checked="" type="checkbox"/>
SIC INFRASTRUCTURE SERVICES			

3	Applicant's Name only: Ms LYNN JOHNSON	13 DEC 2010	
		PASS TO ID 149244	ACTION

4	Address or Location of Proposed Development please include postcode
	Gilbrake, Vidlin, Shetland POSTCODE ZE2 9QB

5	Existing Use of Land and/or Buildings please give details
	GRAZING

6	Description of Proposed Development please specify what is being proposed
	TO CONSTRUCT DWELLING HOUSE.

7**Residential Development**Number of dwelling houses proposed 1 Site Area (hectares) 0.15 Ha.**8****Commercial/Industrial Development**

	Existing	Proposed
(a) Site Area (gross)	_____ hectares	_____ hectares
(b) Manufacturing/Production area	_____ sq m	_____ sq m
(c) Storage Area	_____ sq m	_____ sq m
(d) Office/Ancillary Area	_____ sq m	_____ sq m
(e) Retail (Net Floor Area)	_____ sq m	_____ sq m
(f) Intended hours of Operation	_____ hrs	_____ days
(g) Types of vehicles and number of movements	No: _____	Type: _____
(h) Present and proposed staff numbers	Present: _____	Proposed: _____

9**Proposed Access Arrangements**

Please tick relevant boxes and note that such details are required for PPP applications

Do you intend to:

use an existing access

☐

improve an existing access

☐

form a new access

☒**10****Parking**Number of existing parking spaces on site 0Number of additional parking spaces proposed 3**11****Proposed Drainage Connections**

Please tick relevant boxes

Drawings indicating whether disposal method proposals are new or as existing should be submitted including location of outfalls, connections etc.

(a) Foul Drainageto public sewer ☒to existing septic tank ☐to new septic tank with soakaway ☐to new septic tank with sea outfall ☐**(b) Surface Water** - Please give full details and drawingsPublic Sewer ☐Sustainable drainage system ☒Other ☐

12**Proposed External Building Materials And Colour Finishes**Outside walls and roof covering **TIMBER CLAD / CONCRETE TILES**Parking areas/Driveway surface **TYPE-1 & TARMAC.**Landscaping **GRASSED LANDSCAPING**Windows / Doors **TIMBER**Boundary treatment (fences, walls etc.) **POST & WIRE FENCING.****13****Hazardous Materials**Does the proposal involve the use, storage or manufacture of hazardous materials? Yes ☐ No ☒

If the proposal involves the use, storage or manufacture of any "hazardous materials" (such as liquified Petroleum Gas, Hydrogen, Liquid Oxygen, or any explosive) please give details and the quantities in a covering letter.

14**Any other particulars to which the applicant wishes to draw attention**

(Article 8(8), Town & Country Planning (General Development Procedure)(Scotland) Order 1992)

You must fill in an appropriate certificate of land ownership.

If you do not own all of the land or property to which this application relates, you must notify all the owners and agricultural tenants at the same time as submitting this form.

If you are unable to identify relevant parties then please contact the Development Management Service within the Planning Service by using the details at the end of this form.

A I hereby certify that: Please tick **one** box

1. 21 days before the date of this planning application, the applicant owned all the land to which this application relates. ☐
- or
2. The applicant has given notice to all persons who, 21 days before the date of this planning application, owned any part of the land to which it relates. They are: ☒

NAME OF OWNER	ADDRESS	DATE NOTIFIED
MR J. JOHNSON	Kringsjaa, Vidlin	9/12/10

B I further certify that: Please tick **one** box

1. 21 days before the date of this planning application, none of the land formed part of an agricultural holding ☐
- or
2. The applicant has given notice to every person who, 21 days before the date of this application, was a tenant of an agricultural holding, any part of which formed part of the application site. These persons are: ☐

NAME OF TENANT	ADDRESS	DATE NOTIFIED

or

3. The land forms part of an agricultural holding, but there are no tenants. ☒

NEIGHBOUR NOTIFICATION

It is the responsibility of the Council to notify those with an interest in neighbouring land of the submission of a valid planning application. Neighbouring land is that which is within 20 metres of the boundary of the application site. An advert will be placed in the local paper if the Planning Service is unable to notify neighbouring land on which there are no premises, in which case the applicant is required to pay for this advert within 21 days; the decision cannot be issued until this is paid. Therefore, if you know of any person(s) who has any interest in the land neighbouring the site of the proposed development, whether this is the owner or occupier in relation to domestic property, or owner, lessee or occupier in relation to non-domestic property, this could help avoid delay in processing your application. Please use the Neighbour Information Notice.

1. Domestic Property

Address

1. The Owner: MR J. JOHNSON Kingsgar, Vidlin, ZE2 9QB.
The Occupier: "

2. The Owner: MR A. JOHNSON Langara, Vidlin, ZE2 9QB.
The Occupier: "

3. The Owner: MR A. ALDERMAN Gilsbrake, Vidlin, ZE2 9QB.
The Occupier: "

4. The Owner:
The Occupier:

5. The Owner:
The Occupier:

2. Non-Domestic Property

1. The Owner: MR B. GEORGESON Gilsbrake, Vidlin, ZE2 9QB.
The Lessee: NON
The Occupier: as owner.

2. The Owner: MR D. NICOLSON Glenmoor, Laxo, Shetland.
The Lessee: NON
The Occupier: as owner.

3. The Owner:
The Lessee:
The Occupier:

4. The Owner:
The Lessee:
The Occupier:

Please continue on another sheet as necessary and attach it to the application form.

16 CHECKLIST

Checklist *Please tick all relevant boxes*

For official use only

- I enclose 4 copies of this form
- I enclose 4 sets of the necessary plans and drawings
- I have completed and enclosed the landownership certificates
- I enclose the necessary fee of £ 319.00
- I enclose 4 copies of a pre-application consultation report (if necessary)
- I enclose 4 copies of a design statement (if necessary)
- I enclose 4 copies of a design of a design and access statement (if necessary)

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Your application cannot be registered until all these documents and fee are received.
Failure to submit a PAC report when necessary will result in the application being returned.

Receipt No.

17

Applicant's Details

NAME LYNN JOHNSON

ADDRESS

KRINGSJAA

VIDLIN

SHETLAND

POSTCODE

TELEPHONE

FAX

EMAIL

Please tick the box if the applicant is an Elected
Member of Shetland Islands Council

☐

18

Agent's Details

NAME Vega Technical Services

ADDRESS

HOSWICK VISITOR CENTRE

SANDWICK

POSTCODE ZE2 9HL

TELEPHONE

FAX

EMAIL

Michael@vegatech.plus.com

Please tick the box if the agent is an Elected
Member of Shetland Islands Council

☐

19

Contact Details

NAME

ADDRESS

MICHAEL W. J. ADAMSON

POSTCODE

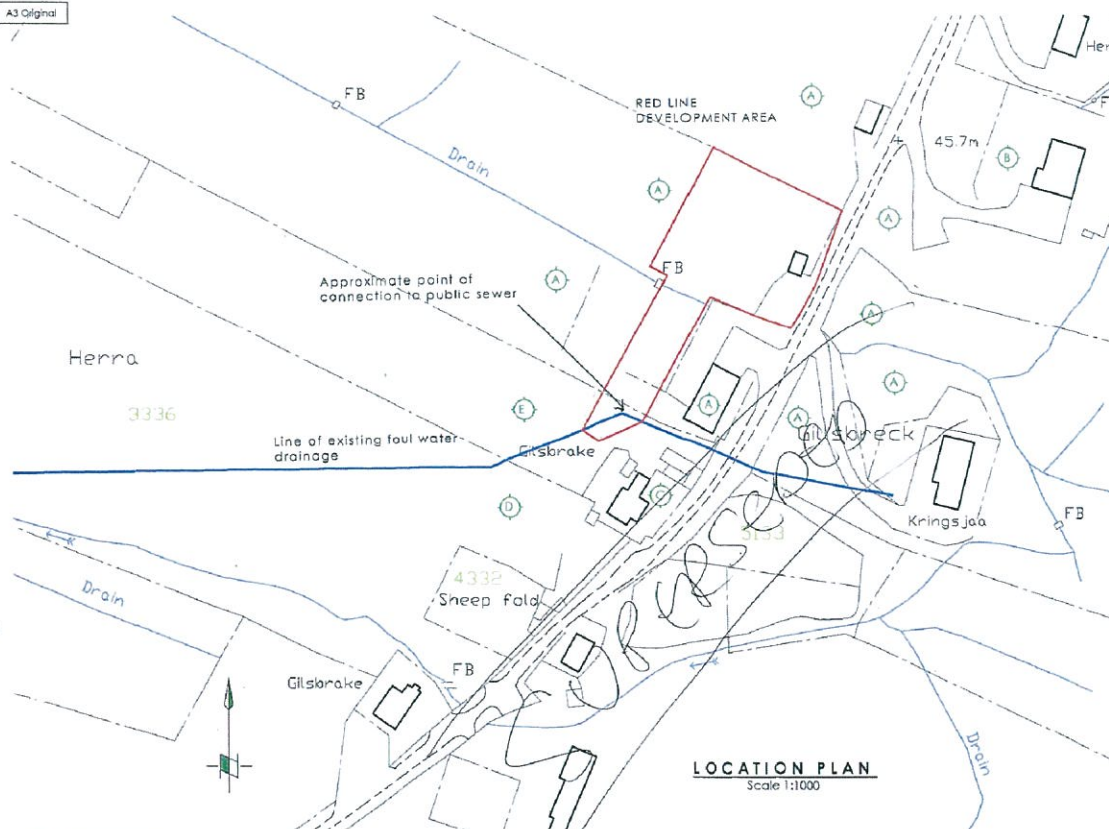
TELEPHONE

FAX

EMAIL

'As agent'

A3 Original



Ref.	OWNER / OCCUPIER
A	Johnny Johnson, Kingsja, Vidlin, Shetland, ZE2 9QB
B	Angus Johnson Lungen, Vidlin, Shetland, ZE2 9QB
C	Andy Alderson, Gillsbrake, Vidlin, Shetland, ZE2 9QB
D	Billy Deacon, Gillsbrake, Vidlin, Shetland, ZE2 9QB
E	Duncan Nicolson, Green oak, Lura, Shetland

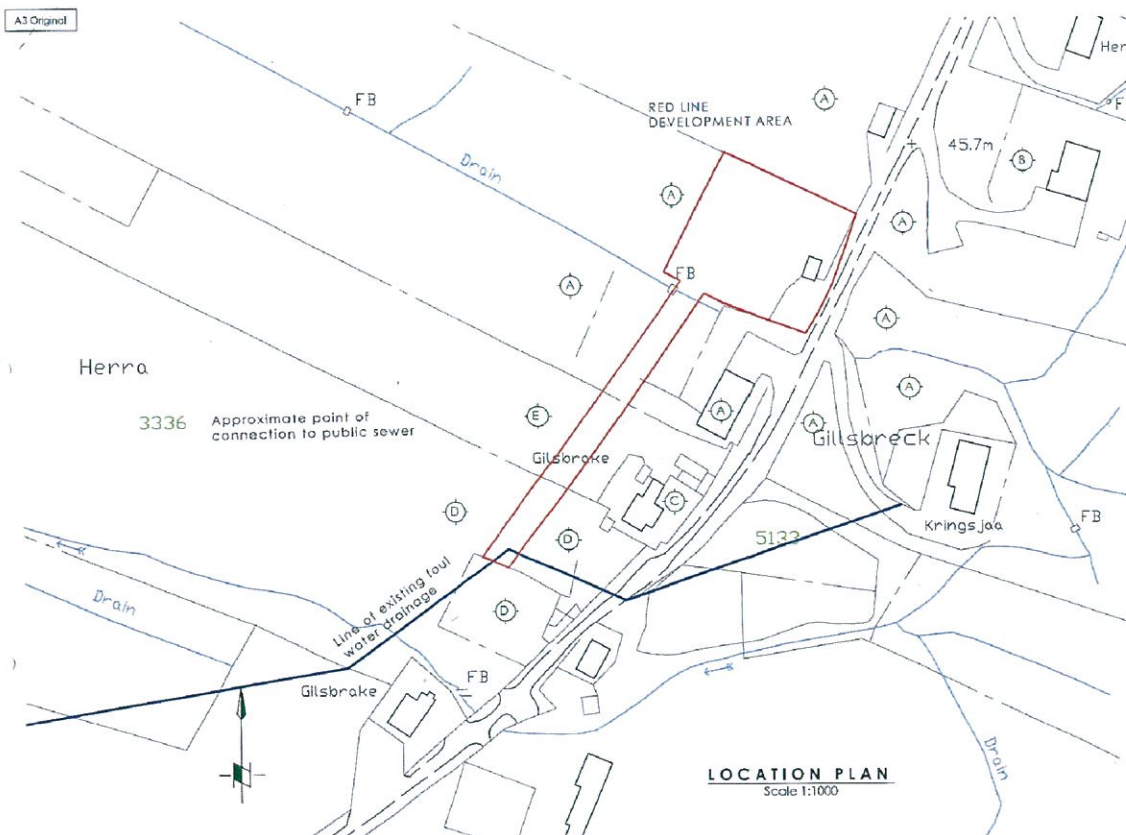
**SCHEDULE OF NEIGHBOURS
TO BE NOTIFIED**

SIC
INFRASTRUCTURE SERVICES
13 DEC 2010

THAS TO: ACTION:

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<p>Notes</p>			<p>VEGA TECHNICAL SERVICES Architectural, Land Surveying and Civil Engineering CAD drafting</p> <p>V HOSWICK VISITOR CENTRE • SANDWICH • SHETLAND • ZE2 7HL</p> <p>Tel: 01850 431 502/229 Mob: 01773 224 128 Email: michael@vegattech.plus.com</p>		<p>Project PROPOSED DWELLING HOUSE AT VIDLIN, SHETLAND. LYNN JOHNSON</p> <p>Drawing title Location plan - Showing neighbours to be notified</p> <p>Drawing Date PLANNING</p>	<p>Date Drawn 27.10.10</p> <p>Scale(s) of A3 1:1000</p> <p>Drawing Number 611.11</p> <p>Revision -</p>
Rev	Date	Description				



Ref.	OWNER / OCCUPIER
(A)	Johnny Johnson, Kringsjaa, Vidlin, Shetland, ZE2 9QB
(B)	Angus Johnson, Løngara, Vidlin, Shetland, ZE2 9QB
(C)	Andy Alderman, Gillsbrake, Vidlin, Shetland, ZE2 9QB
(D)	Billy Georgeston, Gillsbrake, Vidlin, Shetland, ZE2 9QB
(E)	Duncan Neilson, Løngara, Shetland

SCHEDULE OF NEIGHBOURS TO BE NOTIFIED

SIC INFRASTRUCTURE SERVICES	
16 MAR 2011	
PASS TO	ACTION

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Rev	Date	Description
A	7.3.11	Point of sewer connection revised

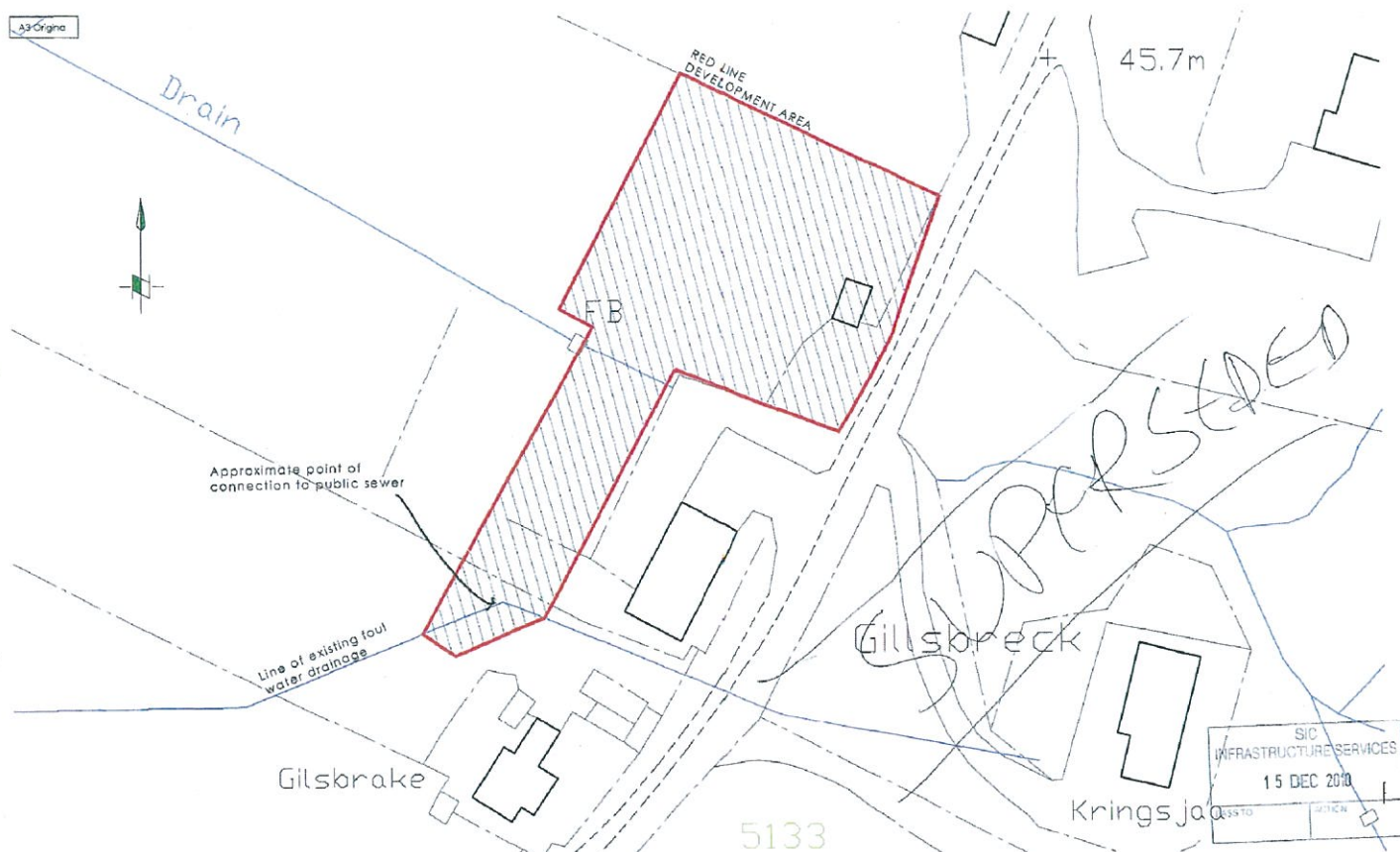
Notes

VEGA TECHNICAL SERVICES
Architectural, Land Surveying and Civil Engineering CAD Drafting

V KOSWICK VISION CENTRE • SANDWICK • SHETLAND • ZE2 9PL

Tel: (01956) 431 502/3379
Fax: (01956) 431 502/3379
Email: info@vegatd.com

Project PROPOSED DWELLING HOUSE AT VIDLIN, SHETLAND, LYNN JOHNSON	Draftsman 27.10.10
Drawing Title Location plan - Showing neighbours to be notified	Scale(s) @ A3 1:1000
Drawing Status PLANNING	Drawing Number 611.11
	Revision A



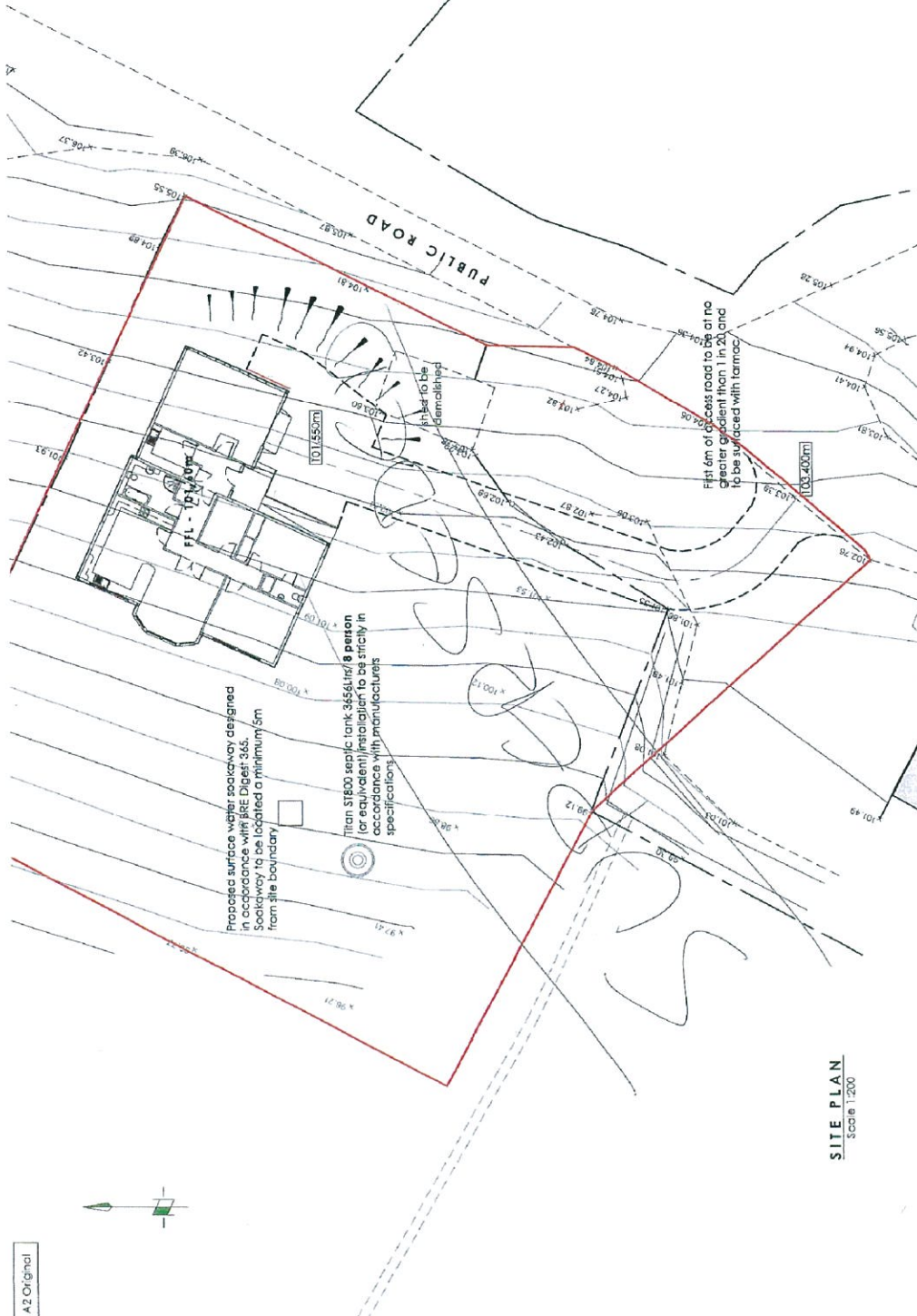
LOCATION PLAN
Scale 1:500

VEGA TECHNICAL SERVICES Architectural, land surveying and civil engineering CAD drafting		Project PROPOSED DWELLING HOUSE AT VIDLIN, SHETLAND, LYNN JOHNSON	Date Drawn 10.12.10
HOWICK VILTOR CENTRE • SANDWICK • SHETLAND • ZE1 9HL Tel: 01950 431 302/277 Mob: 07725 554 258 E-mail: micha@vegatech.pltvi.com		Drawing title Development area location plan	Scale(s) 1:500
Drawing Status PLANNING		Drawing Number 611.13	Revision -



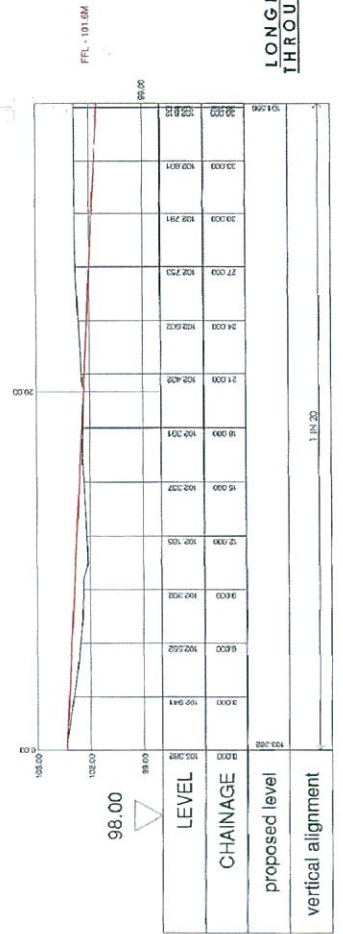
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Rev	Date	Description
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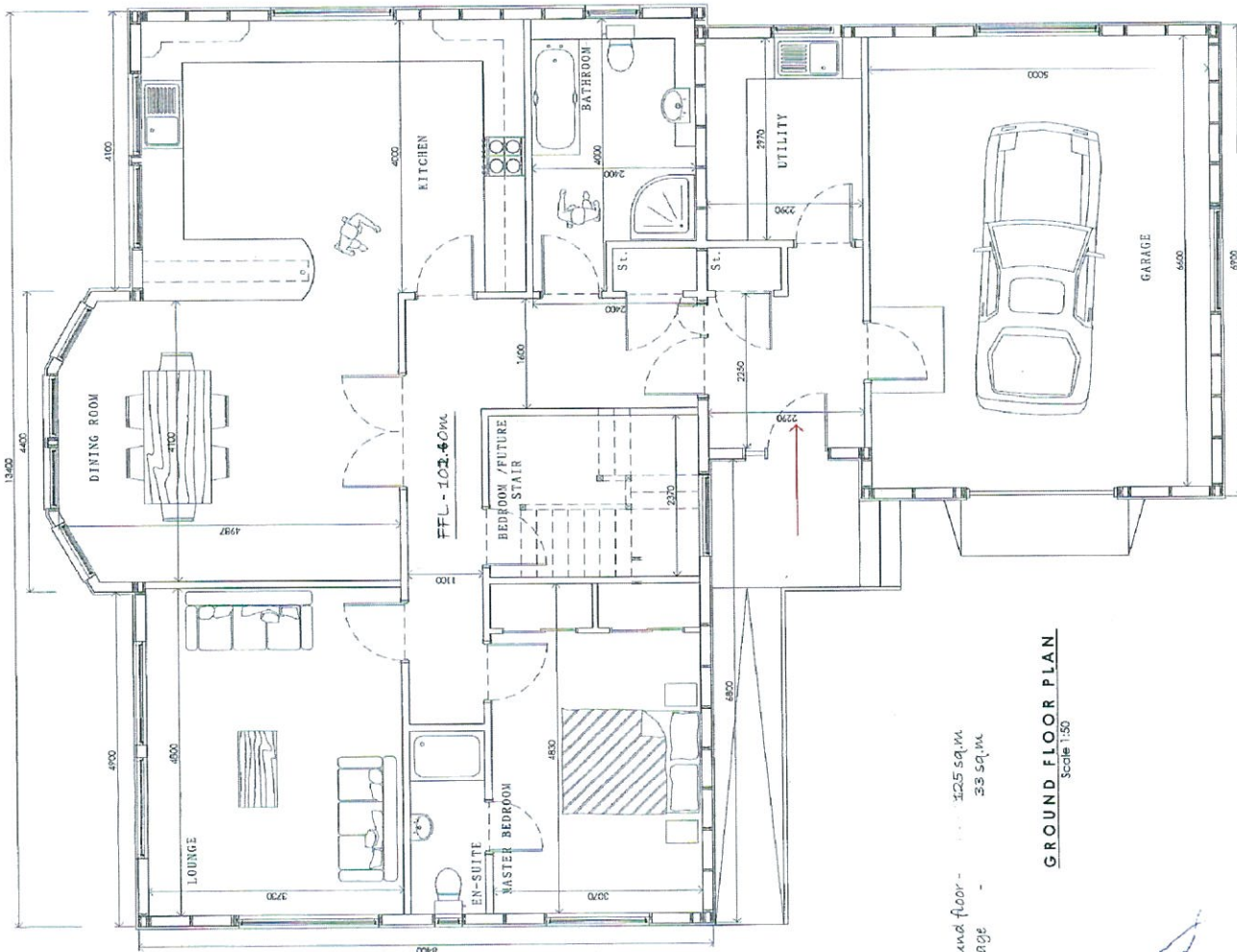
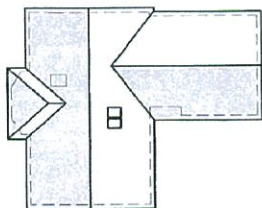


[illegible]

A3 Original



VEGA TECHNICAL SERVICES ARCHITECTURAL, LAND SURVEYING AND CIVIL ENGINEERING CAD DRAWING ROSWICK VISITOR CENTRE • SANDWICK • SHETLAND • ZE2 1HE V TEL: (01559 43) 502/579 MOB: 07770 824 374 E-MAIL: michael@vegatech.plus.com	Project PROPOSED DWELLING HOUSE AT VIDLIN, SHETLAND. LYNN JOHNSON	Date Drawn 10.12.10
	Drawing Title Aerial photograph showing location	Drawn by @ A3 NTS
	Drawing Status PLANNING	Drawing Number 611.12



Ground floor - 125 sq.m.
Garage - 33 sq.m.

GROUND FLOOR PLAN Scale 1:50

SIC
INFRASTRUCTURE SERVICES
13 DEC 2010
PASS TO ACTION

Rev	Date	Description
1		

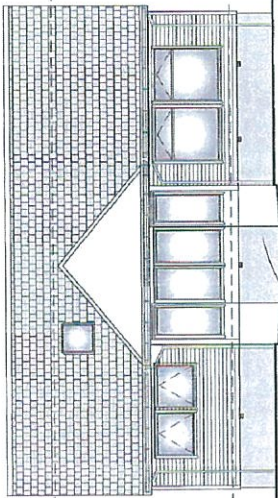
VEGA TECHNICAL SERVICES ARCHITECTURE, INTERIOR DESIGN AND CIVIL ENGINEERING CAD DRAFTING 105 SWICK (VICTORIA) CHINESE + SANDWICH + SHEETLAND + 402 RH TEL: (0)131 431 2012/23 M/B: 07778 844 171 info@vegatechnicalservices.co.uk	<div> </div>
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Project PROPOSED DWELLING HOUSE AT VIGLIN, SHETLAND, LYNN JOHNSON	Drawn Sheet 27.10.10
Ground floor plan	Scale 1:50
Drawing Sheet PLANNING	Sheet Number 611.01
	Revision

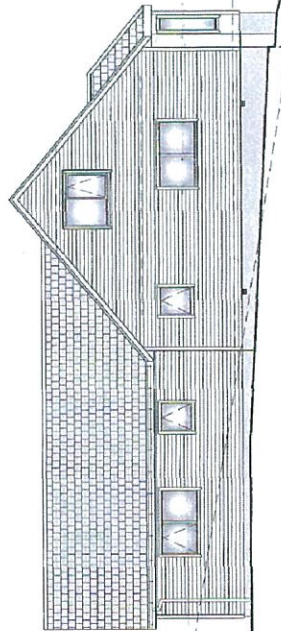
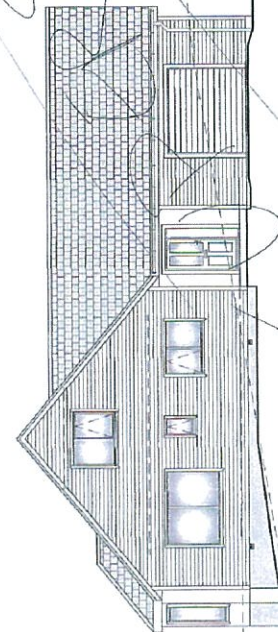
EXTERNAL WALLS	Horizontal timber weatherboarding with brown glaze or matt finish
ROOF COVERING	Dark grey interlocking concrete tiles
FRAMES AND JOISTS	Treated white painted timber
UNDERBUILDING	Smooth cement plaster
PAINTWORK COLOUR	Black WPVC uPVC double glazed with plasticised steel mesh
SURFACE FINISH	Smooth in accordance with BS 8102:2000
FINISHES	As per specification for material used in BS 8102:2000

EXTERNAL FINISHES

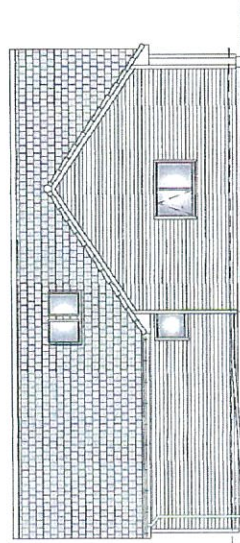
SLS



REAR ELEVATION



SIC
INFRASTRUCTURE SERVICES
13 DEC 2010
1455 TO 1456



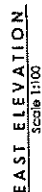
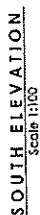
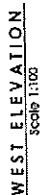
ELEVATIONS

Scale 1:100

Rev	Date	Description
1	13 DEC 2010	1455 TO 1456

VEGA TECHNICAL SERVICES Architectural, Land Surveying and Civil Engineering Services 105 WICKHAM ROAD CENTRE • SANDWICH • KENT • ME11 1JL Tel: 01304 411 502779 Web: 0770 844 1078 Email: info@vegats.co.uk		Date Drawn 27.10.10 Drawn By 1:100 Revision 611.03
Project PROPOSED DWELLING HOUSE AT WIDLIN, SHETLAND, LYNN JOHNSON Elevation		
Drawing Name P L A N N I N G		

EXTERNAL FINISHES



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JOHNSON

CHEMICAL SERVICES

	Correct Fee: £319 -
ic'd: 13/12/10	Fee Rec'd: £319 -
ic'd:	Fee Rec'd: £
ic'd: 20/4/11	Fee Rec'd: £ 132.00

S:

Yes / No

☒ ☐ Zone 1 2 3 4 LPA

☐ ☒

☐ ☒ Grade A B C(s)

☐ ☒

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Processing Agreement: YES NO

Processing Agreement Met: YES NO

Legal Agreement: YES NO

Grid Reference: 485, 654

H.U. No: 46 NE

Further details required to validate planning application:

ADDRESS

ADDRESS DISCREPANCY BETWEEN PLANS

TOE SITE AREA AND MEANS OF TOLL

DAMAGE

Discussed the above by Phone 15/12/10

Notes: SITE LINES - MATERIAL DAMAGE

Discussed by phone 15/12/10

Discussion included Septic tank on site plan, when the proposal is to connect to the public sewer.

Also discussed the level of under-build regarding the design.

In addition to discussed notes above regarding validation namely:

Address
Address discrepancy
But drainage

15/12/10

Pattie Steven@Infrastructure Services

From: Pattie Steven@Infrastructure Services
Sent: 21 February 2011 15:30
To: 'Michael Adamson'
Subject: 2010/456/PCD
Attachments: img-2211537-0001.pdf

Good afternoon Michael,

Attached as discussed.

Regards Steven

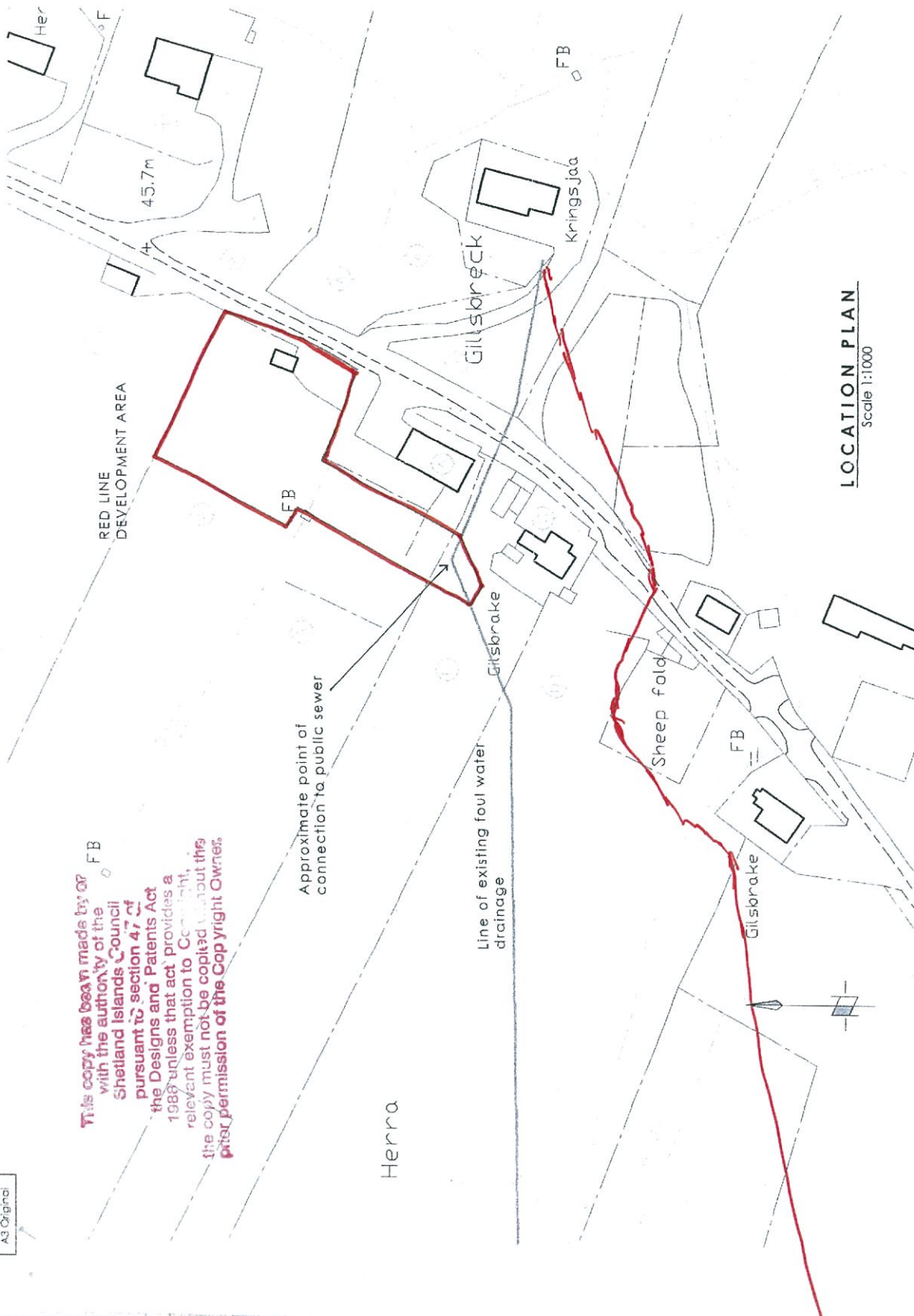
-----Original Message-----

From: WorkCentre 7245 [<mailto:grantfieldphotocopier@shetland.gov.uk>]
Sent: 21 February 2011 14:37
To: Pattie Steven@Infrastructure Services
Subject: Scan Data from grant-xerox-wc7245

Number of Images: 1
Attachment File Type: PDF

Device Name: WorkCentre 7245
Device Location:

This copy has been made by the
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relevant exemption to Copyright,
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Ref.	OWNER / OCCUPIER
	Owner Johnny / Janet, Kingsja, Vidun, Shetland, ZE2 9QB
	Angus / Janet Langmuir, Vidun, Shetland, ZE2 9QB
	Audrey Alderman, Gibberick, Vidun, Shetland, ZE2 9QB
	Billy George, Gibberick, Vidun, Shetland, ZE2 9QB
	Duncan Nicolson, Glenmoor, Laxo, Shetland

SCHEDULE OF NEIGHBOURS TO BE NOTIFIED



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<p>Project PROPOSED DWELLING HOUSE AT VIDUN, SHETLAND, LYNN JOHNSON</p> <p>Drawing title Location plan - showing neighbours to be notified</p> <p>Drawing status PLANNING</p>		<p>Date Drawn 27.10.10</p> <p>Scale(s) & A3 1:1000</p> <p>Revision -</p>
<p>Vega Technical Services Architectural, land surveying and civil engineering CAD drafting</p> <p>HOSWICK VISITOR CENTRE - SANDWICK - SHETLAND - ZE2 9HL</p> <p>Tel: 01850 431 502/279 Fax: 01850 431 577 E-mail: michael@vegatech.co.uk</p>		<p>Drawing Number 611.11</p>
Rev	Date	Description

Pattie Steven@Infrastructure Services

From: Michael Adamson [michael@vegatech.plus.com]
Sent: 22 February 2011 10:48
To: Pattie Steven@Infrastructure Services
Cc: Johnson Lynn@Housing Services; Halcrow Brian@Infrastructure services
Subject: Re: 2010/456/PCD Gilsbrake, Vidlin, ZE2 9QB Roads Service Consultation

Hi Steven,

Thanks for the info from Roads. I think that the road will have to be re-designed to enter the site from the other side to give the visibility splay and move away from the shed. This will take the access outside the red line and the house level will have to be looked at again. Along with what we spoke about yesterday, will this have to be a re-application? If so, what is the timescale, will you have to re-consult etc or just go back to Roads? Will it be full fee payable again?

I will liaise with my client and come back to you with revised proposals, based on road comments.

Cheers,
Michael.

From: <steven.pattie@shetland.gov.uk>
Sent: Tuesday, February 22, 2011 10:20 AM
To: <michael@vegatech.plus.com>
Subject: 2010/456/PCD Gilsbrake, Vidlin, ZE2 9QB Roads Service Consultation

> Hi Michael,
>
> Just in yesterday afternoon. Roads Service Comments. I'm doing my site
> visit this afternoon, however it looks like there is a fundamental
> issue regarding safety to be addressed. See the attached:
> recommendation; point 1; and details at the end of the correspondence.
>
> Points 2-7 are all standard text.
>
> Regards
> Steven
>
> -----Original Message-----
> From: WorkCentre 7245 [<mailto:grantfieldphotocopier@shetland.gov.uk>]
> Sent: 22 February 2011 09:24
> To: Pattie Steven@Infrastructure Services
> Subject: Scan Data from grant-xerox-wc7245
>
> Number of Images: 2
> Attachment File Type: PDF
>
> Device Name: WorkCentre 7245
> Device Location:
>
>

This email has been scanned by the MessageLabs Email Security System.

MEMO

HID	
INFRA-STRUCTURE SERVICES	
21 FEB 2011	
ASSIST	SP
150095	

To: Development Control

From: Roads

Attn: Steven Pattie

If calling please ask for
Brian Halcrow
Direct Dial: 4883

Medium: Paper

Date: 18 February 2011

Our Ref: BH/AT/R/G2/ND

Your Ref:

Application: 2010/456/PCD

Proposal: Erect dwellinghouse, Site north east of Gilsbrake, Vidlin, ZE2 9QB, By
Lynn Johnson

Date of Consultation: 14/01/2011

Comments:

Recommend Refusal

1. The required visibility splays must be provided before any building works start on site and must be maintained during the course of the works.
 - a. A visibility splay of 2.5 metres by 90 metres must be provided to the north of the junction of the access with the public road. This is available at present.
 - b. A visibility splay of 2.5 metres by 90 metres must be provided to the south of the junction of the access with the public road. This is **not** available at present. The visibility at present is only 64 metres and is limited by a building.
 - c. It does not appear that the required visibility splays can be achieved from the present access location within the indicated site boundaries.
2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2 metres of the edge of the public road.
3. The gradient of the access should not exceed 5% (slope of 1 in 20) for at least the first 6 metres from the edge of the public road.
4. The access should be surfaced in bitmac for at least the first 6 metres from the edge of the public road.
5. Parking provision should be made within the site for a minimum of 2 cars.

6. Turning provision for cars should be made within the site in the form of a standard hammer head or a manoeuvring space at least 7.6 metres by 7.6 metres in size.
7. That length of the access that crosses the public road verge must be constructed to the satisfaction of The Shetland Islands Council Roads Service. A Road Opening Permit must be obtained from The Shetland Islands Council Roads Service prior to carrying out any works to form an access onto the public road.

The proposed house access comes off the side of the access that serves the existing agricultural shed. This existing access has a wide frontage along the public road, inadequate visibility over its whole width, and towards the south end of the access the approach gradient is very steep. In summary this existing access is severely sub-standard.

While the submitted plans do not detail what effect taking the house access off the existing access will have on access to the shed there is no doubt that it will have a negative impact unless designed sympathetically.

However, even a well-designed access at this location, serving both the proposed house and existing agricultural shed, will have inadequate visibility as noted at (1) above. I must therefore recommend refusal.

Should the planning board be minded to set this advice aside and grant consent then I would ask that the applicant be required to provide for approval a detailed design for a combined access for both the house and existing shed that meets the safe and convenient guidance of Appendix 6b.

Signed



Date

26/2/11

Pattie Steven@Infrastructure Services

From: Pattie Steven@Infrastructure Services
Sent: 22 February 2011 11:29
To: 'Michael Adamson'
Cc: Halcrow Brian@Infrastructure services
Subject: RE: 2010/456/PCD Gilsbrake, Vidlin, ZE2 9QB Roads Service Consultation
Attachments: 456 Roads Service Comments.pdf

Hi Michael,

Answers below in order which you have asked them:

Yes a new application would be required to overcome the roads objection if the access is not possible within the existing red line plan. (see note below)

Normal timescales although all consultees will be aware of the site and so responses should be in a more timely fashion on a new application.

A full fee would be required. Free go's only apply for the same applicant ,on the **same site**, within the time period. (changing the redline constitutes a new site).

If you cannot achieve a satisfactory access within the site area then I would suggest that you discuss withdrawal of the current application and submission of a new application overcoming the issue regarding foul drainage (if this is the case) and a safe road access, with your client given the recommendation from Roads Service.

N.B. Variation of Application Section 32A

Changing the red line in this instance (access) is extremely unlikely to apply as an exception under section 32A of the 1997 Act (as inserted by section 8 of the 2006 Act) which came into force fully on 3 August 2009. As indicated in your e-mail (and this would be my position) if Roads are required to be re-consulted that constitutes not complying with the third test set out below.

a Variation of Application does not:

- require substantial change in the description of the development for which permission is being sought;
- give rise to substantial new planning issues;
- or, **require re-consultation on the proposal.**

It is arguable that moving the redline to accommodate a new access location would not give rise to a change in description.

It is a judgement call by the local authority whether it would give rise to new issue once a plan is submitted.

However as a new access position would be subject to consultation with the Council's Roads Service then in this instance a Variation of Application is not possible.

Regards
Steven

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

From: Michael Adamson [<mailto:michael@vegatech.plus.com>]
Sent: 22 February 2011 10:48

To: Pattie Steven@Infrastructure Services
Cc: Johnson Lynn@Housing Services; Halcrow Brian@Infrastructure services
Subject: Re: 2010/456/PCD Gilsbrake, Vidlin, ZE2 9QB Roads Service Consultation

Hi Steven,

Thanks for the info from Roads. I think that the road will have to be re-designed to enter the site from the other side to give the visibility splay and move away from the shed. This will take the access outside the red line and the house level will have to be looked at again. Along with what we spoke about yesterday, will this have to be a re-application? If so, what is the timescale, will you have to re-consult etc or just go back to Roads? Will it be full fee payable again?

I will liaise with my client and come back to you with revised proposals, based on road comments.

Cheers,
Michael.

Pattie Steven@Infrastructure Services

From: Pattie Steven@Infrastructure Services
Sent: 28 February 2011 11:20
To: 'Michael Adamson'
Subject: RE: 2010/456/PCD

Okay Michael,

I will wait to hear back from you in the coming weeks.

Regards
Steven

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

From: Michael Adamson [<mailto:michael@vegatech.plus.com>]
Sent: 28 February 2011 11:17
To: Pattie Steven@Infrastructure Services
Cc: Johnson Lynn@Housing Services
Subject: Re: 2010/456/PCD

Hi Steven,

I have forwarded the correspondence to the applicant for her information.
They are taking stock of the situation with regard to the access and the visibility splays
etc before making any decision on how to proceed.

Could you just hold the application until I get back to you? We will move this ahead in
the next few weeks I would think.

Thanks for the reminder Steven and I will get back to you.

Regards,
Michael

VEGA TECHNICAL SERVICES
HOSWICK VISITOR CENTRE
SANDWICK
ZE2 9HL

Tel: 01950 431 502/279
Mobile: 07770 854 578

From: <steven.pattie@shetland.gov.uk>
Sent: Monday, February 28, 2011 11:11 AM
To: <michael@vegatech.plus.com>
Subject: RE: 2010/456/PCD

> Good morning Michael,
>
> Did you manage to discover if any new neighbours (20metres) required
> notifying in making a connection to the public sewer?
>
> Also have you a response from your client regarding the way forward?
>
> Many thanks

Pattie Steven@Infrastructure Services

From: Michael Adamson [michael@vegatech.plus.com]
Sent: 07 March 2011 11:32
To: Pattie Steven@Infrastructure Services
Cc: Johnson Lynn@Housing Services
Subject: New dwelling - Gillsbrake, Vidlin
Attachments: 611. 11 Rev. A Neighbour notification.pdf; 611. 13 Rev. A Development area.pdf

Hi Steven,

Further to our discussions, please find attached revised location plans taking into account the location of the existing sewer and the point we will connect into it. Please let me know if you need hard copies of the drawings and I will deliver prints to your office.

The applicant has considered the comments provided by SIC Roads Service and has taken the visibility requirements on board. However, they wish to progress the planning application based on the access road as it is proposed.

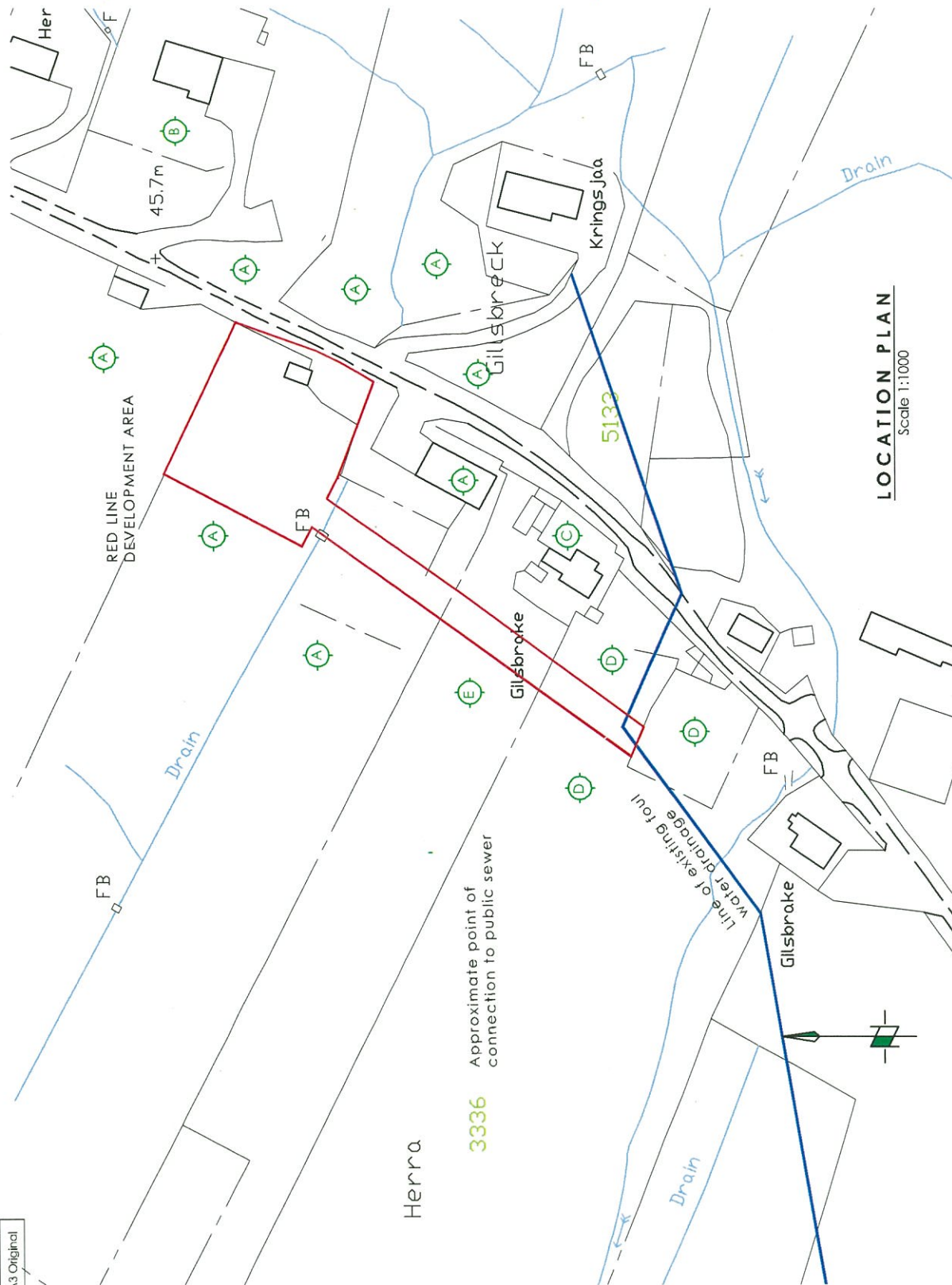
Please do not hesitate to contact me if you need any further information.

Regards,
Michael

**VEGA TECHNICAL SERVICES
HOSWICK VISITOR CENTRE
SANDWICK
ZE2 9HL**

**Tel: 01950 431 502/279
Mobile: 07770 854 578**

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Ref.	OWNER / OCCUPIER
A	Johnny Johnson, Kingsjoo, Vidlin, Shetland, ZE2 9QB
B	Angus Johnson Langer, Vidlin, Shetland, ZE2 9QB
C	Audly Alderman, Gillsbrooke, Vidlin, Shetland, ZE2 9QB
D	Billy Georgeon, Gillsbrooke, Vidlin, Shetland, ZE2 9QB
E	Duncan Nicolson, Glenmuir, Laxo, Shetland

SCHEDULE OF NEIGHBOURS TO BE NOTIFIED

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Notes

Rev	Date	Description
A	7.3.11	Point of sewer connection revised

VEGA TECHNICAL SERVICES
Architectural, land surveying and civil engineering CAD drafting



HOWICK VISITOR CENTRE • SANDWICK • SHETLAND • ZE2 9HL
Tel: (01949) 431 502/279
Mob: 07770 854 578
E-mail: michael@vegatech.plus.com

Project
**PROPOSED DWELLING HOUSE AT
VIDLIN, SHETLAND.
LYNN JOHNSON**

Drawing title
**Location plan - Showing
neighbours to be notified**

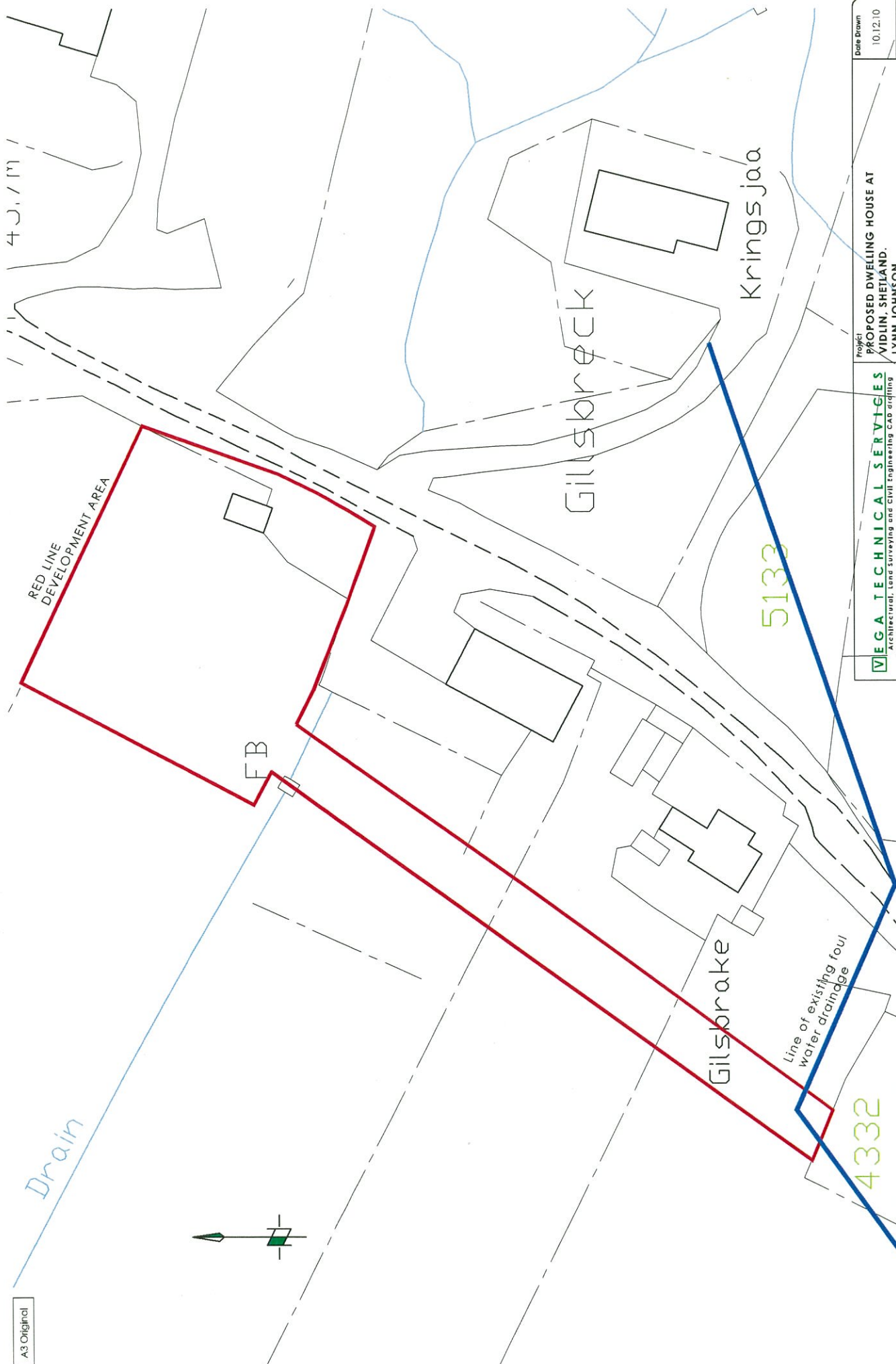
Drawing Number
611.11

Revision
PLANNING

Date Drawn
27.10.10

Scale(s) @ A3
1:1000

Revision
A



A3 Original

LOCATION PLAN
Scale 1:500

VEGA TECHNICAL SERVICES Architectural, Land surveying and Civil Engineering CAD drafting	Project: PROPOSED DWELLING HOUSE AT VIDLIN, SHETLAND, LYNN JOHNSON	Date Drawn: 10.12.10
	Drawing Title: Development area location plan	Scale(s) @ A3: 1:500
 HOSWICK VISITOR CENTRE • SANDWICK • SHETLAND • ZE5 9HL T: 01850 431 402/279 M: 07770 854 578 E: michael@vegatech.plus.com	Drawing Status: PLANNING	Drawing Number: 611.13
		Revision: A


Pattie Steven@Infrastructure Services

From: Johnson Lynn@Housing Services
Sent: 16 March 2011 14:11
To: Pattie Steven@Infrastructure Services
Cc: 'Michael Adamson'
Subject: RE: Planning Application

Thank you for your information, it is appreciated.

Regards
Lynn

From: Pattie Steven@Infrastructure Services
Sent: 16 March 2011 14:07
To: Johnson Lynn@Housing Services
Cc: Michael Adamson
Subject: RE: Planning Application


 Good afternoon Lynn,

Since your e-mail I have been in consultation with Michael. Regarding sewer connection and the roads visibility issue.

Michael has sent me a plan regarding the sewer and let me know that you wish for the application to be progressed with the existing access arrangement.

As per Michaels e-mail 28 February 2011, I was asked to put the application on hold for a few weeks and although I have heard back since from Michael on 07 March 2011 in respect to paragraph 2 above, I had already returned the file to my line manager to be placed back in the queue in order for me to progress another application which was ready for reporting. I can confirm that at this time I have not had the opportunity to revisit the file and this includes that I have not as yet assessed the sewer connection or written my report of handling.

I have however now raised (with my line manager) that all the information is back on the file for me to carry out an assessment based on the roads comments and the current visibility splays.

 Kind regards
Steven

From: Johnson Lynn@Housing Services
Sent: 16 March 2011 13:34
To: Pattie Steven@Infrastructure Services
Subject: FW: Planning Application

Hi Steven,

Following your e-mail to me on 16/02/11, I wondered if you could please let me know what stage my application is at or if there has been any update?

Thanks for your time.
Regards
Lynn Johnson

From: Pattie Steven@Infrastructure Services
Sent: 16 February 2011 12:35
To: Johnson Lynn@Housing Services

Cc: Michael Adamson
Subject: RE: Planning Application

Hi Lynn,

The application was valid 15/12/10 however the letter was returned in January as I was away on leave for 3 weeks.

Due to a large number of applications coinciding with significant changes in the service and Major applications been submitted over the past couple of months, the estimated time it is taking to consider planning applications, is currently high due to demand.

To offer you some comfort I imagine that a decision will be reached in 4 weeks time (towards the end of that time period).

In the meantime if any issues arise contact will be made with Michael Adamson in the first instance.

Kind regards
Steven

From: Johnson Lynn@Housing Services
Sent: 16 February 2011 10:56
To: Pattie Steven@Infrastructure Services
Subject: Planning Application

Hi there,

I recently submitted a planning application (application ref PL2010/456) and I wondered if you could let me know what stage it is at?

My agent is Michael Adamson and he submitted the application in December, it was date stamped as received by Infrastructure on 13/12/10 but the registration date on the application is 10/01/11 so wasn't sure what date would be classed as start date for application processing.

Any help/advice much appreciated.

Thank you
Lynn Johnson

Pattie Steven@Infrastructure Services

From: Michael Adamson [michael@vegatech.plus.com]
Sent: 28 March 2011 10:02
To: Pattie Steven@Infrastructure Services
Cc: Johnson Lynn@Housing Services
Subject: Lynn Johnson - New dwelling at Vidlin

Goo morning Steven,

How are you this morning?

Just a quick e-mail regarding the process for this application in the near future. I have limited experience of the planning process in this type of situation.

The situation as we see it is that the application is all in order and broadly supported other than the comments provided by SIC Roads. However, we wish to proceed with the application as it stands. What is the process now? If your recommend for refusal, will this application be automatically discussed by councilors? Will we get notice that this application with be on a particular agenda?

Both Lynn and I are unsure what to expect in terms of procedure and timescale. A little guidance would be most welcome! I know that Lynn would appreciate having an idea of what happens next.

Many thanks Steven.

Regards,
Michael

**VEGA TECHNICAL SERVICES
HOSWICK VISITOR CENTRE
SANDWICK
ZE2 9HL**

**Tel: 01950 431 502/279
Mobile: 07770 854 578**

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Holden John@Infrastructure Services

From: Holden John@Infrastructure Services
Sent: 28 March 2011 11:43
To: michael@vegatech.plus.com
Cc: Johnson Lynn@Housing Services; Pattie Steven@Infrastructure Services
Subject: FW: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Dear Mr Adamson,

I refer to the above planning application, in relation to which you are acting as agent.

I can inform you that the Service is operating under new procedures under which a Planning Officer has a limited number of open cases (applications and enquiries) at any one time. These new procedures have come about as a result of the Council's Corporate Management Team determining that the Planning Service, before introducing a new ICT 'back-office' system, should carry out a LEAN exercise with the aim of reducing the processes that are carried out, and as a result improve performance. The planning file for your client's application is not currently with Steven Pattie, and is not part of his current workload. This is so that he can make progress with other applications where assessments can be undertaken and recommendations made for decision. The application will be reallocated to him when another case is completed.

With regards to procedures being followed, as your client's application falls within the category of Local Development within the Hierarchy of Developments, under the Scheme of Delegations for the Planning Service that has been approved by the Council the application will only require to be reported to the Planning Board should a consultee (SNH, SEPA, Historic Scotland, HSE, Scottish Water or the Community Council) have specifically objected, and the officer recommendation is for approval. Should therefore the officer recommendation be for a refusal it can be determined at officer level, in which case the decision may be appealed to Councillors sitting as The Shetland Islands Council Planning Local Review Body (LRB). The LRB meets at the Planning Board meetings. The process of Review (which can be expected to take @ 2 months by the time all the processes are followed) is triggered by the applicant serving a Notice of Review on the Council. Details of the rights to appeal are provided on the reverse of the decision notices the Planning Authority issues, but knowing of your client's likely intention should the application be recommended for refusal, and at the end of the day this turns out to be the case, I would advise that arrangements can be made for the necessary form to accompany the decision notice if you wish.

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: Pattie Steven@Infrastructure Services
Sent: 28 March 2011 10:36
To: Holden John@Infrastructure Services
Subject: FW: Lynn Johnson - New dwelling at Vidlin

From: Michael Adamson [mailto:michael@vegatech.plus.com]

28/03/2011

Holden John@Infrastructure Services

From: Johnson Lynn@Housing Services
Sent: 06 April 2011 15:23
To: Holden John@Infrastructure Services; 'michael@vegatech.plus.com'
Cc: Pattie Steven@Infrastructure Services
Subject: RE: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Hello John,

Thank you for your e-mail below, I appreciate the time you gave on this.

I would like to inform you that I have arranged a site visit with Brian Halcrow from the Roads Department for Wednesday 13th April at 4pm to hopefully resolve the issue that has been raised regarding visibility. Mr Halcrow agreed to meet with me to explain their position and discuss what possibilities we have to overcoming this problem. As previously stated by my agent, Mr Adamson, this is the only outstanding issue with my application so obviously I am keen to resolve this and appreciate Mr Halcrow meeting with me.

I will be in touch to let you know the outcome of this meeting but would appreciate in the meantime, if you could put this information with my application.

Many thanks
 Lynn

From: Holden John@Infrastructure Services
Sent: 28 March 2011 11:43
To: michael@vegatech.plus.com
Cc: Johnson Lynn@Housing Services; Pattie Steven@Infrastructure Services
Subject: FW: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Dear Mr Adamson,

I refer to the above planning application, in relation to which you are acting as agent.

I can inform you that the Service is operating to new procedures under which a Planning Officer has a limited number of open cases (applications and enquiries) at any one time. These new procedures have come about as a result of the Council's Corporate Management Team determining that the Planning Service, before introducing a new ICT 'back-office' system, should carry out a LEAN exercise with the aim of reducing the processes that are carried out, and as a result improve performance. The planning file for your client's application is not currently with Steven Pattie, and is not part of his current workload. This is so that he can make progress with other applications where assessments can be undertaken and recommendations made for decision. The application will be reallocated to him when another case is completed.

With regards to procedures being followed, as your client's application falls within the category of Local Development within the Hierarchy of Developments, under the Scheme of Delegations for the Planning Service that has been approved by the Council the application will only require to be reported to the Planning Board should a consultee (SNH, SEPA, Historic Scotland, HSE, Scottish Water or the Community Council) have specifically objected, and the officer recommendation is for approval. Should therefore the officer recommendation be for a refusal it can be determined at officer level, in which case the decision may be appealed to Councillors sitting as The Shetland Islands Council Planning Local Review Body (LRB). The LRB meets at the Planning Board meetings. The process of Review (which can be expected to take @ 2 months by the time all the processes are followed) is triggered by the applicant serving a Notice of Review on the Council. Details of the rights to appeal are provided on the reverse of the decision notices the Planning Authority issues, but knowing of your client's likely intention should the application be recommended for refusal, and at the end of the day this turns out to be the case, I would advise that arrangements can be made for the necessary form to accompany the decision notice if you wish.

Yours sincerely

06/04/2011

Holden John@Infrastructure Services

From: Holden John@Infrastructure Services
Sent: 06 April 2011 15:43
To: Johnson Lynn@Housing Services
Cc: Pattie Steven@Infrastructure Services; 'michael@vegatech.plus.com'
Subject: RE: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Good afternoon Lynn,

As requested, I have put your email on the application file, and look forward to hearing about the outcome of your meeting with Brian Halcrow of Roads Services.

Regards

John

John Holden
Service Manager - Development Management
Planning

From: Johnson Lynn@Housing Services
Sent: 06 April 2011 15:23
To: Holden John@Infrastructure Services; 'michael@vegatech.plus.com'
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Lynn

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Sent: 28 March 2011 11:43
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06/04/2011

Holden John@Infrastructure Services

SIC INFRASTRUCTURE SERVICES	
14 APR 2011	
PASS TO JH LS1029	RECEIVED

From: Johnson Lynn@Housing Services
Sent: 14 April 2011 16:04
To: Holden John@Infrastructure Services
Cc: Pattie Steven@Infrastructure Services; 'michael@vegatech.plus.com'
Subject: RE: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Hi John,

Following my meeting with Brian Halcrow of SIC Roads Service on 13/04/11, I have decided to continue with my current application as it stands. We were unable to find a satisfactory compromise between visibility and gradients and Mr Halcrow was unable to advise on an acceptable solution to this problem. While we are aware that we are 26 metres short of the recommended guidelines on visibility we consider the existing access of 30 years to be safe. During previous communications and in the meeting yesterday, we offered to increase the visibility and in turn safety, by use of a mirror but was told by Mr Halcrow that this was inappropriate for a new build and that such mirrors can only be used for existing junctions/access. We also offered to narrow up the existing wide access to the agricultural shed so that only one vehicle could approach the main road at any one time. Mr Halcrow previously stated the wide access from the agricultural shed was sub standard and we felt our suggestion would have improved the standard of the access and in turn, safety.

He stated at the end of the meeting that his recommendation was only guidance and that planning would consider this when making their decision. Please confirm when my application is reactivated.

Regards
 Lynn

From: Holden John@Infrastructure Services
Sent: 06 April 2011 15:43
To: Johnson Lynn@Housing Services
Cc: Pattie Steven@Infrastructure Services; michael@vegatech.plus.com
Subject: RE: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Good afternoon Lynn,

As requested, I have put your email on the application file, and look forward to hearing about the outcome of your meeting with Brian Halcrow of Roads Services.

Regards

John

John Holden
 Service Manager - Development Management
 Planning

From: Johnson Lynn@Housing Services
Sent: 06 April 2011 15:23
To: Holden John@Infrastructure Services; 'michael@vegatech.plus.com'
Cc: Pattie Steven@Infrastructure Services
Subject: RE: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Hello John,

14/04/2011

Pattie Steven@Infrastructure Services

From: Johnson Lynn@Housing Services
Sent: 15 April 2011 11:52
To: Pattie Steven@Infrastructure Services; Holden John@Infrastructure Services
Cc: 'michael@vegatech.plus.com'
Subject: RE: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Thank you for your response, I look forward to hearing from you.

Regards
Lynn

From: Pattie Steven@Infrastructure Services
Sent: 15 April 2011 11:13
To: Johnson Lynn@Housing Services; Holden John@Infrastructure Services
Cc: 'michael@vegatech.plus.com'
Subject: RE: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

○ Good morning Lynn, Michael,

I have the application back in my eight live applications and so I will be reporting on the application in the next 2 weeks.

Kind regards
Steven

From: Johnson Lynn@Housing Services
Sent: 14 April 2011 16:04
To: Holden John@Infrastructure Services
Cc: Pattie Steven@Infrastructure Services; 'michael@vegatech.plus.com'
Subject: RE: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Hi John,

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He stated at the end of the meeting that his recommendation was only guidance and that planning would consider this when making their decision. Please confirm when my application is reactivated.

Regards
Lynn

From: Holden John@Infrastructure Services
Sent: 06 April 2011 15:43
To: Johnson Lynn@Housing Services

Pattie Steven@Infrastructure Services

From: Pattie Steven@Infrastructure Services
Sent: 18 April 2011 14:27
To: 'michael@vegatech.plus.com'
Subject: 2010/456/PCD Vidlin - Lynn Johnson

Good afternoon Michael,

The above planning application has not been advertised as a departure from the development plan as I was awaiting to hear back on the outcome of the meeting with the Council's Roads Service and the applicant.

The application will need to be advertised under Regulation 20(1)(d) and a fee of £132.00 will be required to be paid before a decision document can be issued. This advert is required no matter what the recommendation is as a matter of procedure.

The advert will be placed before Wednesday at noon for this week's paper. The fee can be paid after this date. No decision can be issued before 14 days from the date of the advert, or before the fee is received.

○ I will be sending out a letter to you during the week in this respect.

Regards
Steven

Steven Pattie
Development Management Officer
Infrastructure Services Department
Grantfield
Lerwick
Shetland
ZE1 ONT



Shetland Islands Council

Head of Housing: Chris Medley
Executive Director: Hazel Sutherland

To: Mr Pittie,

*Please find enclosed cheque as
discussed. £132 fee for advertising.*

Ref - 2010/456/PCD Vidlin - Lynn Johnson

From: Lynn Johnson, Senior Housing Assistant

With Compliments

*many
thanks*

Housing Service
Department of Education and Social Care
6 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Telephone: 01595 744360
Fax: 01595 744395
housing@shetland.gov.uk
www.shetland.gov.uk
Direct Dial: 01595 744369

Date: 20/4/11

Pattie Steven@Infrastructure Services

From: Pattie Steven@Infrastructure Services
Sent: 11 May 2011 10:53
To: Johnson Lynn@Housing Services
Subject: RE: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

You will,

although the issue of safety remains salient.

Kind regards
Steven

From: Johnson Lynn@Housing Services
Sent: 11 May 2011 10:41
To: Pattie Steven@Infrastructure Services
Subject: RE: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Brilliant – thank you Steven.

Will I then be notified by letter next week on the decision?

Regards
Lynn

From: Pattie Steven@Infrastructure Services
Sent: 11 May 2011 10:37
To: Johnson Lynn@Housing Services
Subject: RE: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Good morning Lynn,

I can confirm that the fee was received. We have received no additional comments.

I will complete my report in the next two days and pass this to my line manager.

Regards
Steven

From: Johnson Lynn@Housing Services
Sent: 11 May 2011 10:25
To: Pattie Steven@Infrastructure Services
Subject: FW: Planning Application Ref: 2010/456/PCD - Lynn Johnson - New dwelling at Vidlin

Hello Steven,

Following the advert in the paper on Friday 22nd April, can you please confirm if you received my payment for the advert? (I handed a cheque into Grantfield Offices on Wednesday 20th April). I also wondered if there was any update on my application following this advert?

Many thanks
Lynn Johnson

Section 2. Statutory Advert

Tuesday 15 November 2011

nation gathering" stage to a certification of the Scottish Group Limited.

key purpose of this stage as speaking to representatives ng, fishery management and mental management bodies.

assessment team is visiting rd, along with Edinburgh, urch and Peterhead, during ek commencing 4th July.

nyone would like to talk to sessors they are asked to their interest before 5pm on ne, giving their name and e details, their association e fishery, and the issues they like to discuss (in order for essors to arrange appropriate ntation).

ments should be sent to es assessment co-ordinator a McFadden at melissa. den@foodcertint.com

NAFC keys

st will see the *Atlantia II* rvey on whitefish species rofiling the distribution and adult and juvenile species ep water.

ator Ian Napier said the milar to that of the scallop h a repeatable annual survey indance and distribution that index of stock health as data years.

"Although we have core areas nduct the same survey each old some days back to survey men report high abundances ases in fish. Local knowledge element that we wish to of our work in the future."

e busy survey season ahead, ence and technology Martin : NAFC was happy to use t the work as in each case the l to support local industry.

d: "That is what we are here ence strategy is to utilise its s to collect information that rmen's knowledge and/or opment of more robust local anagement of exploitable nvironment.

veys will require significant comes are intended to keep f the curve in relation to rce management."

ick for the week
1 April, 2011.

14.03
14.55
15.54
17.03
18.26
19.30
20.19

POLTIIPS for Windows 3;
aboratory's Tidal Software

RTS

- 2 The general effect of this Order is that no person shall, at any time drive or cause or permit to be driven any vehicle or pedal cycle, or permit any vehicle or pedal cycle to remain at rest on the following roads within Shetland, when such road closure is identified as applying to a section of that road by the display of signs as prescribed by SI 2002 No 3113 Traffic Signs and General Directions 2002.
- 3 **Temporary 20 Miles Per Hour Speed Limit**
The general effect of this Order is that no person shall, at any time drive or cause or permit to be driven on the following roads within Shetland, any vehicle at a speed exceeding 20 miles per hour, when such speed restriction is identified as applying to a section of that road by the display of signs as prescribed by SI 2002 No 3113 Traffic Signs and General Directions 2002.
- 4 **Roads Affected by Temporary Road Closure and Temporary Speed Limit**
The roads that will be temporarily closed by the Order and temporarily subject to the 20 miles per hour speed limit are:
 - **South Mainland:** Cauldhame, the Culswick Road and the Central to Veester Road, Scatness;
 - **West and Central Mainland:** the Vementry Road, the West Burrafir Road, Westerskeld to Hestinssetter Road, A970 South Nesting to Sandwater and Annfirh Junction to Netherdale;
 - **North Mainland:** the Lower Voe Road, the Hoga Road, the A970 Brae School to Co-op Access, the B9076 Scatsta Airport Road, the A970 Gunnister to Ennisfirh Junction, the A970 Leon Junction to Barnafeld Brig and the Heylor Road;
 - **Scalloway:** Ladysmith Road;
 - **Yell:** Lusserter to Vatsetter Junction.
 - **Lerwick:** The Esplanade, Scalloway Road/South Road and the Lower Blackhill Industrial Estate.

It should be noted that for some of the roads listed above the road closure will only be introduced over part of their length.
- 5 **Roads Affected by Temporary Speed Limit**
The roads that will be affected by the 20 miles per hour speed limit are:
 - **West Mainland:** the A971 Tingwall Junction to Baillister Junction, the A971 Staneyponds to Brig o' Walls Road, the A971 Brig o' Walls to Pinehoulland Grid Road, the A971 Boustia Junction to Melby Pier, the B9075 Kergord Road, the Brunatwatt Road Walls, the A970 Bretto Bends at Loch of Gilsta; the B9075 Catfirh Brig and Strand Loch to Califf;
 - **North Mainland:** the A970 Tagon Junction to Weathersta, the A970 Voe to Brae, the B9071 South Vaxter to Grobsness Junction, Burravoe Road Brae, Grindwell Road Brae, Leaside Firth, the B9071 Lower Voe Road, the Setter Road Voe, the Ronas Voe Road, the Palmire Grid to Hamnavoe Eshaness;
 - **South Mainland:** the A970 Fleck Junction to Skelberry, North Levenwick to Teevliks Road, Eastshore Road, the Boddam Road, the Dalsetter Housing Estate, the Spiggie Loop, the Maywick Road, the Central Crossroads to Sanick Kirk Sandwick, the Old Main Road Loop Quarff, Wester Quarff, the Sundbanks Road, the Setter Road and the Cauldhame/Scarfaing Road;
 - **Yell:** the A968 Herra to North a Voe Road, the A968 Mid Yell to North a Voe, the B9083 Cullivoe to Greenbank and the B9083 Breckon Junction to Greenbank.

It should be noted that for some of the roads listed above the speed limit will only be introduced over part of their length.
6. Nothing in Article 2 above shall apply so as to prevent the driving or permitting to remain at rest of:
 - (i) any construction vehicle used in connection with the said works;
 - (ii) any emergency service vehicle;
 - (iii) any vehicle being used for the conveyance of persons, goods or merchandise to or from any premises situated on or adjacent to the lengths of road specified in the schedule both annexed and executed as relative to this order.
7. **Alternative Routes**
Alternative routes for each length of road, where available, will be

- (Development Management Procedure) (Scotland) Regulations 2008
- Notice of application under regulation 20(1)(a)**
Representations within 14 days
2011/105/PCD Install various digital radio antennas on existing mast and cabin and install ground base dish in existing telecoms site, Berry Farm Telecom Mast, Scalloway by Mr P Hayne
- 2011/103/PCO Erect new day care support centre, Seafiel Sports Ground, Seafiel, Lerwick by Shetland Islands Council
- Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008**
Notice of application under regulation 20(1)(c)
Representations within 14 days
2011/103/PCO Erect new day care support centre, Seafiel Sports Ground, Seafiel, Lerwick by Shetland Islands Council
- 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, LPHOU4
Shetland Structure Plan (2000) Policy GDS4
2010/456/PCD Proposed dwelling-house, Gilsbrake, Vidlin by Ms L. Johnson
- Shetland Local Plan (2004) Policy LPNE10, LPNE14, LPHOU4**
Shetland Structure Plan (2000) Policy GDS4
2011/054/PCO Development of two house sites with new accesses and connection to public sewer (Permission in Principle), Ennie, Sandwick by Mrs P. Barclay
- Applications for Listed Buildings and Buildings in Conservation Areas (Scotland) Regulations 1987**
Applications for Listed Building Consent and Conservation Area Consent Section 4 (Statutory Notice): Representations within 21 days
2011/099/LBC Install radio antenna, Whalsay School, Symbister by Cable & Wireless
- Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997**
Notice of application under regulation 60(2)(a)
2011/103/PCO Erect new day care support centre, Seafiel Sports Ground, Seafiel, Lerwick by Shetland Islands Council
- The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008**
Notice of application under regulation 35(5)(a)
Representations within 21 days
2011/020/NS To develop a new mussel farm, Cunnig Holm, South Nesting Bay by H.A.H. Shetland Ltd
- 2011/021/NS To develop a new mussel farm, SE Catfirh Voe, Nesting by H.A.H. Shetland Ltd
- 2011/022/NS To develop a new mussel farm, SW Catfirh Voe, Nesting by H.A.H. Shetland Ltd
- 2011/023/NS To develop a new mussel farm, Hawkness, Laxfirh Voe by H.A.H. Shetland Ltd
- 2011/024/NS To develop a new mussel farm, East of Wadbister Ness, Laxfirh Voe by H.A.H. Shetland Ltd
- 2011/025/NS To develop a new mussel farm, Northwest of Green Isle, Dury Voe by H.A.H. Shetland Ltd
- GORDON GREENHILL,
Executive Director of Infrastructure Services,
Shetland Islands Council,
Infrastructure Services Department,
Grantfield,
LERWICK,
ZE1 0NT.

22nd April, 2011.

a safe condition or removed from S within six weeks of any bid being a

The successful bidder will become harbour dues and any other applica date of bid acceptance.

VAT exclusive sealed bids clearly n Clara" should be sent to:

Mr Andrew Inkster
Engineering Manager
Shetland Islands
Ports and Harbours
Sella Ness
Shetland ZE2

Closing date for bids to be received 13th May.

The Council is not obliged to accept offer received.

For further information, or to please contact

Mr Andrew Inkster, Engineer
on 01806 244
andrew.inkster@shet



Shetland Islands
Ports and Harbours
Port Administration
Sella Ness, Shetland

BURRA ISLES COMMON GRAZINGS Formal intimation under the Crofters (Scotland) Act 1993

Notice is hereby given that Shetland Islands Council has applied to the Scottish Land Court for an Order authorising resumption of approximately 0.0372 hectares of the Common Grazings of the Township of Burra Isles, for the purpose of continuing the use of the area of ground as a dwellinghouse and garden ground.

On 22nd February, 2011 the Court appointed this intimation by newspaper advertisement and ordered the Applicant to send to the Clerk to the Grazings Committee copies of the Application, associated productions and the Court's Practice Note No. 4 (which emphasises the need for crofters to protect their own rights). The Court ordered any shareholder or other person having a legal interest who opposes the Application or who wishes to claim compensation or a share in value of the land to be resumed, to lodge Answers, including details of any such claim, with the Principal Clerk, George House, 126 George Street, Edinburgh EH2 4HH within fifteen days from the date of the final advertisement. Copies of the Application, productions and Practice Note have been sent to David William Sutherland, Grandview, Meal, Hamnavoe, Shetland ZE2 9LB and these documents may be inspected either there, at the Court's offices in Edinburgh, or at the offices of the Agents. Copies of the Practice Note may also be obtained from the Principal Clerk (Tel: 0131 271 4360). It should be noted that any further Orders of the Court, including the Final Order, will be intimated to those persons who have lodged answers to this advertisement and to the Clerk to the Common Grazings Committee. Copies of any further Orders may be obtained from the Principal Clerk upon request.

Inksters Solicitors,
Baltic Chambers,
50 Wellington Street,
Glasgow,
G2 6HJ.

Agents for Applicant.

APPLICATION FOR
APPORTIONMENT
Trusts & Garden Common Grazings

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Section 3. Consultation Responses

Tuesday 15 November 2011

20th January 2011

Shetland Islands Council
Grantfield -
Lerwick
ZE1 0NT

SIC INFRASTRUCTURE SERVICES 20 JAN 2011	
PASS TO JH 149 638	ACTION

SCOTTISH WATER

Customer Connections
419 Balmore Road
Glasgow
G22 6NU

Customer Support Team
T: 0141 355 5511
F: 0141 355 5386
W: www.scottishwater.co.uk
E: connections@scottishwater.co.uk

Dear Sir Madam

PLANNING APPLICATION NUMBER: 2010/456/PCD
DEVELOPMENT: Vidlin Gilsbrake
OUR REFERENCE: 535393
PROPOSAL: Erect dwellinghouse

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. This response is made based on the information available to us at this time and does not guarantee a connection to Scottish Water's infrastructure. A separate application should be submitted to us made for connection to our infrastructure after full planning has been granted.

Eela Water Treatment Works may have capacity to service this proposed development.

The water network that serves the proposed development may be able to supply the new demand.

The waste water network that serves the proposed development may be able to accommodate the new demand.

Gillside Vidlin Sep – at present there is limited capacity to serve this new demand. The Developer should discuss their development directly with Scottish Water.

If the connection to public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s). This should be done through a deed of servitude.

It is possible this proposed development may involve building over or obstruct access to existing Scottish Water infrastructure. On receipt of an application Scottish Water will provide advice that advice that will require to be implemented by the developer to protect our existing apparatus.

If the developer requires any further assistance or information on our response, please contact me on the above number or alternatively additional information is available on our website:
www.scottishwater.co.uk.

Yours faithfully

Jennifer Knighton
Customer Connections Administrator
Tel: 0141 355 5248
jennifer.knighton@scottishwater.co.uk



Shetland Islands Council

Infrastructure Services Department Planning Application Consultation

For further information on this application contact:

Steven Pattie Tel: 01595 744762

**Nesting and Lunnasting Community Council Clerk
Mrs Eva Ganson
Lochend
Girista
ZE2 9RZ**

SIC INFRASTRUCTURE SERVICES	
24 JAN 2011	
PASS TO <i>SP</i> <i>149670</i>	ACTION

Application:

2010/456/PCD

**Erect dwellinghouse, Site north
east of Gilsbrake, Vidlin by
Lynn Johnson**

Date of Consultation: 10 January 2011

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.)

NO COMMENT

(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.)

Signed ✓

Date 19-01-2011

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

MEMO

SIC INFRASTRUCTURE SERVICES	
21 FEB 2011	
PASS TO: SP	150095

To: Development Control

From: Roads

Attn: Steven Pattie

If calling please ask for
Brian Halcrow

Direct Dial: 4883

Medium: Paper

Date: 18 February 2011

Our Ref: BH/AT/R/G2/ND

Your Ref:

Application: 2010/456/PCD

**Proposal: Erect dwellinghouse, Site north east of Gilsbrake, Vidlin, ZE2 9QB, By
Lynn Johnson**

Date of Consultation: 14/01/2011

Comments:

Recommend Refusal

1. The required visibility splays must be provided before any building works start on site and must be maintained during the course of the works.
 - a. A visibility splay of 2.5 metres by 90 metres must be provided to the north of the junction of the access with the public road. This is available at present.
 - b. A visibility splay of 2.5 metres by 90 metres must be provided to the south of the junction of the access with the public road. This is **not** available at present. The visibility at present is only 64 metres and is limited by a building.
 - c. It does not appear that the required visibility splays can be achieved from the present access location within the indicated site boundaries.
2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2 metres of the edge of the public road.
3. The gradient of the access should not exceed 5% (slope of 1 in 20) for at least the first 6 metres from the edge of the public road.
4. The access should be surfaced in bitmac for at least the first 6 metres from the edge of the public road.
5. Parking provision should be made within the site for a minimum of 2 cars.

6. Turning provision for cars should be made within the site in the form of a standard hammer head or a manoeuvring space at least 7.6 metres by 7.6 metres in size.
7. That length of the access that crosses the public road verge must be constructed to the satisfaction of The Shetland Islands Council Roads Service. A Road Opening Permit must be obtained from The Shetland Islands Council Roads Service prior to carrying out any works to form an access onto the public road.

The proposed house access comes off the side of the access that serves the existing agricultural shed. This existing access has a wide frontage along the public road, inadequate visibility over its whole width, and towards the south end of the access the approach gradient is very steep. In summary this existing access is severely sub-standard.

While the submitted plans do not detail what effect taking the house access off the existing access will have on access to the shed there is no doubt that it will have a negative impact unless designed sympathetically.

However, even a well-designed access at this location, serving both the proposed house and existing agricultural shed, will have inadequate visibility as noted at (1) above. I must therefore recommend refusal.

Should the planning board be minded to set this advice aside and grant consent then I would ask that the applicant be required to provide for approval a detailed design for a combined access for both the house and existing shed that meets the safe and convenient guidance of Appendix 6b.

Signed



Date

20/2/11

Section 4. Representations

Tuesday 15 November 2011



Shetla Islands

Head of Planning: Iain McDiarmid
Executive Director: Gordon Greenhill

Billy Georgeson
Gilsbrake
Vidlin
Shetland
ZE2 9QB

Development Management
Infrastructure Services Department
Grantfield
Lerwick
Shetland
ZE1 0NT

Telephone: 01595 744800
Fax: 01595 744804
Website: www.shetland.gov.uk

If calling please ask for
Steven Pattie
Direct Dial: 01595 744762

Your Ref:
Our Ref: 2010/456/PCD

Date: 13 January 2011

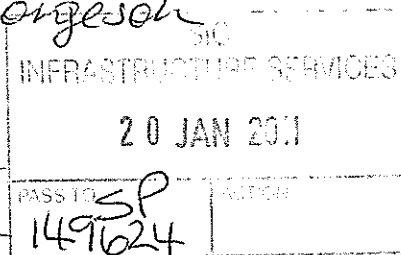
Dear Sir/Madam

Town and Country Planning (Scotland) Act 1997 (as amended) Town and Country Planning (Development Management Procedure) (Scotland)

NB: server life is going the wrong way on the plan, see correct way in red, no objection - just in case you need to amend plan!!
Tel: 01806 577212

William Georgeson

C/o S. Pattie



that a planning
mission to erect

elopment to your

ns, drawings and
ructure Services
onday to Friday.

Details of the proposed development the subject of the application will also be made available on the Council's website at www.shetland.gov.uk.

If you wish to make representations or comments, these should reach me within 21 days of the date of this letter. If your comments are not received by then it may not be possible for them to be taken into account. You should make your representation(s) in writing to: Shetland Islands Council, Development Management, Infrastructure Services Department, Grantfield, Lerwick, Shetland, ZE1 0NT or by e-mail to: planningcontrol@shetland.gov.uk. Any representations you make will be available for public inspection.

13 Original

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Approximate point of connection to public sewer

Herra

Line of existing foul water drainage

RED LINE DEVELOPMENT AREA

45.7m

Gillsbrake

Gillsbræck

Kringsjaa

Sheep fold

Gillsbrake

LOCATION PLAN
Scale 1:1000

Ref.	OWNER / OCCUPIER
1	Jakob Johnson, Kringsjaa, Vidin, Shetland, ZE2 9QH
2	Angus Johnson, Lungen, Vidin, Shetland, ZE2 9QH
3	Andy Alderman, Gillsbræck, Vidin, Shetland, ZE2 9QH
4	Billy Cockburn, Gillsbræck, Vidin, Shetland, ZE2 9QH
5	Duncan Nicholson, Chassanor, Leca, Shetland

SCHEDULE OF NEIGHBOURS TO BE NOTIFIED

SIC
INFRASTRUCTURE SERVICES
13 DEC 2010

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Rev	Scale	Description

Notes

VEGA TECHNICAL SERVICES
Architectural, Land Surveying and Civil Engineering CAD Drafting
HOSWICK VISION CENTRE - SANDWICK - SHETLAND - ZE2 9YB
Tel: 011501 421 505/277
Fax: 07770 314 378
E-mail: michael@vegatich.com

Project PROPOSED DWELLING HOUSE AT VIDIN, SHETLAND, LYNN JOHNSON	Date Drawn 27.10.10
Drawing title Location plan - Showing neighbours to be notified	Scale(s) 9 A3 1:1000
Drawing sheet PLANNING	Drawing Number 611.11
	Revision -

Section 5. Report of Handling

Tuesday 15 November 2011

Delegated Report of Handling

Development: Proposed dwellinghouse at: Gilsbrake, Vidlin, ZE2 9QB.

By: Ms Lynn Johnson

Application Ref: 2010/456/PCD

1. Introduction

- 1.1 This is an application for full planning permission for the construction of a single dwellinghouse on a site north of Vidlin. The site slopes down away from the road towards the west. The application site is categorised as both Good Agricultural Land and within Housing Zone 1.
- 1.2 As this is a full planning application consideration needs to be given to: location; scale; appearance; materials; parking; turning; safe access visibility splays; change of use; landscape character; and, impacts on the natural / built environment.

2. Statutory Development Plan Policies

2.1 Shetland Islands Council Structure Plan (2000) Policies

GDS4 – Natural and Built Environment;
SPNE1 – Landscape and Design;
SPBE1 – Built Environment.

2.2 Shetland Islands Council Local Plan (2004) Policies

LPNE10 – Development and the Environment;
LPNE14 – Agricultural Land;
LPBE13 – Design;
LPWD7 – Septic Tanks in areas with Public Sewers;
LPWD11 – Surface Water Drainage Standards;
LPWD12 – Sustainable Drainage Systems;
LPTP12 – Car Parking Standards;
LPHOU4 – General & Zone Requirements for All Dwellings;

3. Safeguarding

- 3.1 Good Agricultural Land on the Planning Service's MapInfo database system as well as being classified as Macaulay 6.3. However the site is located within a Housing Zone 1 area, and therefore the test under Shetland Local Plan Policy LPNE14 for the protection of Good Agricultural Land does not apply.
- 3.2 Scatsta 13km bird strike - the proposed development will not give rise to any issues relating to increased bird activity.
- 3.3 Waste Water Drainage Hotspot – the proposed development includes connection to the existing public foul water drain. The proposal therefore will not introduce a new private septic tank and accompanying issues that the hotspot seeks to avoid.

4. Consultations

- 4.1 **Roads Traffic** – the Council's Roads Service recommends refusal of the application. The Roads Service's concern relates to visibility splay to the south of the proposed dwellinghouse's access with the public road, and the fact that the existing access for an agricultural shed on the adjacent land to the south already has a wide frontage along the public road with inadequate visibility over its whole frontage. The Roads Service's comments go on to say that towards the south of the agricultural access the approach gradient is very steep, summarising that the existing access is severely sub-standard. The Council's Roads Service further states that the effect of taking the proposed house access off the existing access to the agricultural shed will have a negative impact unless it is designed sympathetically. The Roads Service in its comments conclude that even a well-designed access at this location, serving both the proposed dwellinghouse and existing agricultural shed, will have inadequate visibility (having earlier stated that the visibility splay to the south should be 2.5 metres by 90 metres and the present visibility is 64 metres and limited by a building) and so refusal of the application is recommended. The Roads Service final comment confirms that should its advice be set aside and consent granted then it would ask that the applicant be required to provide for approval a detailed design for a combined access for both the proposed dwellinghouse and existing agricultural shed that meets the safe and convenient guidance of Appendix 6B.
- 4.2 **Community Council** – no objection.
- 4.3 **Scottish Water** – has no objection to the development.

5. **Statutory Advertisements**

- 5.1 Advertised under regulation 20(1)(d) as development contrary to the approved Development Plan policies GDS4, LPNE10 and LPHOU4 in The Shetland Times on 22 April 2011.

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 2.1 & 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 The application is for full planning permission for a single dwellinghouse on grazing land at Gilsbrake, Vidlin. The site area is 0.15 hectares and is on a hillside overlooking Vidlin Voe. The proposal is to connect to the public sewer located to the south of the site regarding foul water drainage. In respect of surface water a SUDS is proposed to the west of the dwellinghouse within the garden grounds of the proposed development site.
- 7.4 The proposed development site is on a hillside which has a steady gradient of circa 20% from the east away from the public road down towards the Voe to the west. The application site is located within a Housing Zone 1 area, and has a Macaulay classification of 6.3 despite also being classed as 'Good Agricultural Land' on the Planning Service's MapInfo database. However, Shetland Local Plan (2004) Policy LPNE14 makes an exception to proposed dwelling houses on such quality of land in Housing Zone 1 areas.
- 7.3 In the course of handling application information submitted by a neighbour to the proposed development site (no objection – information based only) suggested to the Planning Service that the connection to the foul drainage shown in the application submission was in the wrong position. Subsequently a 'Variation of Application' under Section 32A of the 1997 Act (as inserted by section 8 of the 2006 Act) was considered and accepted which in consequence allowed for the application site to be extended to include the connection to the public sewer without requiring a further planning application.
- 7.4 In regard to the proposed connection to the public sewer this is entirely appropriate as the development site is within a 'Foul Drainage Water Hotspot' as notified by SEPA. The proposed connection to a public sewer is in line with Shetland Local Plan (2004) Policy LPWD7. Scottish Water has indicated that the wastewater network serving the area may be able to accommodate the new demand. Scottish Water also indicates that a deed of servitude could be required to demonstrate that permission has been granted by affected land owners as far as the laying of infrastructure outwith public ownership is concerned.
- 7.5 Submitted Site Plan DRG: 611.10 indicates that the proposed SUDS scheme west of the dwellinghouse is proposed to be designed in accordance with BRE Digest 365 and located a minimum of 5 metres from any boundary. A SUDS scheme would also need to be conditioned to be at least 5 metres from any foundations. Subject to a controlling condition covering this aspect also the proposed SUDS scheme is in compliance with both Shetland Local Plan (2004) Policy LPWD11 and LPWD12.

- 7.6 The design of the proposed dwellinghouse, with finished colour and materials of: horizontal timber weatherboarding with brown opaque or stain finish; dark grey interlocking concrete tile roof; windows and doors white opaque finish; rainwater goods uPVC colour black; is considered appropriate. Timber weatherboarding is common throughout Shetland and there are examples in the area to the northeast and the southwest. In terms of the proposed roof colour, a dark grey roof is appropriate. There are a number of dwellings in the area that have been finished with terracotta/brown roof tiles, which are less traditional than the original houses still present in the area which have slate grey roofs. Although the proposed interlocking concrete tiles will not be of the same high quality, the proposed finished colour will, it is considered, be acceptable in terms of views of the dwellinghouse in the landscape that will be obtained from the wider area. The proposed design is acceptable and is in accordance with Shetland Structure Plan (2000) Policy SPNE1 (Landscape and Design), and Shetland Local Plan (2004) Policy LPBE13 (Design). In terms of built environment and built heritage, the proposed development will have no adverse effect upon any built heritage resources as are listed in Shetland Structure Plan (2004) Policy SPBE1.
- 7.7 The Council's policy for parking standards and turning areas is set out Shetland Local Plan Policy LPTP12, and Appendices D and E. The car parking layout on the submitted Site Plan (DRG: 611.10) does not appear to show sufficient room for car parking and turning, however there is sufficient space/land within the development site for the policy requirements to be met, and so it would be appropriate for any decision for approval to have a condition attached having specific wording whereby, notwithstanding the submitted Site Plan there would require to be a turning head of 7.6 metres by 7.6 metres as well as the provision of at least 2no. external car parking spaces.
- 7.8 In regard to safe access gradient and visibility splays. The Council's Roads Service has advised that the planning application should be refused under road safety grounds. Its comments (referred to in paragraph 4.1 above) were provided to the applicant's agent on 22 February 2011, and prompted the applicant to meet on site with the Council's Road Service to discuss its concerns with regards to the access proposed. At this meeting options were discussed but the Roads Service's recommendation for refusal remains. It is understood that the applicant and agent have given consideration to an alternative access point to the north of the application site which will more enable safe visibility splays to be achieved, however no plan detailing this was submitted or tabled with the Planning Service or the Roads Service. This alternative access point, by virtue of being outwith the 'red lined' application site, would require further consultation, and so would therefore require an additional planning application. The applicant has confirmed that at the site meeting with the Roads Service the use of mirrors was

discussed, however, the use of mirrors for new developments is not regarded as being an acceptable substitute for visibility splays identified as being required. Another option the applicant has reported as having been discussed with the Roads Service is the improvement of the existing access along the road frontage of the agricultural shed. However the Roads Service's recommendation for refusal is maintained. The submitted plans regarding the road access, gradient information and visibility splays remain unchanged since the submission was made, irrespective of the Roads Service's recommendation.

- 7.9 Consideration has been given to the application as a whole, but given that the outstanding issue concerns a hazard to health and safety it is considered that the application does not comply with Shetland Structure Plan (2000) Policy GDS4, Shetland Local Plan (2004) Policy LPNE10 and LPHOU4. Whilst the application does comply with design and drainage policies, the remaining issue is salient in terms of safeguarding the applicant and the remaining members of the community from a road safety impact of the development as proposed, which it appears may be overcome by the further exploration with, and pursuance through, planning of an alternative means of access, with the aim of reducing the adverse impacts through mitigation.

8 Recommendation

- 8.1 Refusal.

9 Further Notifications Required

- 9.1 None.

10 Background Information Considered

- 10.1 None.

2010/456 delegated report of handling.doc
Planning Officer SP

Section 6. Decision Notice

Tuesday 15 November 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

Lynn Johnson
Krings Jaa
Vidlin

Agent Name And Address

Vega Technical Services
Hoswick Visitor Centre
Sandwick
ZE2 9HL

Reference Number: PL 2010 456 PCD

Erect dwellinghouse: Site north east of Gilsbrake, Vidlin

Details of Refused Plans and Drawings:

- Location Plan showing Neighbours- DRG: 611.11 Revision A
- Development Area Plan - DRG: 611.13 Revision A

Received by the Planning Authority 16 March 2011

- Dwellinghouse Plan- DRG: 611.10
- Elevations- DRG: 611.03

Received by the Planning Authority 15 December 2010

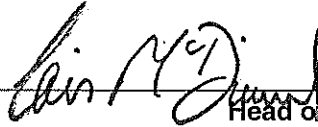
- Ground Floor Plan- DRG: 611.01

Received by the Planning Authority 13 December 2010

(Cont'd....24Jun11)

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

Reasons for Council's decision:

(1) The proposed development is contrary to Shetland Structure Plan (2000) Policy GDS4, Shetland Local Plan (2004) Policy LPNE10 and LPHOU4 because the access proposed does not provide sufficient visibility splays to the south and so represents a hazard to health and safety from which the applicant and the remaining members of the community should be safeguarded, moreover when it is combined with the existing poor standard agricultural access to the south.

24th June 2011

A handwritten signature in black ink, appearing to read 'Ian McDiarmid', is written over a horizontal line.

Head of Planning

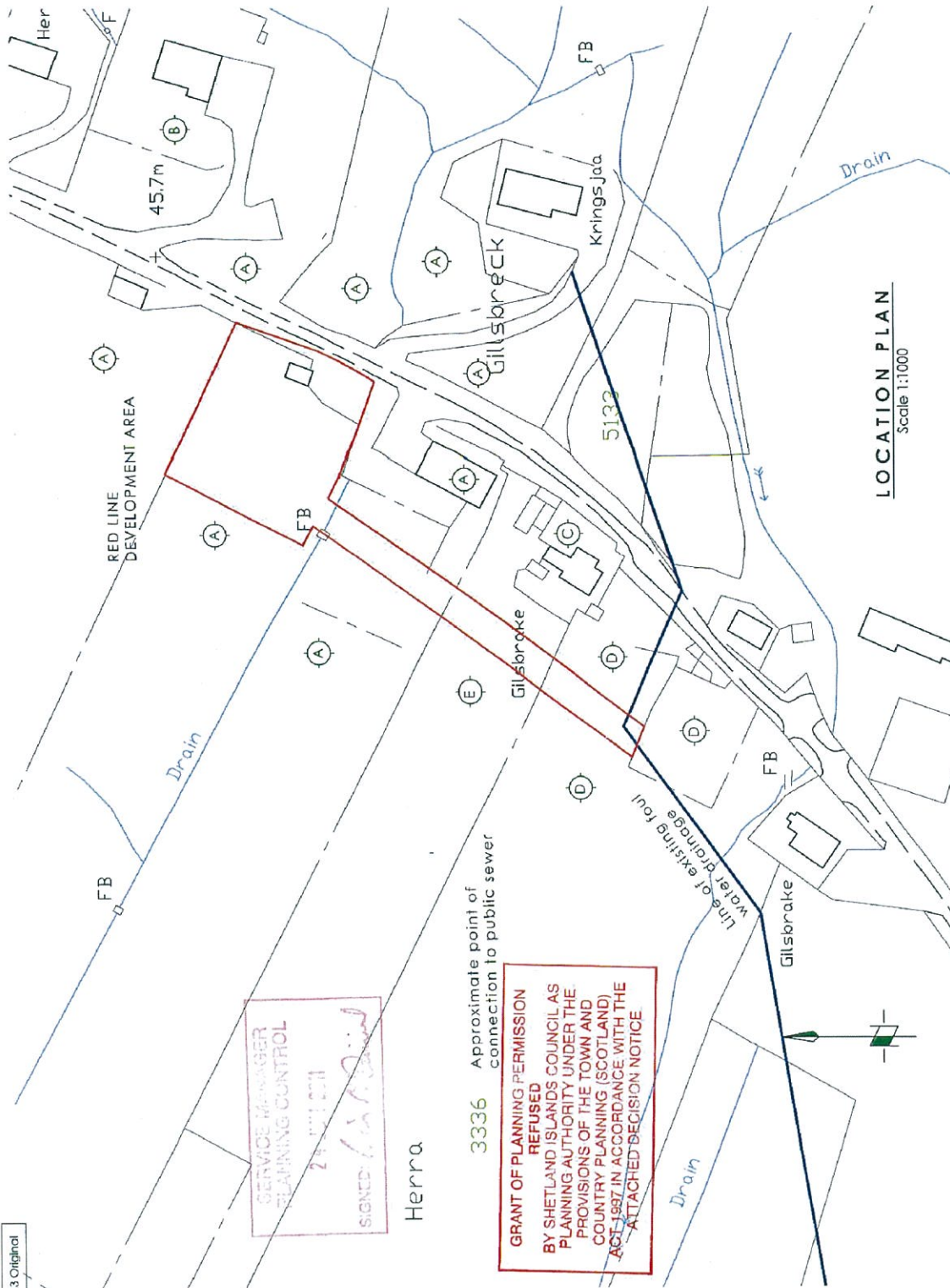
456ref.doc

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.

A3 Original



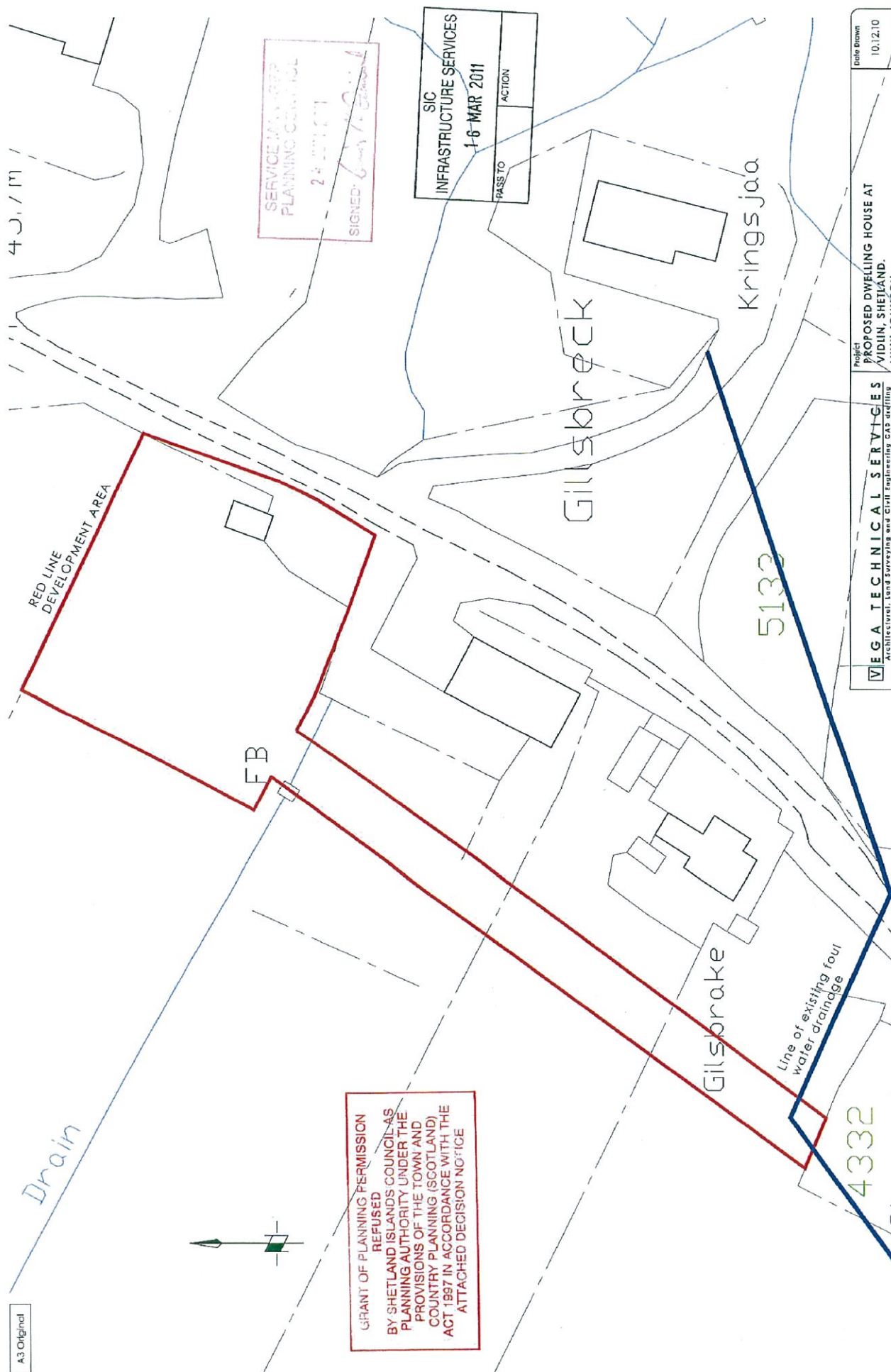
Ref.	OWNER / OCCUPIER
(A)	Owner Idun Johnsen, Kringjaa, Vidlin, Shetland, ZE3 9QB
(B)	Angus Johnsen Langara, Vidlin, Shetland, ZE3 9QB
(C)	Andy Alderman, Gillsbrack, Vidlin, Shetland, ZE3 9QB
(D)	Billy Georgeon, Gillsbrack, Vidlin, Shetland, ZE3 9QB
(E)	Dennis Nielsen, Glenmore, Laxo, Shetland

SCHEDULE OF NEIGHBOURS
TO BE NOTIFIED

SIC INFRASTRUCTURE SERVICES 16 MAR 2011	
PASS TO	ACTION

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VIEGA TECHNICAL SERVICES Architectural, Land Surveying and Civil Engineering CAD Drafting		Project PROPOSED DWELLING HOUSE AT VIDLIN, SHETLAND. LYNN JOHNSON	Date Drawn 27.10.10
HOSWICK VISITOR CENTRE • SANDWICK • SHETLAND • ZE3 9HL Tel: (01950) 431 502/279 Fax: 07776 634 576 E-mail: michael@vega.tech.plus.com		Drawing Title Location plan - Showing neighbours to be notified	Scale(s) @ A3 1:1000
Notes		Drawing Status PLANNING	Revision A
Rev	Date	Description	Drawing Number 611.11
A	7.3.11	Point of sewer connection revised	



SERVICE/INTEGRATED
PLANNING CONSULTANT
24 JAN 2011
SIGNED: *[Signature]*

SIC
INFRASTRUCTURE SERVICES
16 MAR 2011
PASS TO: ACTION

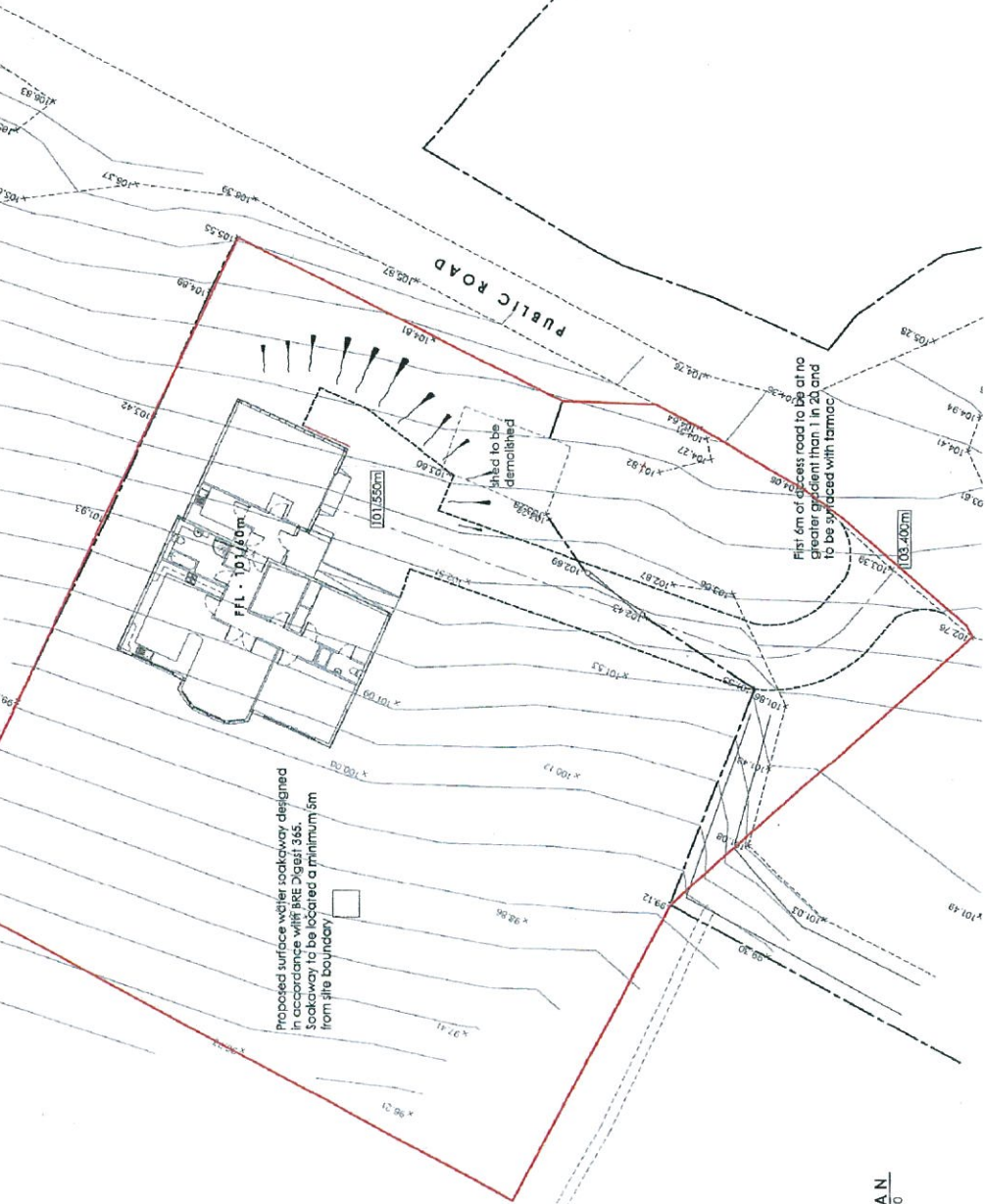
GRANT OF PLANNING PERMISSION
REFUSED
BY SHETLAND ISLANDS COUNCIL AS
PLANNING AUTHORITY UNDER THE
PROVISIONS OF THE TOWN AND
COUNTRY PLANNING (SCOTLAND)
ACT 1997 IN ACCORDANCE WITH THE
ATTACHED DECISION NOTICE

VEGA TECHNICAL SERVICES Architectural, Land Surveying and Civil Engineering CAD and Printing  HOSWICK VISITOR CENTRE • SANDWICK • SHETLAND • ZE12 9HL Tel: 017960 431 502/279 Mob: 07770 824 376 E-mail: michaels@vegatech.plus.com	Project PROPOSED DWELLING HOUSE AT VIDIN, SHETLAND. LYNN JOHNSON	Date Drawn 10.12.10
	Drawing Title Development area location plan	Scale(s) of A3 1:500
Drawing Status PLANNING		Revision A
Drawing Number 611.13		

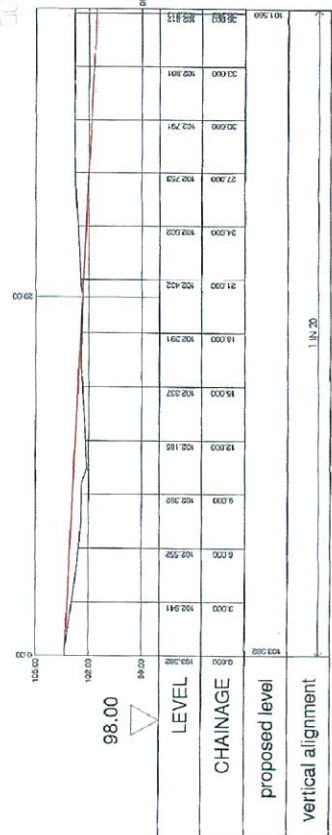
LOCATION PLAN
Scale 1:500

A3 Original

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SITE PLAN
Scale 1:200

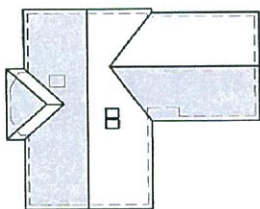


GRANT OF PLANNING PERMISSION REFUSED
BY SHETLAND ISLANDS COUNCIL AS PLANNING AUTHORITY UNDER THE PROVISIONS OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 IN ACCORDANCE WITH THE ATTACHED DECISION NOTICE

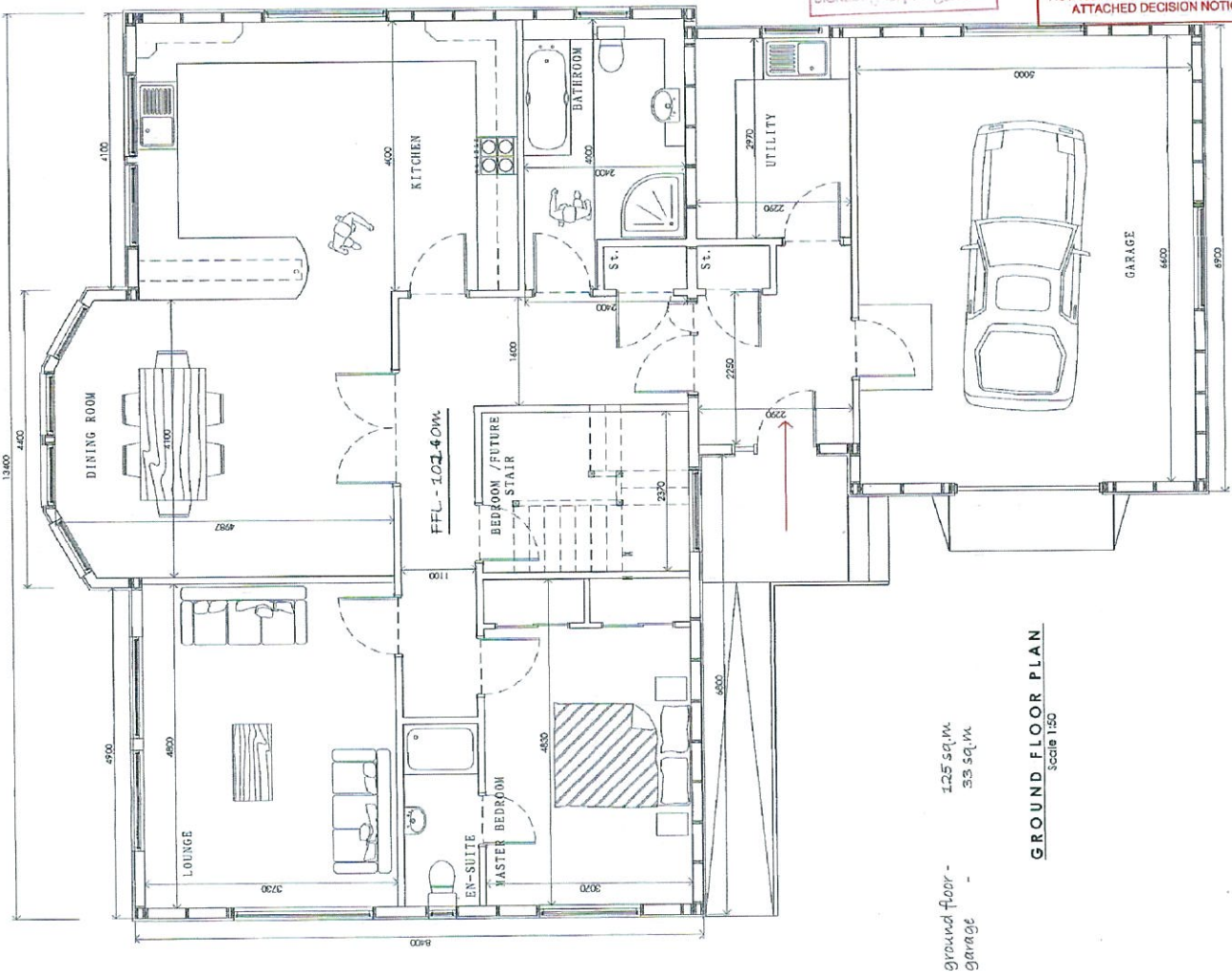
SIGNED: *[Signature]*
28/12/2010

SIC
INFRASTRUCTURE SERVICES
15 DEC 2010
TASK TO
SIC ON

VEGA TECHNICAL SERVICES PLANNING, SURVEYING AND CIVIL ENGINEERING CAD SERVICES MOSWICK VICTORIA CENTRE • SANDHICK • SHELLAND • ZE1 7HL Tel: 01755 431 100/279 Fax: 01755 431 100/279 Email: info@vega-tech.co.uk		Project: PROPOSED DWELLING HOUSE AT GILSBRAKE, VIDLIN, SHETLAND. Owner: JONATHAN JOHNSON Site plan		Scale: 1:200 Drawing Number: 611.10 Revision: 1	
---	--	--	--	---	--



A2 Original



Ground floor - 125 sq.m.
Garage - 33 sq.m.

GROUND FLOOR PLAN

Scale 1:50

SIC
INFRASTRUCTURE SERVICES
13 DEC 2010
MUSTO
ACTION

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

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

VEGA TECHNICAL SERVICES ARCHITECTURAL, LAND SURVEYING AND CIVIL ENGINEERING LTD HOSKING VISION CENTRE • LANEWICK • SHETLAND • ZE10 1HL Tel: 01463 431 801/879 Mob: 07770 854 978 E-mail: info@vegatech.co.uk		Date: 27/10/10 Drawn: 1:50 Revision: 1
Project: PROPOSED DWELLING HOUSE AT VIDLIN, SHETLAND, LYNN JOHNSON Ground floor plan		Drawing Number: 611.01 Plan


EXTERNAL FINISHES



SIC	
INFRASTRUCTURE SERVICES	
15 DEC 2010	
PASS TO	ACTION

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

SERVICE CONTROLLER
PLANNING CONTROL
24 JUN 1961
SIGNED: *Gen. M. D. Smith*

Year	Subs	Serials	 <p>VEGA TECHNICAL SERVICES ARCHITECTURE, LAND LUTTERING AND CIVIL ENGINEERING CADS DRAWING HORNBEY VICTOR CINCINNATI - 14000000 - 14000000 - 14000000 TOLL FREE 1-800-333-3333 FAX 1-800-333-3333 WWW.VEGA-TECH.COM</p>	Design Dates 27.10.10 (month) (day) (year) 1:10:00 Series -
			Project PROPOSED DWELLING HOUSE AT 14000000 - 14000000 - 14000000 - 14000000 LYNN JOHNSON Drawing title ELEVATIONS	Drawing Number 611.03 Series -
			Planning Planning	



Section 7. Notice of Review

Tuesday 15 November 2011



Infrastructure Services Department
Shetland Islands Council

INFRASTRUCTURE SERVICES	
12 AUG 2011	
PASS TO	ACTION

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

PL 2010 456 PCD

Site address

Site north east of Gilsbrake, Vidlin

Description of proposed development

Erect Dwellinghouse

Date of application

15/12/10

Date of decision (if any)

24/06/11

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 checked="" type="checkbox"/> | <input 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:

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.

I wish to appeal to Shetland Islands Council Planning Local Review Board the refusal of my planning application to erect a dwelling house at the site north east of Gilsbrake, Vidlin. My application was refused as visibility requirements were not fully met. The visibility splay requirements of 90m in both directions from the junction are achievable in one direction. To meet the 90m visibility in both directions, I encounter difficulties reaching a suitable gradient. Having met with an engineer from SIC Roads, we were unable to reach a satisfactory compromise between visibility and gradients. While we are aware that we are 26 metres short of the recommended guidelines, we consider the existing access, which has had vehicular access for over 30 years, to be safe. The existing agricultural building replaced a dwelling house which had stood for decades, forming the original access.

The single track road isn't a through road and comes to an end approx 0.5 mile further north. There are no facilities that require access on this road and the road is used purely for residential access. I feel the traffic density in the area is low, with a total of 12 other houses situated between my proposed house and the road end. There have been no reported accidents on the road in memory, and the dwelling house will not increase the existing traffic as I already live in my family home which is adjacent to the proposed site. All residents in the area are either elderly or have lived in the area for many many years. Road users in the area and the wider Vidlin community are generally well aware of the local road and its existing junctions. This is reflected in the Community Council and Neighbour's support of my application.

My reasons for wishing to build a house in this location are to remain in the community on my father's croft where I was born and brought up. Immediate and wider family members are residents in the area and I wish to remain close to them and to my local area. I contribute to the wider Vidlin community which is a thriving and vibrant community with great assets, people and community spirit. I would like to help to sustain and grow the Vidlin community in to the future by living independently in the area and building my own home on my father's croft.

I would therefore kindly ask members to consider my appeal favourably.

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.

Supporting Letter from Nesting and Lunnasting Community Council

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.

NESTING AND LUNNASTING COMMUNITY COUNCIL

Chairperson:
Mr Hubert Hunter
Lower Skelberry
Vidlin
Shetland
ZE2 9QD

Clerk:
Mrs Eva Ganson
Lochend
Girista
Shetland
ZE2 9SQ

12 August 2011

Planning Service
Shetland Islands Council
Grantfield
Lerwick
Shetland

SIC INFRASTRUCTURE SERVICES	
12 AUG 2011	
PASS TO JH LS3053	ACTION

Dear Sir/Madam

Notice of Review- Build proposed new dwelling house, at north east side of Gilsbrake, Vidlin by Lynn Johnson, Kringsjaa, Vidlin

Miss Johnson has approached this Community Council for support due to the decision by planning to review the application for her new house as the Roads Service have advised her access road does not meet the regulatory 90 metres vision required for planning on the south side of the access road to the new house.

The road from which the house is to be accessed is a single track, with low traffic and speeds, on which there has never been any accidents, so there seems to be no obvious justification for refusal on safety grounds. A number of other properties have access from this particular stretch of road, and these accesses are under the 90 metre regulation.

Members wish to express their full support for this application. Miss Johnson comes from a family with long standing family connections in the area, and is proposing to build her new home on a family croft. The community as a whole are very happy to see young local folk make their home in Vidlin, and continue to be part of the community.

I trust you will take the points made into consideration, and that the outcome for this application is successful.

If you require further information please contact me as above.

Yours faithfully

Eva Ganson
Clerk.

Section 8. Representations

Tuesday 15 November 2011

NESTING AND LUNNASTING COMMUNITY COUNCIL

Chairperson:
Mr Hubert Hunter
Lower Skelberry
Vidlin
Shetland
ZE2 9QD

Clerk:
Mrs Eva Ganson
Lochend
Girista
Shetland
ZE2 9SQ

12 August 2011

Planning Service
Shetland Islands Council
Grantfield
Lerwick
Shetland

SIC INFRASTRUCTURE SERVICES	
12 AUG 2011	
PASS TO <u>JH</u> <u>LS3053</u>	ACTION

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Yours faithfully

Eva Ganson
Clerk.



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: 2011/116/PCD – LR11: Erect wind turbine on 15m tower with 8.6m diameter blades with trenched cable connection: Burra Public Hall, Hamnavoe, Burra

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 committee.doc
J R Holden
Planning Board: 15/11/2011

116

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: 2011/116/PCD

To

Erect wind turbine on 15m tower with 8.6m diameter blades with
trenched cable connection Burra Public Hall, Hamnavoe, Burra

By

Burra Public Hall

Tuesday 15th November 2011

Contents Page

Section 1.	Planning Submission – 2011/1165/PCD
Section 2.	Statutory Advert
Section 3.	Consultation Responses
Section 4.	Report of Handling
Section 5.	Decision Notice
Section 6.	Notice of Review

Tuesday 15th November 2011

Section 1. Planning Submission – 2010/165/PCO

Tuesday 15th November 2011

Planning Application

FOR OFFICIAL USE ONLY

Reference No: 2011/116/PCD

Associated Application No:

Registration Date: 27/4/11

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997, AS AMENDED BY THE PLANNING ETC (SCOTLAND) ACT 2006. TOWN & COUNTRY PLANNING (HAZARDOUS SUBSTANCES) (SCOTLAND) ACT 1997.

(PLEASE READ THE NOTES FOR GUIDANCE BEFORE COMPLETING THIS FORM. IT IS IMPORTANT THAT THIS FORM IS COMPLETED CORRECTLY TO AVOID DELAYS IN PROCESSING).

Separate forms must be completed for applications for House Alterations and Extensions, Listed Building Consent, Conservation Area Consent, Advertisement Consent and other categories of application.

1

I/We Apply To The Council For: Please tick relevant box

Full Planning Permission (FPP)

☒

Renewal of Temporary Permission

☐

Planning Permission in principle (PPP)

☐

Variation of a planning condition(s)

☐

Approval of matters specified in conditions (AMC)

☐

Reference number(s) of previous planning application(s)/permission(s) (if known) _____

Reference number(s) of proposal of Application Notice(s) (if applicable) _____

Have there been any pre-application discussions with planning? YES ☐ NO ☐

If yes, what type:

Telephone Letter Meeting:

Pre-application officer's name:

2

The Application is considered to be a:

National Development

☐

Major Development

☐

Local Development

☒

3

Applicant's Name only:

BURRA PUBLIC HALL

4

Address or Location of Proposed Development please include postcode

POSTCODE ZE2 9LB

19 APR 2011

5

Existing Use of Land and/or Buildings please give details

GRAZING CATTLE/SHEEP

6

Description of Proposed Development please specify what is being proposed

WIND TURBINE ON 15M MAST

7**Residential Development**

Number of dwelling houses proposed _____ Site Area (hectares) _____

8**Commercial/Industrial Development**

	Existing	Proposed
(a) Site Area (gross)	_____ hectares	_____ hectares
(b) Manufacturing/Production area	_____ sq m	_____ sq m
(c) Storage Area	_____ sq m	_____ sq m
(d) Office/Ancillary Area	_____ sq m	_____ sq m
(e) Retail (Net Floor Area)	_____ sq m	_____ sq m
(f) Intended hours of Operation	_____ hrs	_____ days
(g) Types of vehicles and number of movements	No: _____	Type: _____
(h) Present and proposed staff numbers	Present: _____	Proposed: _____

9**Proposed Access Arrangements**

Please tick relevant boxes and note that such details are required for PPP applications

Do you intend to:

use an existing access



improve an existing access



form a new access

**10****Parking**

Number of existing parking spaces on site _____

Number of additional parking spaces proposed _____

11**Proposed Drainage Connections**

Please tick relevant boxes

Drawings indicating whether disposal method proposals are new or as existing should be submitted including location of outfalls, connections etc.

(a) Foul Drainageto public sewer ☐to existing septic tank ☐to new septic tank with soakaway ☐to new septic tank with sea outfall ☐**(b) Surface Water** - Please give full details and drawingsPublic Sewer ☐Sustainable drainage system ☐Other ☐

12**Proposed External Building Materials And Colour Finishes**

Outside walls and roof covering

Parking areas/Driveway surface

Landscaping

Windows / Doors

Boundary treatment (fences, walls etc.)

GALVANISED TOWER / WHITE TURBINE

13**Hazardous Materials**

Does the proposal involve the use, storage or manufacture of hazardous materials? Yes ☐ No ☒

If the proposal involves the use, storage or manufacture of any "hazardous materials" (such as liquified Petroleum Gas, Hydrogen, Liquid Oxygen, or any explosive) please give details and the quantities in a covering letter.

14**Any other particulars to which the applicant wishes to draw attention**

WIND & HEAT PROTECT TO HELP MAKE
THE BURDA HALL MORE SUSTAINABLE

15 LAND OWNERSHIP CERTIFICATE

(Article 8(8), Town & Country Planning (General Development Procedure)(Scotland) Order 1992)

You must fill in an appropriate certificate of land ownership.

If you do not own all of the land or property to which this application relates, you must notify all the owners and agricultural tenants at the same time as submitting this form.

If you are unable to identify relevant parties then please contact the Development Management Service within the Planning Service by using the details at the end of this form.

A I hereby certify that: Please tick **one** box

1. 21 days before the date of this planning application, the applicant owned **all** the land to which this application relates. ☐

or

2. The applicant has given notice to all persons who, 21 days before the date of this planning application, owned any part of the land to which it relates. They are: ☒

NAME OF OWNER	ADDRESS	DATE NOTIFIED
ROBERT TAIT	MEAL HAMNAVOE BURRA	14/3/2011

B I further certify that: Please tick **one** box

1. 21 days before the date of this planning application, none of the land formed part of an agricultural holding ☒

or

2. The applicant has given notice to every person who, 21 days before the date of this application, was a tenant of an agricultural holding, any part of which formed part of the application site. These persons are: ☐

NAME OF TENANT	ADDRESS	DATE NOTIFIED

or

3. The land forms part of an agricultural holding, but there are no tenants. ☐

Burra Public Hall
Roadside
Hamnavoe
Burra

12th April 2011

To whom it may concern

Burra Public Hall - Planning Application for Wind Turbine Installation

Burra Public Hall sought planning permission to install a wind turbine in close proximity to the hall on 22/01/10. The application could not proceed as the noise assessment carried out as part of the planning process found that the noise level was unacceptable on a site so close to domestic dwellings. The hall, unlike many in Shetland, is situated within the parameters of the village.

The Committee then sought alternative sites in the area near the hall but able to meet the 100 metres rule in relation to domestic buildings but had no success. A local tenant crofter was approached when it was suggested that it could be possible to site south of the hall but far enough away from houses to ensure that the noise produced would be at an acceptable level to the authorities and to nearest neighbours.

Accordingly this was explored by all parties concerned and it became evident that to ensure that the turbine did not:

- 1) encroach on existing housing, and
- 2) preclude housing development e.g. to the back of "Hulsidale" and the school,

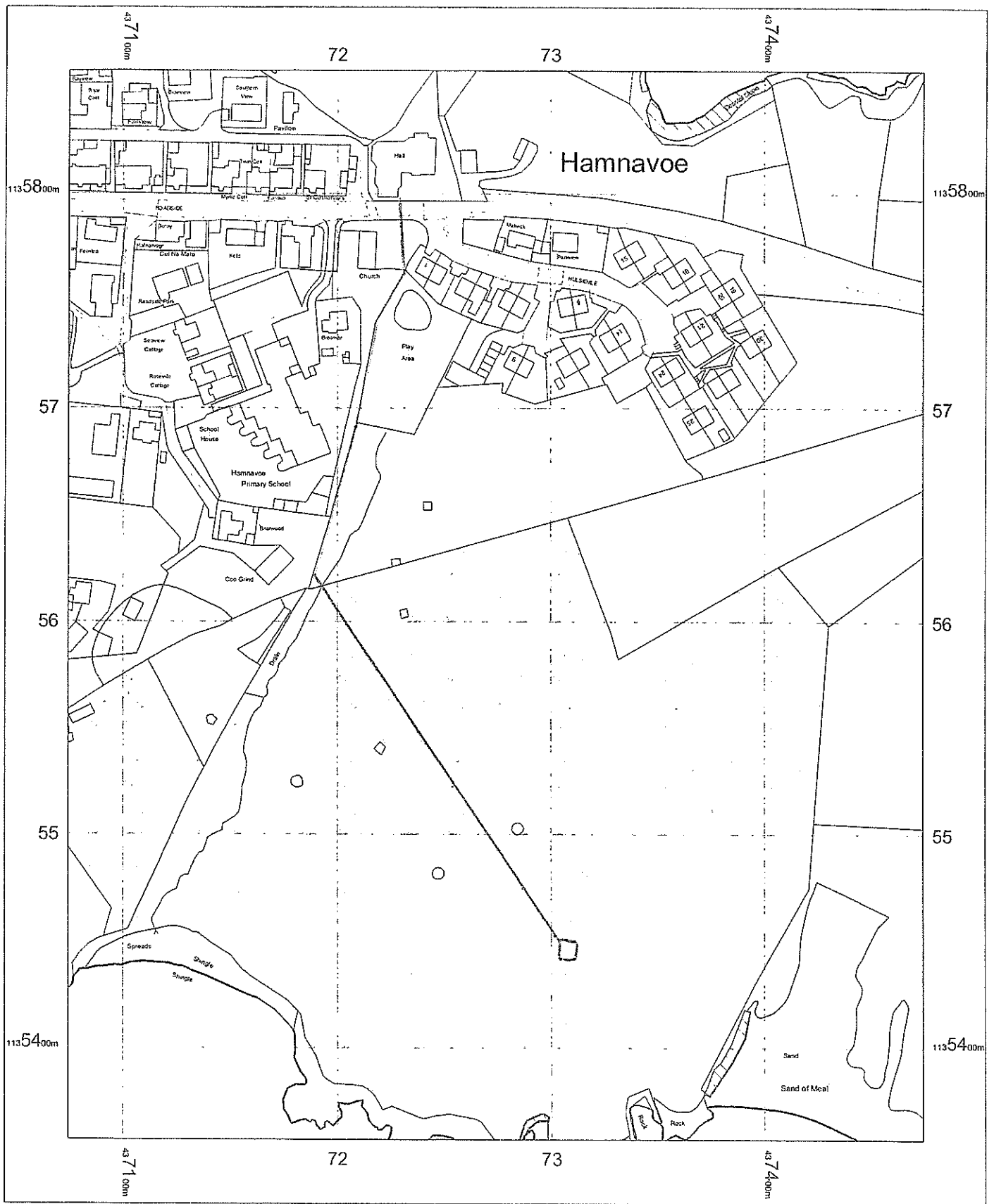
the site, which is the subject of this application, was finally agreed along with the tenant crofter and the experts assisting and advising on the project.

We have sited the proposed turbine in keeping with the advice of availability of land but have remained sensitive to other uses of the area, both current and potential, for the Community. We would respectfully point out that this is the last opportunity to secure a site for the Turbine, which is essential if the heating of the hall is to be financially and environmentally sustainable in future.

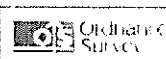
The committee hopes that there will be a favourable outcome to this application in order to proceed.

Yours faithfully

Mr Billy Hughes
Chairman, Burra Public Hall Committee



OS Mastermap
 14 April 2011, ID: CM-00068224
www.centremapslive.co.uk
 1:2500 scale print at A4, Centre: 437275 E, 1135608 N
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Shetland
 Islands
 Council

HAYES MCKENZIE

PARTNERSHIP



Prepared for:

*Proven Energy Ltd
Wardhead Park
Stewarton, Ayrshire
KA3 5LH
United Kingdom*

**Little Laight, Cairnryan, Stranraer
Proven P35-2 Wind Turbine Noise Performance Test**

Report HM: 2264/R1

28th September 2010

16a The Courtyard, Dean Hill Park, West Dean, Salisbury SP5 1EY, UK
Tel. +44 (0)1794 342343 Fax +44 (0)1794 342344 salisbury@hayesmckenzie.co.uk
● Offices in Salisbury & Machynlleth ●



PROVEN P35-2 WIND TURBINE NOISE PERFORMANCE TEST

Report HM: 2284/R1

Version: 2.0

Date of Issue: 30th September 2010

Site: Little Laight, Cairnryan, Stranraer, Dumfries and Galloway, UK

Dates of Measurements: 29th July 2010 (Sylvia Broneske Dipl.-Ing. MIOA
and Seth J Roberts BSc AMIOA)
29th August 2010 (Sylvia Broneske Dipl.-Ing. MIOA)

Prepared by: Sylvia Broneske Dipl.-Ing. MIOA

Checked by: Andrew R McKenzie PhD, BSc, MIOA

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1. Introduction

- 1.1 A turbine noise performance test has been carried out on a Proven Energy P35-2 wind turbine at Little Laight which is located to the north of Cairnryan and approximately 6 miles north east of Stranraer, Dumfries and Galloway, United Kingdom.
- 1.2 The turbine has a hub height of 15 m and a downwind rotor with a diameter of 8.5 m. It is passive stall regulated and free yawing with self-regulating speed control. It has a rated power of 11.5 kW, which is achieved at a wind speed of 11 m/s at hub height.
- 1.3 The objective of this test was to measure the noise performance characteristics of the wind turbine. The test consisted of measurements of the sound power level and tonal characteristics.
- 1.4 This noise test was conducted in accordance with the BWEA Small Wind Turbine Performance and Safety Standard (February 2008) which is based on BS EN 61400-11 (2003) with exceptions to allow for the specific operational characteristics of small wind turbines.
- 1.5 The test took place on two days: 29th July 2010 with wind speeds ranging from 4.8 to 9.3 m/s at rotor centre height and 29th August 2010 with wind speeds ranging from 8 to 17.7 m/s at rotor centre height.

2. Turbine Specification

- 2.1 The wind turbine is a three-bladed, passive stall downwind turbine. A summary of the turbine's specification, as supplied by the manufacturer, is shown in Table 1 below.

Table 1: Turbine Specifications

Parameter	Value/Feature
Manufacturer	Proven Energy Ltd.
Model Number	P35-2
Type (upwind/downwind)	Downwind
Hub Height	15 m
Rotor Diameter	8.5 m
Rated Power	11.5 kW (peak power 15 kW)
Tower Type	self-supporting monopole
Turbine Control (stall/pitch)	Passive stall



Parameter	Value/Feature
Rotational Speed	variable (rated speed 150 rpm at 11m/s)
Number of Blades	3
Cut-in Wind Speed	3.5 m/s
Cut-out Wind Speed	-
Max wind speed (survival)	54 m/s

3. Measurement

Site Layout and Measurement Position

- 3.1 The site layout is shown in Appendix A and consists of open farmland bordered by hedgerows and fences, with remains of brick and concrete from buildings. To the south of the turbine location are maintenance buildings which house the controls of the turbine and a holiday cottage, Little Laight, in a walled courtyard. The Proven P35-2 is the only wind turbine on the site. At the time of the first measurement in July 2010, cows were grazing on the field and sheep were kept on the adjacent field. The cows kept well away from the microphone so that no interference from the animals with the measurement equipment was caused. At the time of the first measurement in July 2010, cows were grazing on the adjacent fields.
- 3.2 The BWEA Small Wind Turbine Performance and Safety Standard dated February 2008 [1] states that acoustic noise emissions shall be measured in general accordance with BS EN 61400-11 (2003) [2] with exceptions to allow for the specific operational characteristics of small wind turbines. BS EN 61400-11:2003 including amendment A1:2006 (2006) is the latest version of [2]. The amendments have been applied if applicable.
- 3.3 [1] and [2] specify that the microphone used for the noise tests is to be mounted on a 1 m diameter ground-mounted board, facing in the direction of the wind turbine under test, at a distance corresponding to the tip height of the turbine (+/- 20%) directly downwind of the turbine. According to [1], measured noise data is valid as long as the board is substantially within the downwind sector (i.e. +/- 60° of the directly downwind direction) to allow for frequent yawing of small wind turbines. Photos of the noise monitoring equipment set up are shown in Appendix B.
- 3.4 The microphone was fitted inside a primary open cell foam wind shield of 90 mm in diameter which had been cut in half to allow it to lie flat on the board. The primary wind shield was surrounded by a secondary wind shield, consisting of a 465 mm diameter hemisphere of 43 mm thickness foam.



- 3.5 [1] requires an anemometer to measure wind speed, to be placed at a distance of 2 to 4 D, directly upwind of the turbine rotor, where D is the rotor diameter of the wind turbine (here $D = 8.5$ m). Wind speed values are valid as long as the anemometer position is within the upwind sector (i.e. $\pm 90^\circ$ of the directly upwind direction).
- 3.6 Synchronised wind speed and wind direction measurements were made using a mobile 10 m high mast.
- 3.7 The microphone and the met mast position were in its acceptable range throughout the whole measurement period.
- 3.8 Table 2 details the measurement positions. $R_{0,i}$ is the reference distance on each measurement day and R_1 is the slant distance from the measurement position to the centre of the hub where it meets the nacelle. The distances were measured using a measuring tape.

Table 2: Distances and Reference Values

Parameter		Value
Hub Height	H	15 m
Rotor Diameter	D	8.5 m
Reference Distance	$R_{0,calc}$	19.25 m
Reference Distance day 1	$R_{0,1}$	19.1 m
Reference Distance day 2	$R_{0,2}$	17.65 m
Slant Distance day 1	R_1	22.7 m
Slant Distance day 2	R_2	21.6 m
Reference Roughness Length	z_{0ref}	0.05 m
Anemometer Height	z	10 m
Reference Height	h_{ref}	15 m

- 3.9 During the noise tests the wind turbine was shut down for certain periods to allow for background noise measurements to be included as part of the test procedure in order to establish the level of contribution from other noise sources.



4. Instrumentation

4.1 Noise measurements were carried out using the following equipment:

General

Bruel & Kjaer Type 4231 calibrator (Serial No. 2218188)

Reference Position

01dB-Metravib Blue Solo Data logging integrating sound Level meter (Serial No. 61375)

GRAS 1/2" Microphone model MCE 212 (S/N 92466)

01dB-Metravib Pre-Amplifier PRE 21 S (S/N 14578)

- 4.2 The microphone was connected via 5 m of microphone cable to the sound level meter, which was programmed to continuously record the equivalent continuous sound pressure levels (L_{Aeq}) and WAV audio recording of the overall and background noise. The time clock of the sound level meter was set to BST (local time) at the start of the measurements.
- 4.3 The equipment was calibrated prior to measurements being performed and checked at the end. The maximum calibration drift recorded for measurements was 0.1 dB on the 2nd measurement day.
- 4.4 Wind speed and wind direction were measured in 1 minute periods at 10 m height with a Second Wind C3 anemometer and a NRG #200P wind vane connected to a Nomad 2 GSM data logger which was set to GMT at the start of the measurements.



5. Calculation of Wind Speed

5.1 According to [1] the wind speed shall be measured and not derived from a turbine power curve. Minimum measurement height is 5 m.

5.2 Wind speed was measured at 10 m height. The reference height for small wind turbines is the rotor centre height. The reference height wind speed was calculated by using following equation:

$$v_{ref} = v_{10m} \cdot \frac{\ln \frac{h_{ref}}{z_0}}{\ln \frac{10 \text{ m}}{z_0}}$$

where:

v_{ref} is the wind speed at reference height (here at 15 m)

v_{10m} is the wind speed at 10 m height

h_{ref} is the reference height = hub height

z_0 roughness length (0.05 m for farmland with some vegetation)



6. Results

Measured Noise Levels

- 6.1 1-minute average measured L_{Aeq} noise data was plotted against the reference height wind speed for operational noise periods and separately for background noise periods. All noise data has been filtered such that any 1-minute period that was affected by specific extraneous noises such as aircraft, vehicles, and any other anomalies has been removed from the assessment.
- 6.2 Appendix C shows the measured total noise and measured background noise at the microphone position, plotted against the wind speed at rotor centre height for both days. After the removal of data as described above, the data base of the first survey consists of 252 and for the second survey of 315 wind speed – noise data pairs for total measured noise.
- 6.3 It was found that a 2nd and 3rd order regression curve provided a better fit than a linear regression line which is specified in [1]. The curves were plotted through the measured L_{Aeq} of the total noise for each day and through the measured background data at the reference position, as shown in Appendix C.
- 6.4 A further plot has been produced which shows a 2nd order regression curve through the sound power level of both days combined and, in line with [1], two separate linear regressions of which one spans the range from 5 to 10 m/s and the other the range from 11 to 17 m/s at reference height. The first one is used for the calculation of the Apparent Emission Sound Power Level as required in [1].
- 6.5 The equation obtained for the regression curve of the data of both measurement days was used to determine the turbine and background noise levels at each integer wind speed. The margin between measured total noise and background noise was sufficiently large (minimum of 16.4 dB) so that no background noise correction needed to be applied.



Calculation of Sound Power Level

- 6.6 The methodology prescribed by [2] was used to calculate the apparent sound power level of the turbine under test with the exception of using a 2nd and 3rd order regression instead of 4th order which provided the same fit. Summary tables detailing the steps are shown below in Table 3-5.

Table 3: Calculation of Sound Power Level for 29th July 2010 ($R_1 = 22.7$ m)

Reference height wind speed (m/s)	4	5	6	7	8	9	10
Total Noise Level (dB L_{Aeq} re 20 μ Pa)		54.7	55.6	56.8	58.1	59.7	
Background Noise Level (dB L_{Aeq} re 20 μ Pa)		34.4	36.6	38.8	41.1	43.3	
Difference Between Total and Background Noise (dB)		20.3	19.0	18.0	17.1	16.4	
Apparent Sound Power Level, $L_{WA,k}$ (dB L_{WA} re 1 pW)		86.7	87.7	88.8	90.2	91.7	

Table 4: Calculation of Sound Power Level for 29th August 2010 ($R_2 = 21.6$ m)

Reference height wind speed (m/s)	8	9	10	11	12	13	14	15	16	17
Total Noise Level (dB L_{Aeq} re 20 μ Pa)	62.7	65.2	67.2	68.9	70.2	71.2	72.0	72.7	73.3	73.8
Background Noise Level (dB L_{Aeq} re 20 μ Pa)	38.2	39.8	41.4	43.0	44.5	46.1	47.7	49.3	50.9	52.4
Difference Between Total and Background Noise (dB)	24.4	25.4	25.9	25.9	25.7	25.1	24.3	23.4	22.4	21.4
Apparent Sound Power Level, $L_{WA,k}$ (dB L_{WA} re 1 pW)	94.3	96.9	98.9	100.6	101.9	102.9	103.7	104.4	104.9	105.4

- 6.7 Each 1-minute average sound power level was calculated from the measured total noise with the respective slant distance for each measurement day taken into account, and plotted against the wind speed at rotor centre height. A 2nd order regression curve was used to derive the apparent sound power level for each wind speed bin as shown in Table 5.

Table 5: Apparent Sound Power Level for both measurement days from 2nd order regression

Reference height wind speed (m/s)	5	6	7	8	9	10	
Apparent Sound Power Level, $L_{WA,k}$ (dB L_{WA} re 1 pW)	82.7	86.3	89.6	92.6	95.2	97.6	
Reference height wind speed (m/s)	11	12	13	14	15	16	17
Apparent Sound Power Level, $L_{WA,k}$ (dB L_{WA} re 1 pW)	99.7	101.4	102.9	104.0	104.9	105.4	105.6



- 6.8 In line with [1] two separate linear regressions were also fitted to the data ranging from 5 to 10 m/s and 11 to 17 m/s at rotor centre height. The results are shown in Table 6 below. The declared Apparent Emission Sound Power Level for the reference height wind speed of 8 m/s $L_{Wd,8m/s}$ is calculated from this linear regression line.

Table 6: Apparent Sound Power Level for both measurement days according to BWEA standard

Reference height wind speed (m/s)	5	6	7	8	9	10	
Apparent Sound Power Level, $L_{WA,k}$ (dB L_{WA} re 1 pW)	84.0	86.7	89.4	92.0	94.7	97.4	
Reference height wind speed (m/s)	11	12	13	14	15	16	17
Apparent Sound Power Level, $L_{WA,k}$ (dB L_{WA} re 1 pW)	101.0	101.9	102.7	103.6	104.5	105.3	106.2

1/3 Octave Band Data

- 6.9 The four 1-minute average periods closest to the reference height wind speed of 8 m/s for the measurement on 27/07/2010 have been used to calculate the energy average 1/3 octave band spectra between 20 and 8 kHz as measured at the Reference Position for the first measurement day. The linear, A-weighted and C-weighted results are shown in Appendix D. As mentioned above, it was not necessary to correct the data for the influence of background noise.
- 6.10 As there were only 2 values close to the reference height wind speed of 8 m/s measured on the second measurement day, the energy average 1/3 octave band spectra between 20 and 8 kHz has been calculated for a reference height wind speed of 9 m/s. The linear, A-weighted and C-weighted results are also shown in Appendix D. No background correction was carried out.

Tonality

- 6.11 The tonality assessment was carried out according to the method specified in ISO 1996-2: 2007 Annex D [3], as suggested in [1].
- 6.12 The turbine is declared tonal if any 1/3 octave band is higher than its adjacent bands by:
- 15 dB in the low frequency bands (50 to 125 Hz)
 - 8 dB in the mid-frequency bands (160 to 400 Hz)
 - 5 dB in the high frequency bands (500 to 10000 Hz).



- 6.13 For the assessment four 1/3 octave band spectra from the first measurement day and four 1/3 octave band spectra from the second measurement day, closest to the wind speed of 8 and 9 m/s respectively at rotor centre height, were used.
- 6.14 The tonal analysis was carried out for the linear, A-weighted and C-weighted 1/3 octave band spectra of the total noise measured at the microphone reference point as shown in Appendix E.
- 6.15 Based on the 4 spectra being closest to the reference height wind speeds of 8 and 9 m/s at rotor centre height from the measurement on 29/07/2010 and 29/08/2010 respectively, the Proven P35-2 wind turbine was not found to be tonal.
- 6.16 In addition, the same analysis has been carried out for the 4 spectra being closest to the reference wind speed for 5 m/s from the measurement on 29/07/2010. The turbine is also not found to be tonal for this wind speed.
- 6.17 This assessment is valid for the reference point, where the noise measurement took place and describes the noise character for the proximity of the wind turbine only.



7. Uncertainty

- 7.1 An assessment of measurement uncertainty has been carried out for the reference height wind speed range of 5 to 10 m/s , based on the procedure outlined in Annex D of [2], as follows: Type A uncertainties are evaluated from the extent to which the measured values vary around the derived mean based on the regression analysis; Type B uncertainties are a measure of the assumed accuracy of various factors in the measurements procedure and have been taken from the Annex D. The total uncertainty U_C is evaluated from the square root of the sum of the squares of each individual component.
- 7.2 The standard uncertainty of the apparent sound power is calculated in Table 7 using Equation D.1 in Annex D of [2]. The total uncertainty of the measured L_{WA} calculated from all uncertainties, as given in Table 8, is ± 2.4 dB for the Reference Position.

Table 7: Calculation of L_{WA} Uncertainty U_A

Number of Elements	308
$\text{sum}((y-y(\text{est}))^2)$	1014.5
Standard Error U_A	1.82

Table 8: Calculation of Uncertainty U_C

Type A Uncertainty	
Standard Error of L_{WA} Estimate from Regression Analysis	1.82
Type B Uncertainty	
Calibration	0.2
Instrument	0.2
Board & Mounting	0.5
Distance	0.1
Impedance	0.1
Turbulence	0.6
Wind Speed Derived	1.2
Direction	0.3
Total	2.4



8. Tables of Results

- 8.1 According to [1] the declared apparent emission sound power level $L_{Wd, 8m/s}$ is calculated using the approach of [4] for a 95% confidence level:

$$L_{Wd, 8m/s} = L_{W, 8m/s} + 1.645 \cdot \sigma$$

where

$L_{Wd, 8m/s}$ is the declared apparent sound power level at the reference wind speed 8 m/s

$L_{W, 8m/s}$ is the apparent sound power level at the reference wind speed 8 m/s

σ is here equivalent to the measurement uncertainty U_C .

Table 9: Noise Levels of a Proven P35-2 Wind Turbine for a reference wind speed of 8 m/s

Parameter	Value
Apparent Sound Power Level $L_{W, 8m/s}$	92.0 dB(A)
Measurement Uncertainty U_C	2.4 dB
Declared Apparent Emission Sound Power Level $L_{Wd, 8m/s}$	95.9 dB(A)
Noise Slope S_{dB}	2.68
Noise Penalty P	-

Table 10: Immission Sound Pressure Levels at given Distance for a reference wind speed of 8 m/s

Parameter	Value
Immission Sound Pressure Level at 60 m $L_{p, 60m}$	52.3 dB(A)
Immission Sound Pressure Level at 25 m $L_{p, 25m}$	59.9 dB(A)
Slant Distance required for 45 dB(A)	140 m
Slant Distance required for 40 dB(A)	248 m

- 8.2 The Noise Label according to [1] is attached in Appendix F.



9. Conclusions

- 9.1 A noise test has been carried out, according to BWEA Small Wind Turbine Performance and Safety Standard on a Proven P35-2 wind turbine installed at Little Laight, Cairnryan to measure the sound power level and tonal characteristics.
- 9.2 According to the BWEA standard for small wind turbines [1], the turbine was calculated to have an apparent sound power level of $92.0 \text{ dB(A)} \pm 2.4 \text{ dB}$ at a wind speed of 8 m/s at rotor centre height, as measured at the Reference Position directly downwind of the turbine. The declared apparent emission sound power level for 8 m/s at rotor centre height was calculated to be 95.9 dB(A).
- 9.3 Using a 2nd order regression through all measured data, the apparent sound power level equals to $92.6 \text{ dB(A)} \pm 2.17 \text{ dB}$ at a wind speed of 8 m/s at rotor centre height. The declared apparent emission sound power level for 8 m/s at rotor centre height in this case was calculated to be 96.2 dB(A).
- 9.4 The tonal output from the Proven P35-2 wind turbine has been assessed using the methodology prescribed in [1]. Based on the methodology described in [3], Annex D, no tonal characteristics were found.



Reference List

- [1] Small Wind Turbine Performance and Safety Standard
British Wind Energy Association, February 2008

- [2] BS EN 61400-11 Wind turbine generator systems – Part 11: Acoustic noise measurement techniques (identical with IEC 61400-11:2002)
Standards Policy and Strategy Committee, August 2003

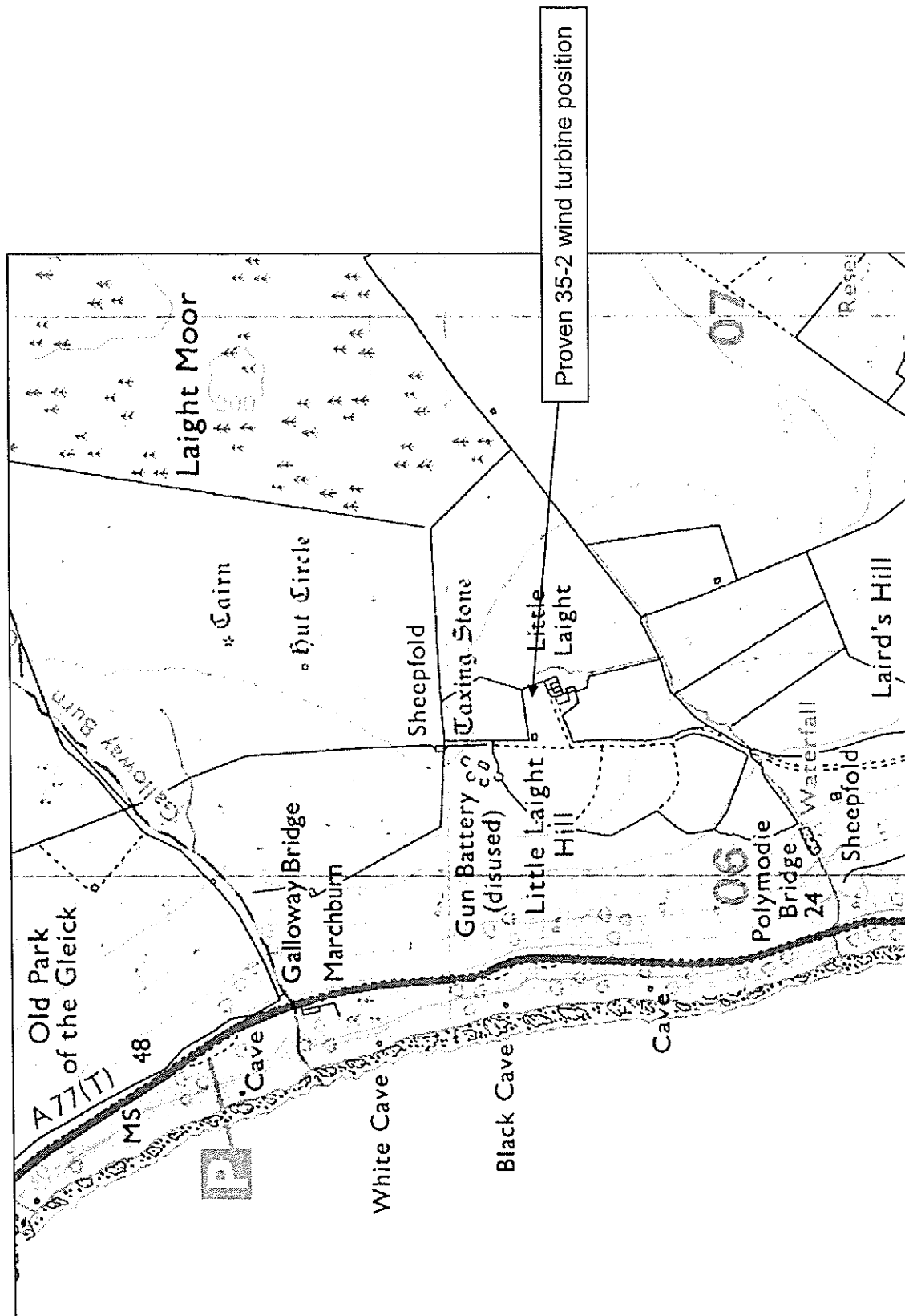
BS EN 61400-11:2003 including Amendment A1:2006 Wind turbine generator systems – Part 11: Acoustic noise measurement techniques Incorporating Amendment no. 1 (identical with IEC 61400-11:2002 including amendment 1:2006)
Standards Policy and Strategy Committee, August 2006

- [3] ISO 1996-2 Acoustics – Description, measurement and assessment of environmental noise, Part 2: Determination of environmental noise levels
International Organization for Standardization, 2007

- [4] IEC TS 61400-14 Wind turbines – Part 14: Declaration of apparent sound power level and tonality values
International Electrotechnical Commission, 2005

Appendix A

Site Layout

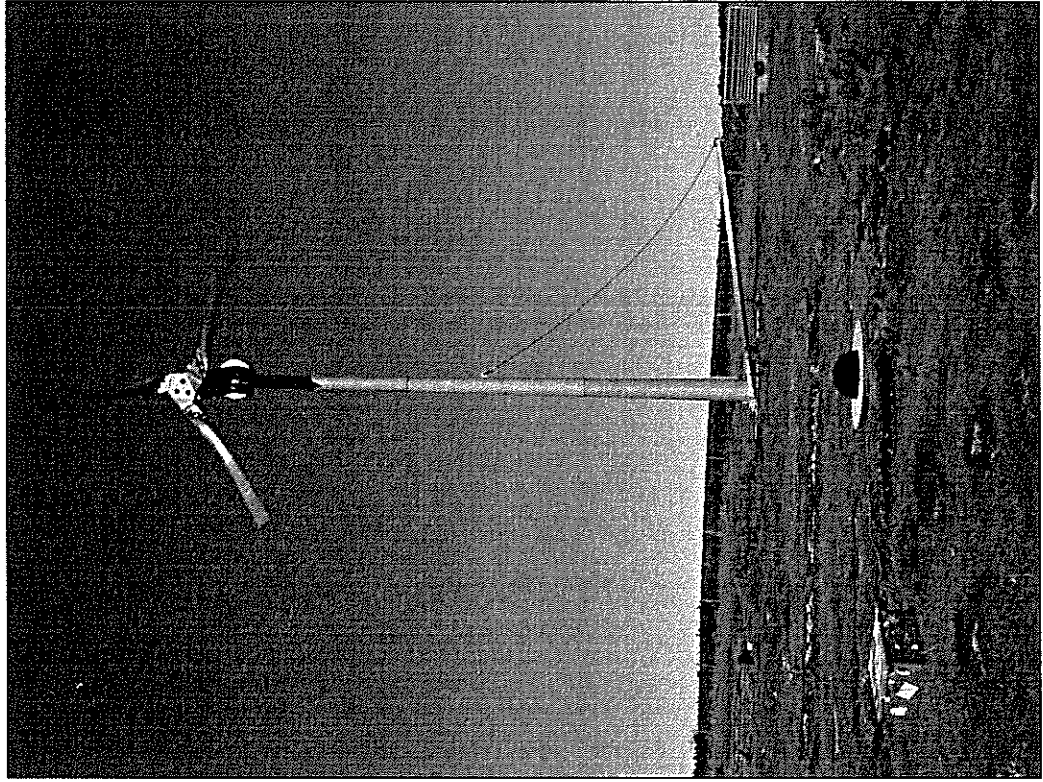
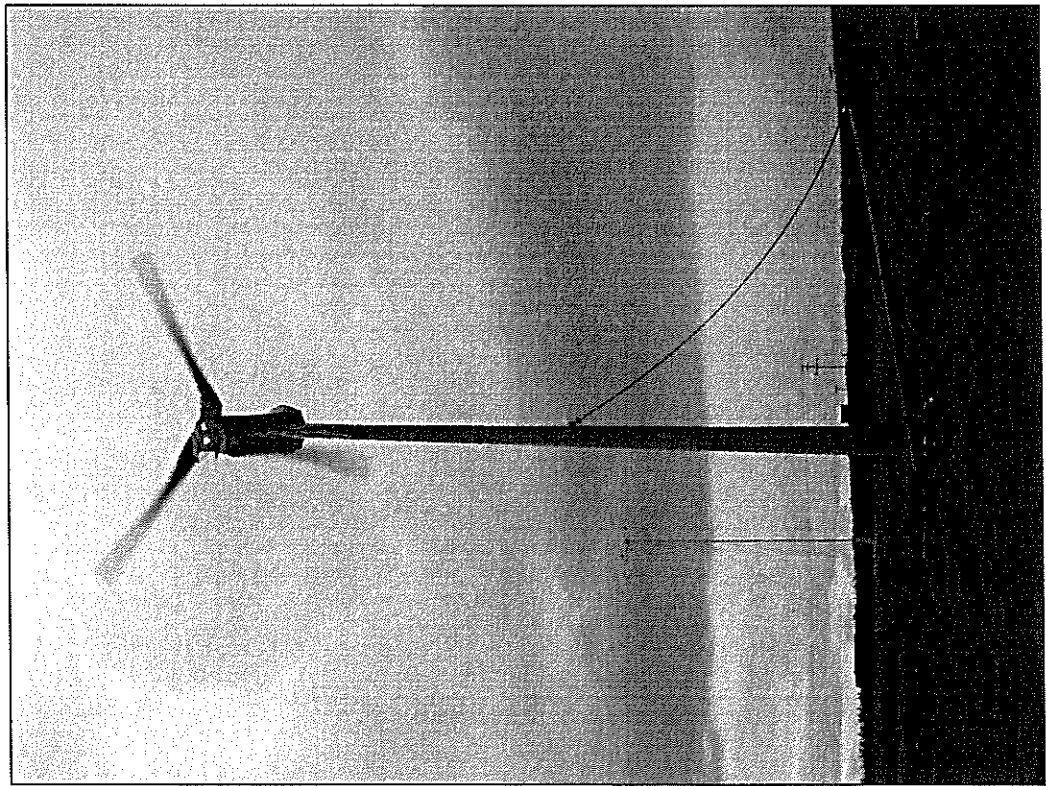


Appendix B

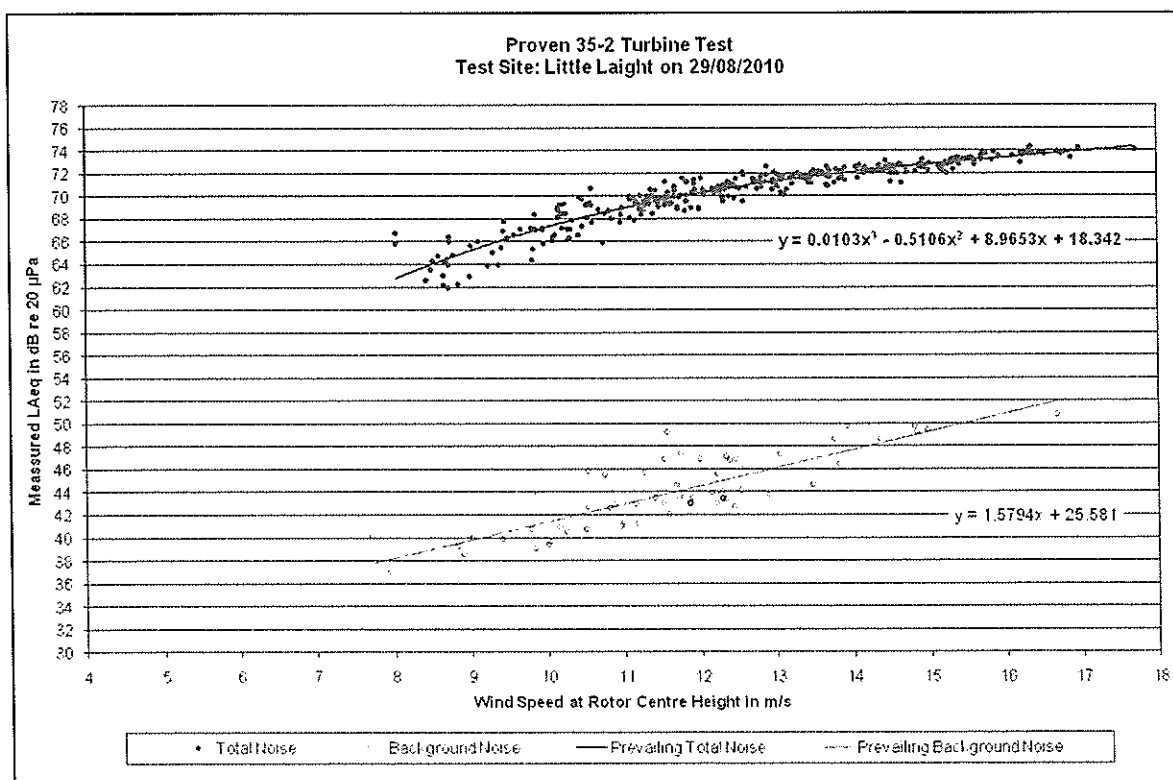
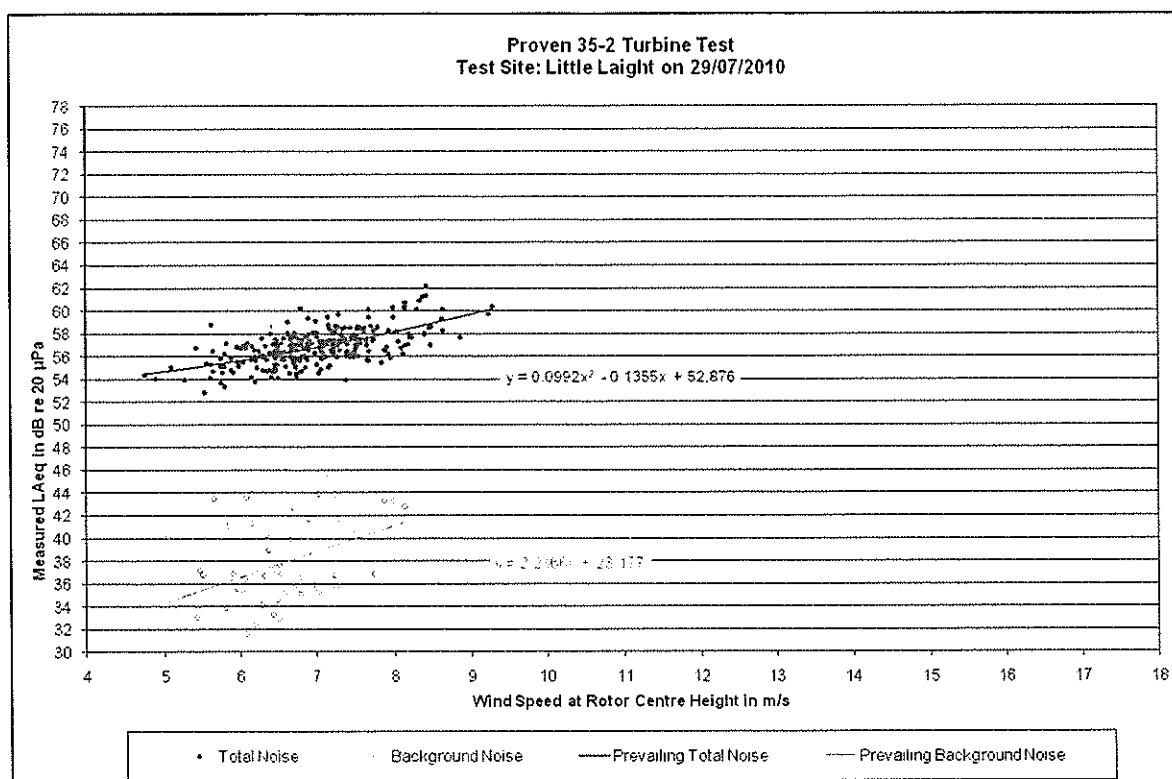
Photos of Noise Measurement Equipment

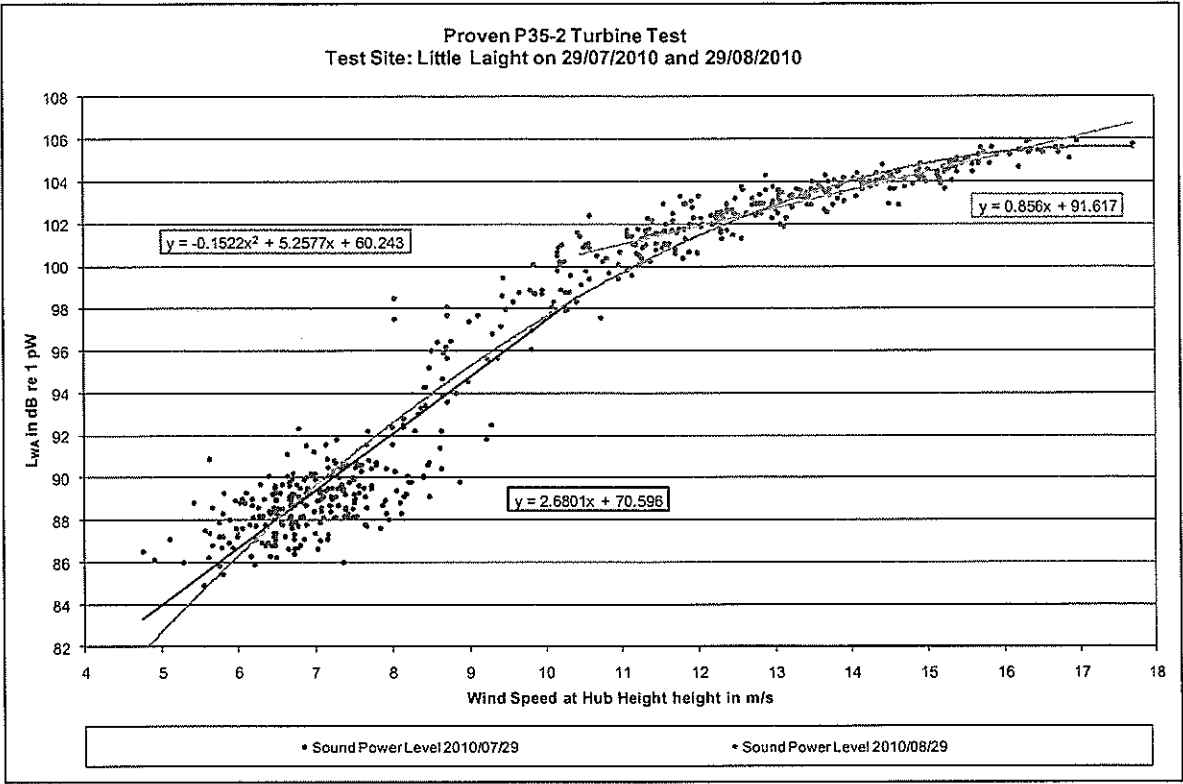


**Photographs of Noise Measurement Equipment
(Proven 35-2 Wind Turbine on 29th July and 29th August 2010)**



Appendix C
Noise Data for Calculation of Sound Power Level



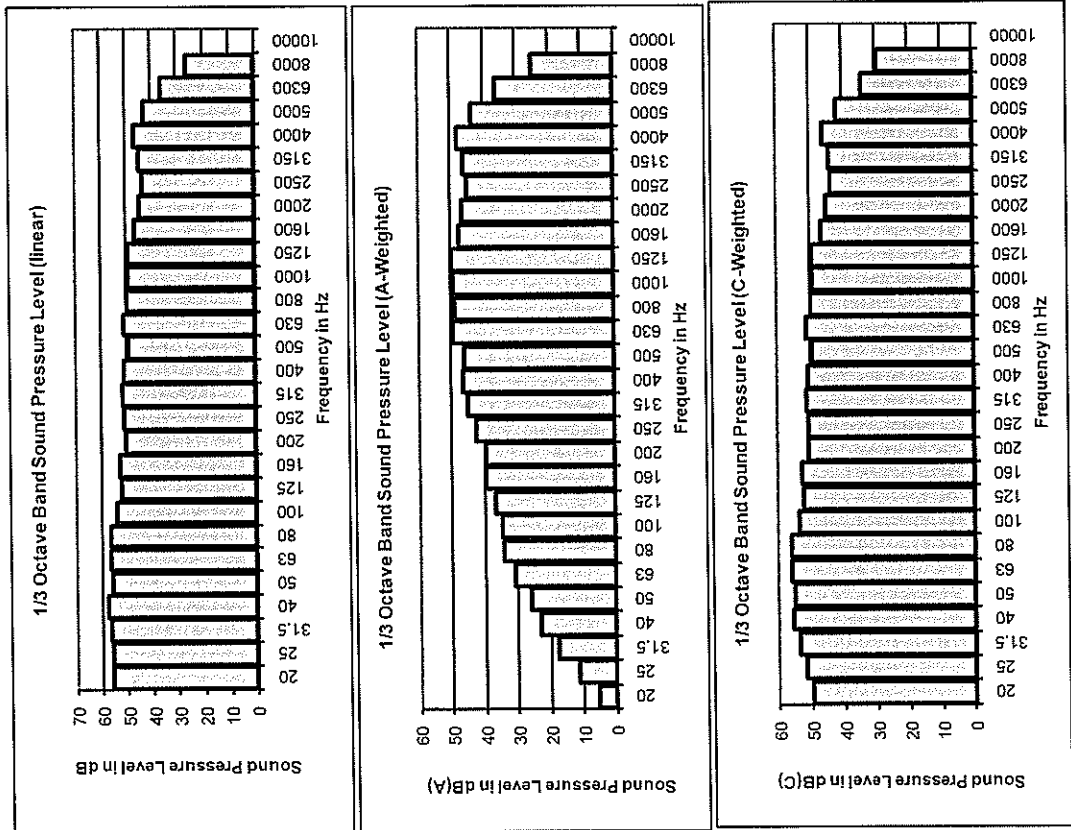


Appendix D
1/3 Octave Band Data

For Reference Wind Speed of 8 and 9 m/s
at Rotor Centre Height

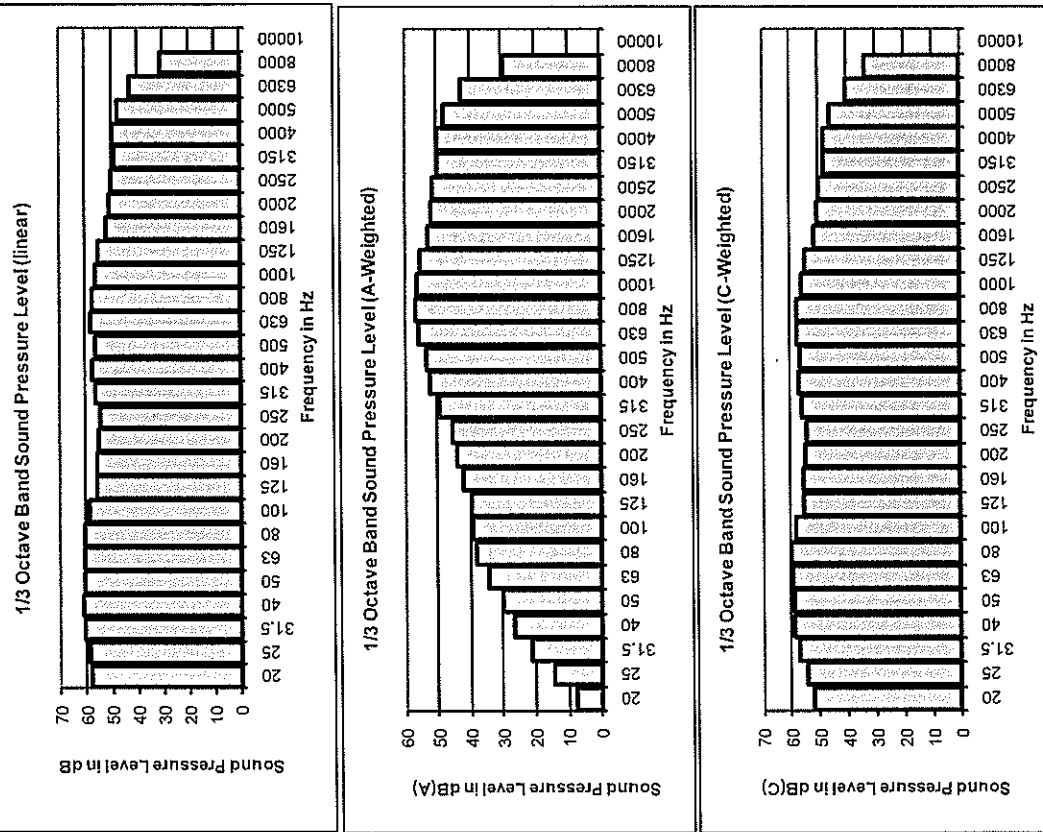
1/3 Octave Band Levels - Sound Pressure Level for a wind speed of 8 m/s at rotor centre height (Measurement Date 29/07/2010)

f (Hz)	L _{W, 1/3 Octave} (dB(lin))	L _{W, 1/3 Octave} (dB(A))	L _{W, 1/3 Octave} (dB(C))
20	54.2	6.8	3.7
25	54.4	12.1	9.7
31.5	55.1	18.7	15.7
40	55.8	24.7	21.2
50	54.7	26.9	24.5
63	55.4	31.1	29.2
80	54.9	35.3	32.4
100	52.3	35.9	33.2
125	51.1	36.8	35.0
160	51.4	40.3	38.0
200	49.0	40.6	38.1
250	49.2	43.4	40.6
315	49.5	46.5	42.9
400	48.9	48.0	44.1
500	47.2	48.1	44.0
630	48.9	51.1	47.0
800	47.5	50.8	46.7
1000	47.2	50.9	47.2
1250	47.4	51.2	48.0
1600	44.7	48.9	45.7
2000	43.2	47.8	44.4
2500	41.7	46.5	43.0
3150	43.0	47.0	44.2
4000	45.1	48.6	46.1
5000	41.3	45.1	41.8
6300	34.3	37.4	34.2
8000	24.9	25.3	23.8
10000			



1/3 Octave Band Levels - Sound Pressure Level for a wind speed of 9 m/s at rotor centre height (Measurement Date 29/08/2010)

f (Hz)	L _{W, 1/3 Octave} (dB(lin))	L _{W, 1/3 Octave} (dB(A))	L _{W, 1/3 Octave} (dB(C))
20	58.2	7.7	52.0
25	59.0	14.3	54.6
31.5	60.4	21.0	57.4
40	61.1	26.5	59.1
50	60.3	30.1	59.0
63	60.3	34.1	59.5
80	60.7	38.2	60.2
100	58.5	39.4	58.2
125	55.8	39.7	55.6
160	55.6	42.2	55.5
200	55.0	44.1	55.0
250	54.3	45.7	54.3
315	56.0	49.4	56.0
400	57.3	52.5	57.3
500	56.5	53.3	56.5
630	57.8	55.9	57.8
800	57.6	56.8	57.6
1000	56.3	56.3	56.3
1250	54.9	55.5	54.9
1600	51.8	52.8	51.7
2000	50.9	52.1	50.7
2500	50.0	51.3	49.7
3150	48.9	50.1	48.4
4000	49.1	50.1	48.3
5000	47.4	47.9	46.1
6300	42.5	42.4	40.5
8000	30.5	29.4	33.5
10000			



Appendix E
Spectra for Tonality Assessment

For Reference Wind Speed of 8 and 9 m/s
at Rotor Centre Height

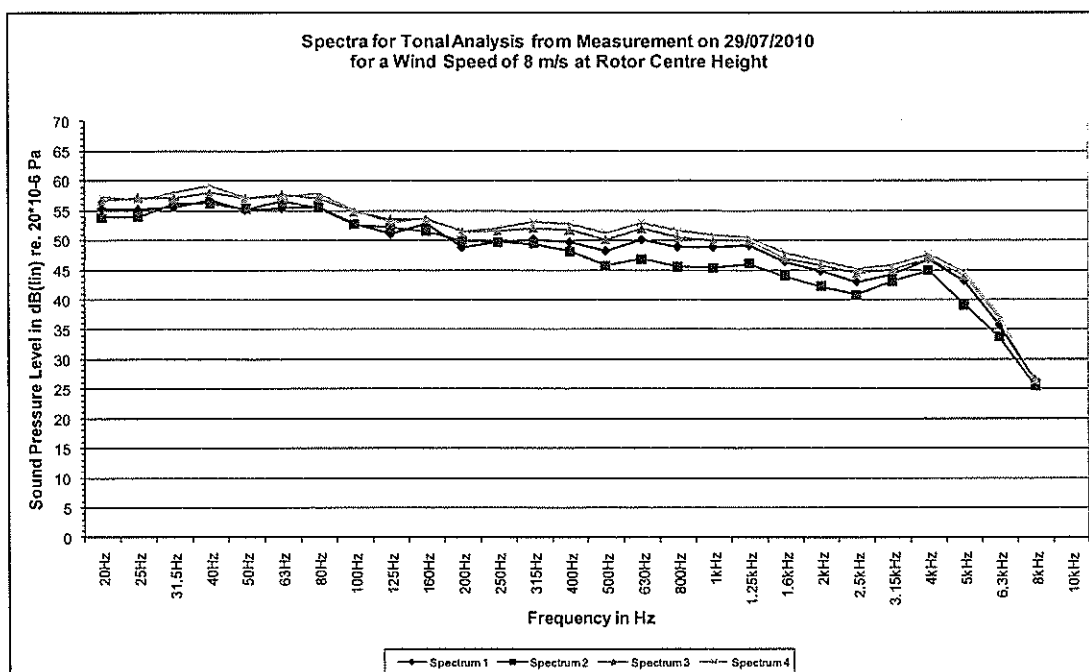


Figure 1: Linear 1/3 Octave Band Spectra for Total Measured Noise at Reference Point on 29/07/2010

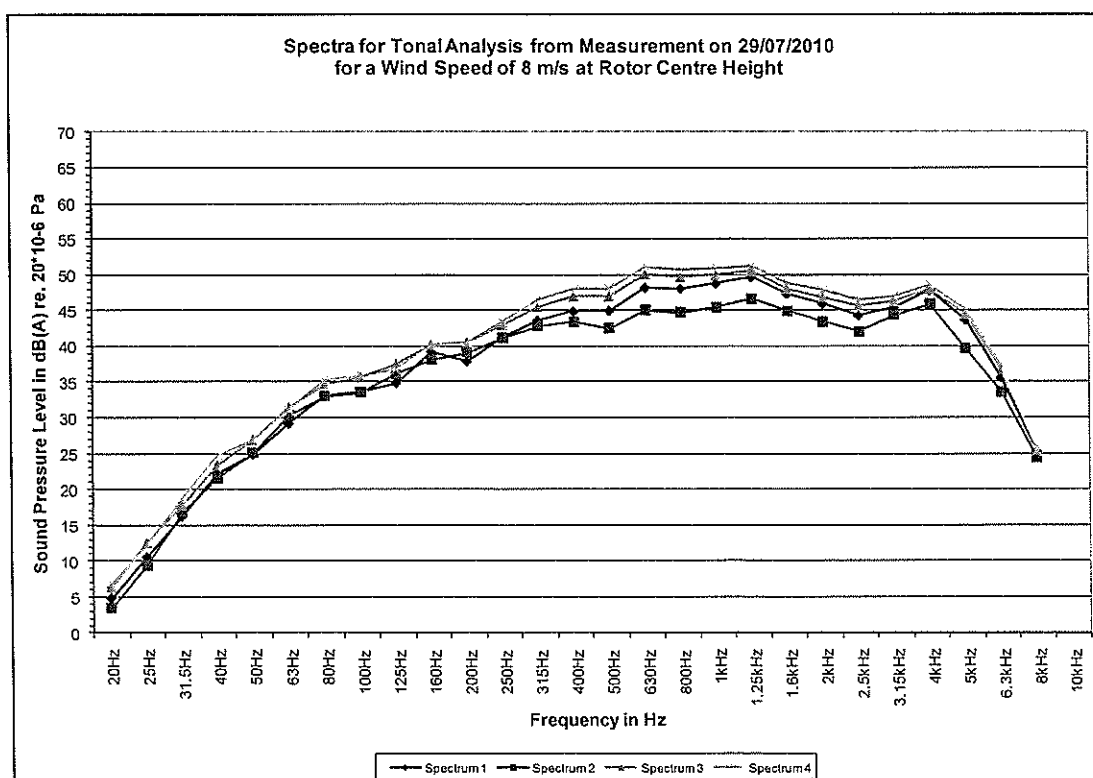


Figure 2: A-Weighted 1/3 Octave Band Spectra for Total Measured Noise at Reference Point on 29/07/2010

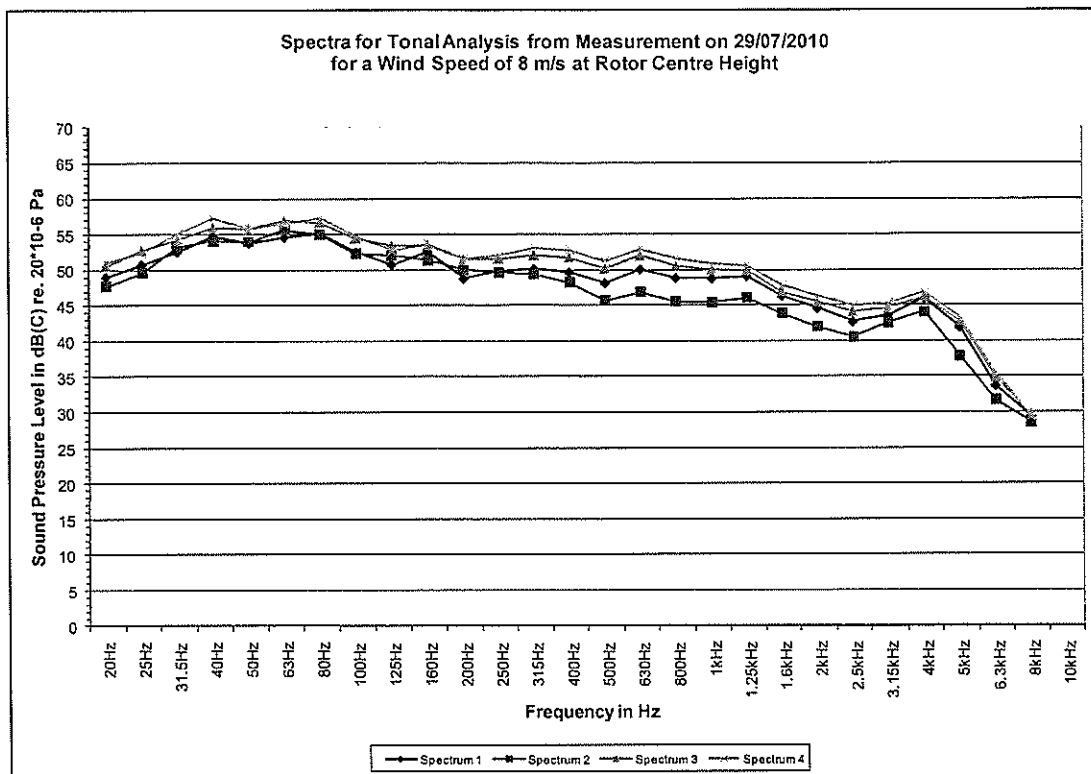


Figure 3: C-Weighted 1/3 Octave Band Spectra for Total Measured Noise at Reference Point on 29/07/2010

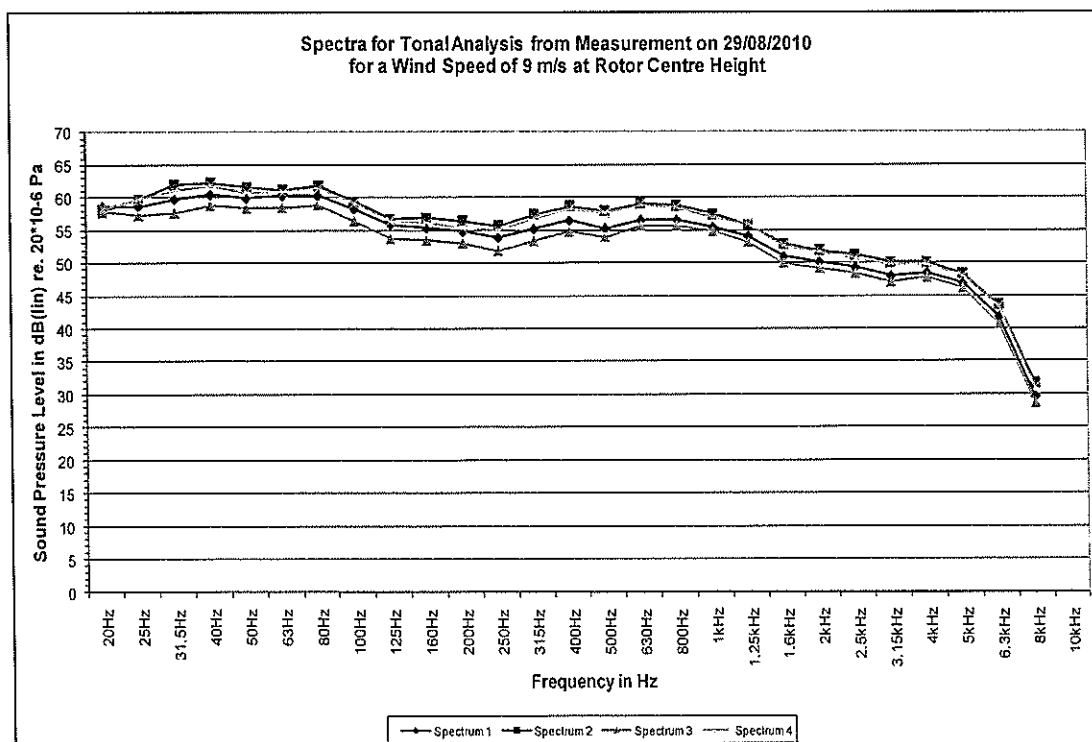


Figure 4: Linear 1/3 Octave Band Spectra for Total Measured Noise at Reference Point on 29/08/2010

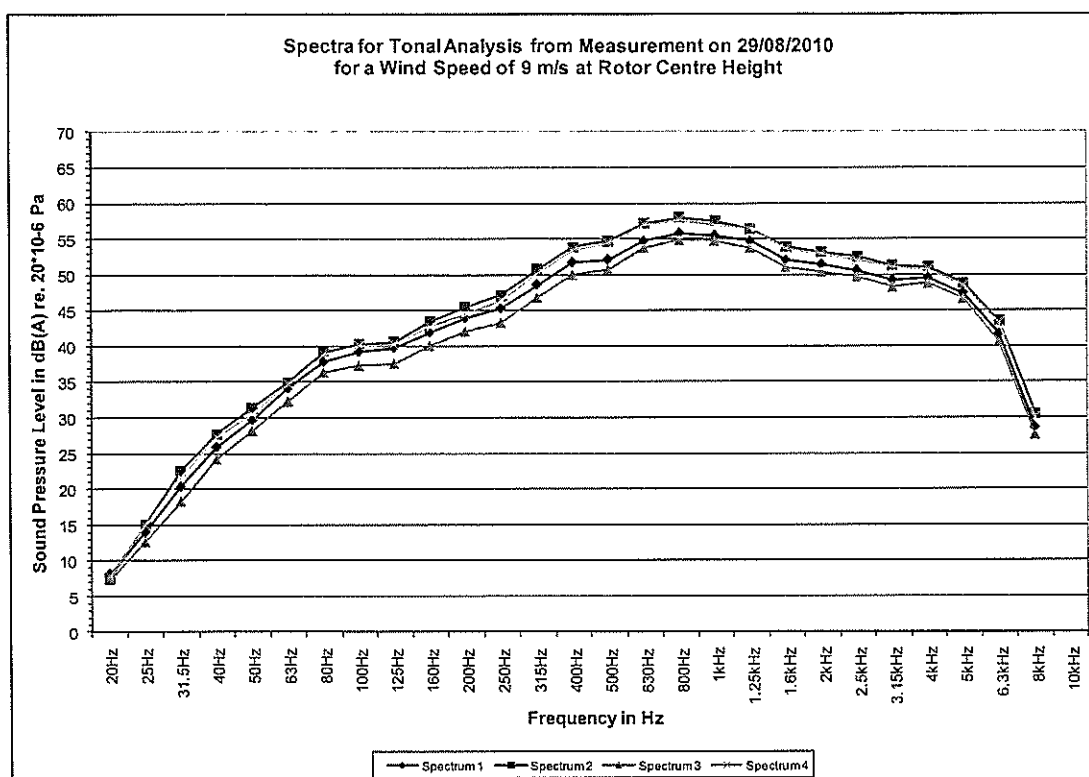


Figure 5: A-Weighted 1/3 Octave Band Spectra for Total Measured Noise at Reference Point on 29/08/2010

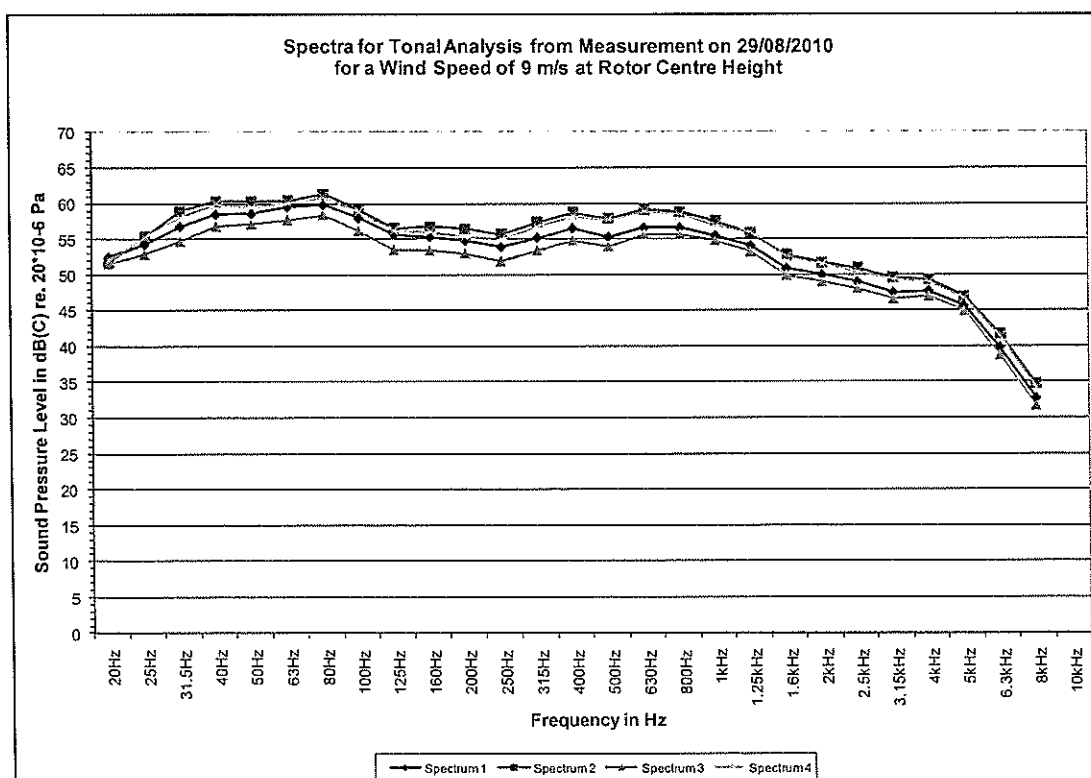
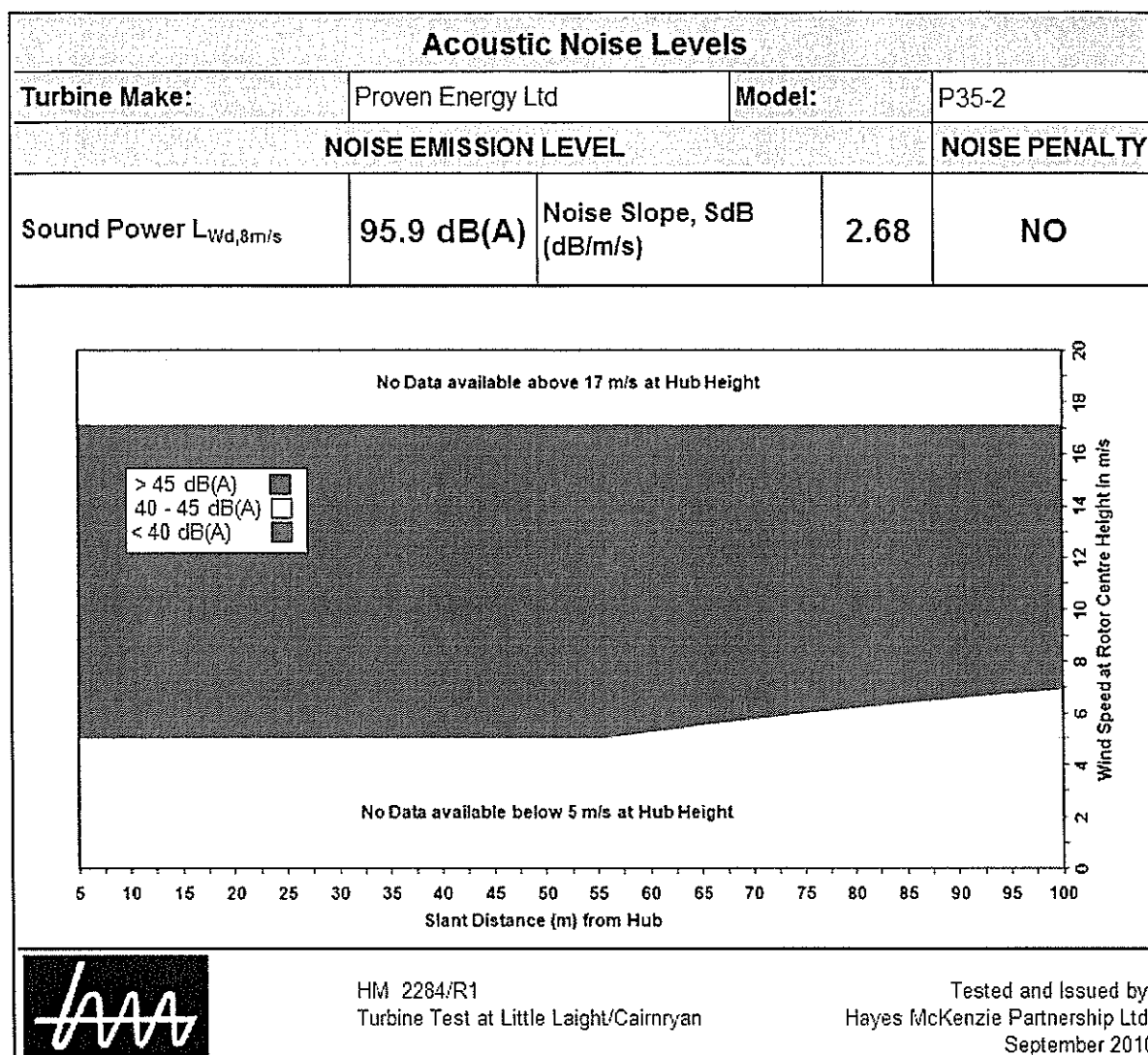


Figure 6: C-Weighted 1/3 Octave Band Spectra for Total Measured Noise at Reference Point on 29/08/2010

Appendix F

Noise Label

For Reference Wind Speed of 8 m/s
at Rotor Centre Height



Title

ELECTRICAL - TEST RUN MOTOR

Rev No	Date	Description	Approved
001	28/11/98	REVISED BY R. J. A.	R.P.M.
002	19/11/04	Redraught verified	JRH

IMPORTANT Before proceeding with this task, refer to **Safety and Technical Information** sheet for additional information.

Inform the **Area Authority** before carrying out the following work and obtain a **Permit to Work**, if applicable.

WARNING **High Pressure and Electricity can kill**, ensure that the equipment and the work place are left in a safe condition at all times. Ensure that the hazards and precautions that are detailed on the permit are addressed.

The **Performing Authorities** should familiarise themselves with any relevant hazard data sheets for substances used during this maintenance work.

WORK INSTRUCTIONS**Note: Motor to be test run uncoupled**

1. Before a test run can be carried out the work order must be accompanied by a valid work control certificate and a sanction to test in compliance with ISSOW.
2. Inform P.I.B. of intention so that temperature and vibration can be monitored during test run.
3. Ensure all guards and warning notices are in place prior to start up.
4. Electrical technician to be in attendance at all times for duration of test.

N.B. Any serious defects must be reported immediately to the Line Manager.

01.06.11

FAO John Holden,

SIC Planning Department

Ref- Burra Public Hall, Hamnavoe, Burra, Shetland, ZE2 9LB

SIC INFRASTRUCTURE SERVICES	
- 3 JUN 2011	
PASS TO ID 151902	ALBCH

Dear Mr Holden,

"In previous experience when dealing with Environmental Health in Scotland, the standard we are normally asked to achieve is less than or equal to 45dB(A) at the nearest dwelling. Taking this into account and using calculations taken from British Wind Energy Association Small Wind Performance & Safety Standard:

From BWEA Section 3.5.1-

"The Immission Sound Pressure Level in dB(A) re 20μPa at any slant distance X metres from the rotor centre for a wind speed of 8m/s at rotor centre height is calculated using hemispherical propagation as follows:

$$Lp,Xm = Lwd,8m/s + P - 10 \cdot \log_{10}(2 \cdot \pi \cdot X^2) \Rightarrow Lp,Xm = Lwd,8m/s + P - 8 - 20 \cdot \log_{10}(X)"$$

Using data:

Lwd,8m/s = 95.9dB(A) – taken from independent Hayes McKenzie noise report

Noise Penalty (P) = 0dB(A) – taken from independent Hayes McKenzie noise report

Distance (X) = 200m

$$\Rightarrow Lp,Xm = 95.9 + 0 - 8 - 20 \cdot \log_{10}(200)$$

$$\Rightarrow Lp,Xm = 41.9dB(A)$$

Please let me know if you require anything further.

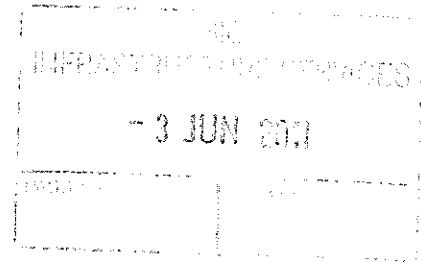
Yours sincerely,

Ian M Leiper Cert PFS

Sales & Marketing

☐ Shetland Wind Power Ltd
Cadder House, Clobberfield, Milngavie, Glasgow, G62 7LW. T 0141 404 0182. F 0141 237 8081. E glasgow@shetlandwindpower.co.uk

☐ Shetland Wind Power Ltd
Warehouse 2, SBS Base, Gremista Industrial Estate, Lerwick, Shetland, ZE1 0PY. T 01595 696 049. F 01595 692 309. E lerwick@shetlandwindpower.co.uk



BWEA



Delivering the UK's wind, wave and tidal energy

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

British Wind Energy Association
Renewable Energy House
1 Aztec Row, Berners Road
London, N1 0PW, UK

Telephone: 020 7689 1960
Fax: 020 7689 1969
Email: info@bwea.com
Web: www.bwea.com

BWEA Small Wind Turbine Performance and Safety Standard (29 Feb 2008)

1

1 General Information

1.1 Purpose

This standard was created by the small wind turbine industry, scientists, state officials, and consumers to provide consumers with realistic and comparable performance ratings and an assurance the small wind turbine products certified to this standard have been engineered to meet carefully considered standards for safety and operation. The goal of the standard is to provide consumers with a measure of confidence in the quality of small wind turbine products meeting this standard and an improved basis for comparing the performance of competing products.

1.2 Overview

1.2.1 This performance and safety standard provides a method for evaluation of wind turbine systems in terms of safety, reliability, power performance, and acoustic characteristics. This standard for small wind turbines is derived largely from existing international wind turbine standards developed under the auspices of the International Electrotechnical Commission (IEC). Specific departures from the IEC standards are provided to account for technical differences between large and small wind turbines, to streamline their use, and to present their results in a more consumer-friendly manner. The equivalent BS (British Standard) are quoted for ease of use.

1.2.2 No indirect or secondary standards references are intended. Only standards directly referenced in this standard are embodied.

1.3 Scope

1.3.1 This standard generally applies to small wind turbines for both on-grid and off-grid applications.

1.3.2 This standard applies to wind turbines having a rotor swept area of 200 m² or less. In a horizontal-axis wind turbine this equates to a rotor diameter of ~ 16 m (~ 52 ft)

1.3.3 A turbine system includes the wind turbine itself, the turbine controller, the inverter, if required, wiring and disconnects, and the installation and operation manual(s).

1.3.4 In cases where several variations of a turbine system are available, it is expected that a full evaluation would be performed on one of the most representative arrangements. Other variations, such as different power output forms, need only be evaluated or tested in the ways in which they are different from the base configuration. For example, a wind turbine available in both grid-intertie and battery charging versions would need separate performance tests if both versions were to be certified, but would not need a separate safety evaluation in most cases.

1.3.5 Except as noted in Sections 2.1.1, 4.2, 5.2.6, 5.2.7, and 6.1.4.1, towers and foundations and support structures are not part of the scope of this standard because it is assumed that conformance of the tower structure to the International Building Code, Uniform Building Code or their local equivalent

will be required for a building permit.

1.4 Compliance

- 1.4.1 Compliance with this standard must be certified by an independent certification body itself accredited to the requirements of EN 45011 by UKAS or an equivalent accreditation body (for example, a member of EA: European Co-operation for Accreditation).
- 1.4.2 Test data may be taken, analyses may be performed, and test reports may be submitted by any party, including the manufacturer, but they must be provided in a manner acceptable to an accredited certifying body¹.
- 1.4.3 As an interim measure to 1.4.1 self-certification may be undertaken by the manufacturer subject to the ongoing consent of the British Wind Energy Association (BWEA).

1.5 Definitions

- 1.5.1 Per BS EN 61400-12-1:2006 (Performance); BS EN 61400-11:2003 (Acoustic Noise); and BS EN 61400-2:2006 (Design Requirements).
- 1.5.2 Additional Definitions
 - 1.5.2.1 BWEA Reference Power: The wind turbine's power output at 11.0 m/s (24.6 mph) per the power curve from BS EN 61400-12-1.
 - 1.5.2.2 BWEA Reference Annual Energy: The calculated total energy that would be produced during a one-year period at an average wind speed of 5.0 m/s (11.2 mph), assuming a Rayleigh wind speed distribution, 100% availability, and the power curve derived from BS EN 61400-12-1 (sea level normalized).
 - 1.5.2.3 BWEA Reference 60m Sound Level, $L_{p,60m}$. The sound pressure level in dB(A) re 20 μ Pa rounded up to the nearest dB, at an observer distance of 60 m from the rotor centre (i.e. a slant distance) and calculated from the Declared Apparent Emission Sound Power Level when the turbine is subjected to a wind speed of 8 m/s at its rotor centre. The 60 m distance is representative of the closest observer distance expected for a turbine toward the larger size of small wind turbines.
 - 1.5.2.4 BWEA Reference 25m Sound Level, $L_{p,25m}$. The sound pressure level in dB(A) re 20 μ Pa rounded up to the nearest dB, at an observer distance of 25 m from the rotor centre (i.e. a slant distance) and calculated from the Declared Apparent Emission Sound Power Level when the turbine is subjected to a wind speed of 8 m/s at its rotor centre. The 25 m distance is representative of the closest observer distance expected for a micro or domestic size turbine.
 - 1.5.2.5 Cut-in Wind Speed: The lowest wind speed at which a wind

¹ Unless conducted by an accredited and independent test laboratory, this will normally require that the certification authority be involved well before the commencement of data gathering, and the certification authority are likely to require intense scrutiny of the entire process.

turbine will begin to have power output².

- 1.5.2.6 Cut-out Wind Speed: The wind speed above which, due to control function, the wind turbine will have no power output.
- 1.5.2.7 Maximum Power: The maximum one-minute average power output a wind turbine in normal steady-state operation will produce (peak instantaneous power output can be higher).
- 1.5.2.8 Maximum Voltage: The maximum voltage the wind turbine will produce in operation including open circuit conditions.
- 1.5.2.9 Maximum Current(s): The maximum current(s) the wind turbine will produce on each side of the systems control or power conversion electronics.
- 1.5.2.10 Overspeed Control: The action of a control system, or part of such system, which prevents excessive rotor speed.
- 1.5.2.11 Power Form: Physical characteristics which describe the form in which power produced by the turbine is made deliverable to the load.
- 1.5.2.12 Rotor Swept Area: Projected area perpendicular to the wind direction swept by the wind turbine rotor in normal operation (un-furled position). If the rotor is ducted, the area inscribed by the ducting shall be included.
- 1.5.2.13 Turbulence Intensity: The standard deviation of 1-second wind speed data divided by the mean of 1-second wind speed data averaged over a period of 1-minute.

1.6 Units

- 1.6.1 The primary units will be SI (metric). The inclusion of secondary units in the English system is recommended [e.g., 10 m/s (22.4 mph)].

1.7 Test Turbine and Electronics

- 1.7.1 Tested wind turbines and their associated electronics shall conform to the specific requirements of the governing IEC / BS EN wind generator standard for each test, but incorporating any amendments contained in this standard.

2 Performance Testing

- 2.1 Wind turbine performance shall be tested and documented in a test report per the latest edition of BS EN 61400-12-1, but incorporating the additional guidance provided in this section.
 - 2.1.1 In Section 5.1, Wind Turbine and Electrical Connection³: When characterizing performance, the wind turbine generator system shall include the following components, as appropriate: the turbine; turbine tower; turbine

² As determined per Section 2.1.6

³ These section numbers refer to Section 5.1 of BS EN 61400-12-1 here, and similarly to the relevant standards referenced elsewhere.

controller, regulator, or inverter; wiring between the turbine and the load; transformer; and dump load. Power shall be measured at the connection to the load such that the losses in the complete wind turbine system are included⁴.

- 2.1.2 Battery banks are not considered to be part of the wind turbine system for battery-charging wind turbines, but they are considered to be part of the system for grid-connected wind turbines that incorporate a battery bank.
- 2.1.3 Also in Section 5.1, Wind Turbine and Electrical Connection: The wind turbine shall be connected to an electrical load that is representative of the load for which the turbine is designed.
- 2.1.4 Also in Section 5.1, Wind Turbine and Electrical Connection: The wind turbine shall be installed using the manufacturer's specified mounting system. If a wind turbine is not supplied with a specific mounting system, the generator should be mounted at a hub height of at least 10 meters.
- 2.1.5 The total wire run length, measured from the base of the tower, must be at least 8 rotor diameters and the wiring is to be sized per the manufacturer's installation instructions.
- 2.1.6 The cut-in wind speed is the first wind speed bin in the averaged power curve that is positive.
- 2.1.7 Also in Section 5.1, Wind Turbine and Electrical Connection: The voltage regulator in a battery-charging system shall be capable of maintaining voltage at the connection of the turbine to the batteries within normal operating limits over the full range of power output of the turbine. During testing the manufacturer shall declare a **nominal battery voltage** that shall be within the range of 2.1 volts per cell to 2.5 volts per cell and that **nominal battery voltage** shall be the same for both the duration test and for the power curve test. The voltage regulator in a battery-charging system shall be capable of maintaining voltage at the connection of the turbine to the batteries within 10% of the nominal battery voltage over the full range of power output of the turbine. The 1-minute average of the load voltage must be within 5% of the nominal battery voltage to be included in the usable data set.
- 2.1.8 In Section 5.2.1, Location of meteorological mast: If it is more practical to mount the anemometer on a long boom that is connected to the turbine tower, a separate meteorological mast is not required. To minimize the potential for the wake from the anemometer, the wind vane and their mounting hardware to influence flow into a small rotor, all such components shall be located at least 3 meters away from any part of the rotor provided that the measurement anemometer is placed between 2-4 rotor diameters from the turbine (as per section 5.2.1 of BS EN 61400-12-1: 2006). In addition, the anemometer mounting should be configured to minimize its cross-sectional area above the level that is 1.5 rotor diameters below hub

⁴ For the avoidance of doubt the inverter is considered to be a system component, i.e. power shall therefore be power delivered after the inverter (power injected into the grid for grid-connected wind turbines; similarly power delivered to the batteries for battery-charging wind turbines).

height.

- 2.1.9 In Section 6.1, Electric power: Turbine output power shall be measured at the connection to the load.
- 2.1.10 In Section 6: In addition to electric power, voltage at the connection to the load shall be measured to ensure compliance with the requirements listed below.
- 2.1.11 In Section 6.4, Air density: The air temperature sensor and the air pressure sensor shall be mounted such that they are at least 1.5 rotor diameters below hub height even if such mounting results in a location less than 10 m above ground level.
- 2.1.12 In Section 6.6, Wind turbine generator status: Monitoring of small wind turbine status is required only when the turbine controller provides an indication of turbine faults.
- 2.1.13 In Section 7.3, Data collection: Preprocessed data shall be of 1-minute duration. In Section 7.4, Data rejection: Select data sets shall be based on 1-minute periods.
- 2.1.14 In Section 7.6, Database: The database shall be considered complete when it has met the following criteria:
 - 2.1.14.1 Each wind speed bin between 1 m/s below cut-in and 14 m/s shall contain a minimum of 10 minutes of sampled data.
 - 2.1.14.2 The total database contains at least 60 hours of data with the small wind turbine operating within the wind speed range.
 - 2.1.14.3 The database shall include 10 minutes of data for all wind speeds at least 5 m/s beyond the lowest wind speed at which power is within 95% of Maximum Power (or when sustained output is attained).
- 2.1.15 In Section 8.1, Data normalization: For turbines with passive power control such as furling or blade fluttering, the power curve shall be normalized using Equation 3 (wind speed adjustment), Equation 2 (power adjustment), or an alternate method. Documentation must be provided to justify the use of an alternate method.
- 2.1.16 In Section 8.3, Annual energy production (AEP): In cases where the small wind turbine does not shut down in high winds, AEP measured and AEP projected shall be calculated as though cut-out wind speed were the highest, filled wind speed bin or 25 m/s, whichever is greater.
- 2.1.17 In Section 9, Reporting format: In addition to the information listed in clause 9, the description of the wind turbine and the test set-up shall include:
 - 2.1.17.1 wiring sizes, conductor material, types, lengths and connectors used to connect the wind turbine to the load;
 - 2.1.17.2 measured resistance of wiring between the inverter and the load or between the turbine and the load if no inverter is used;
 - 2.1.17.3 voltage setting(s) for any over or under-voltage protection devices that

are part of the small wind turbine generator system;

2.1.17.4 nominal battery bank voltage (e.g., 12, 24, 48 volts);

2.1.17.5 battery bank size (i.e., amp-hour capacity), battery type and age; and

2.1.17.6 description including make, model, and specifications of the voltage regulation device used to maintain the battery bank voltage within specified limits.

2.2 The Performance Test Report shall include the turbulence intensity for each data set (sequential, unbroken, time series) so that the reviewers can pass judgment on the appropriateness of the test site.

3 Acoustic Sound Testing

3.1 The acoustic noise from a wind turbine shall be expressed as:

3.1.1 a "**Declared Apparent Emission Sound Power Level, $L_{Wd,8m/s}$** " in dB(A) re 10^{-12} Watts for a wind speed of 8 m/s at rotor centre height together with a "**Wind Speed Dependence, S_{dB}** " value in dB/m/s for the Declared Apparent Emission Sound Power Level. These are obtained from measurement of the turbine as described in Section 3.3.

3.1.2 an "**Immission Sound Pressure Level at 60m, $L_{p,60m}$** " in dB(A) re 20 μ Pa at a slant distance of 60 m for a wind speed of 8 m/s at rotor centre height. (i.e. the BWEA Reference 60 m Sound Level). This is calculated from the Declared Apparent Emission Sound Power Level, $L_{Wd,8m/s}$, assuming hemispherical propagation.

3.1.3 an "**Immission Sound Pressure Level at 25m, $L_{p,25m}$** " in dB(A) re 20 μ Pa at a slant distance of 25 m for a wind speed of 8 m/s at rotor centre height. (i.e. the BWEA Reference 25 m Sound Level). This is calculated from the Declared Apparent Emission Sound Power Level, $L_{Wd,8m/s}$, assuming hemispherical propagation.

3.1.4 an "**Immission Noise Map**" showing zones where audible incident (free field) sound pressure level is likely to fall in the 40 – 45 dB(A) range and how this is affected by slant distances from the rotor centre and wind speed at the rotor centre. This is calculated from the Declared Apparent Emission Sound Power Level, $L_{Wd,8m/s}$, and its wind speed dependence, S_{dB} , given in Section 3.1.1 assuming hemispherical propagation. The noise map will cover from cut-in speed to, where relevant, cut-out speed.

3.1.5 an indication of whether the turbine has any particular **Character** to its noise that would make its presence more noticeable.

3.2 The acoustic noise data as described in Section 3.1 shall be summarised in a "**Noise Label**". An example Noise Label is given in Figure 1. The scales of the label shall be from 1m/s to 18m/s and 5m to 100m, and the minimum coverage of the data on the label shall be from 1m/s to 11m/s and 5m to 100m. Areas of no data shall be clearly indicated.

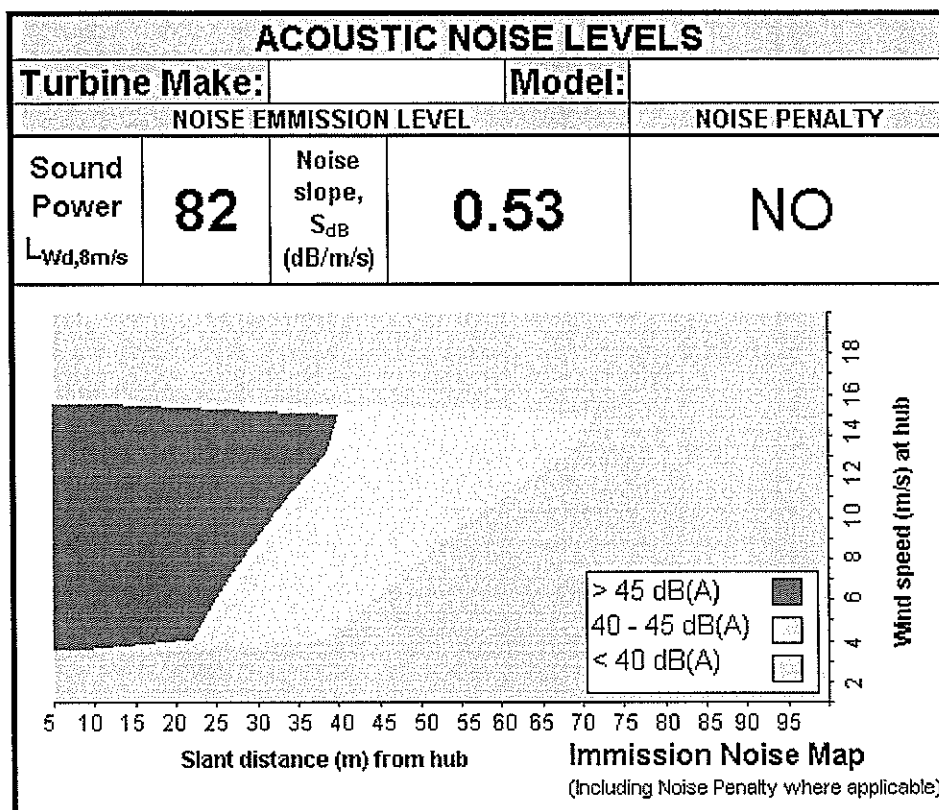


Figure 1. Example Noise Label

3.3 Appendix A provides further explanatory notes on the Noise Label and how the information can be used to assess the likely audible noise immission level for a particular distance from a planned or given installation.

Note: It should be stressed that the noise label is a summary of the acoustic information. More complete details on the measured noise levels and calculations need to be kept as part of the product Technical File held and maintained by the turbine manufacturer, or his representative, as justification for his CE marking of the product.

3.4 Acoustic **Noise Emission** gathered simultaneously with wind speed shall be measured in general accordance with BS EN 61400-11: 2003 but with the exceptions as follows:

3.4.1 The averaging period, t , for noise and wind speed data shall be at least $t = 4 \cdot D$ seconds (i.e. $4 \cdot$ rotor diameter, where D is expressed in metres) subject to a minimum period of 10 s. For a VAWT the rotor diameter is the effective rotor diameter, i.e. $\sqrt{d \cdot h \cdot 4 / \pi}$, presented to the wind. Shorter periods can be used and combined to give a 10 second or longer average consistent with $t = 4 \cdot D$.

3.4.2 The wind speed shall be measured, not derived from a turbine power curve.

- 3.4.3 The wind speed shall be referred to the rotor centre height, H , not 10m. If wind speed is measured at other than rotor centre height then it shall be corrected to rotor centre height using a power law as described in IEC 61400-11: 2003. The minimum wind speed measurement height to be used is 5m.
- 3.4.4 The anemometer shall initially be positioned 2 to 4 D directly upwind of the turbine rotor. To allow for the fact that small turbines yaw frequently, wind speed values will be accepted as long as the anemometer is within the upwind sector (i.e. $\pm 90^\circ$ of the directly upwind direction to give a 180° arc).
- 3.4.5 The noise measurement will be made on a 1 m diameter ground-mounted board initially positioned at a distance R_o = the rotor tip height (i.e. $H + D/2$ for a HAWT) directly downwind of the rotor. To allow for the fact that small turbines yaw frequently, noise values will be accepted as long as the board is substantially within the downwind sector (i.e. $\pm 60^\circ$ of the directly downwind direction to give a 120° arc).
- 3.4.6 The raw measured wind speed, not wind bins, shall be used to plot noise versus wind speed. At least 100 wind-speed noise data pairs shall be collected with data in valid sectors as described in 3.4.4, and 3.4.5 above.
- 3.4.7 Wind-speed versus noise data shall cover a range from cut-in wind speed to 11.0m/s as a minimum, and data should cover up to cut-out wind speeds if possible particularly for turbines that have speed control mechanisms.
- 3.4.8 To enable the effects of background noise to be established, wind speed versus noise data shall be captured for the turbine running and for the turbine parked. Background noise data need not cover the same range of wind speeds as for the turbine running but sufficient to establish the background noise versus wind speed relationship for the test site.
- 3.4.9 The reference wind speed shall be 8 m/s at the rotor centre height.
- 3.4.10 A linear regression of the wind speed versus noise with the turbine running will be used to give the board sound pressure level for a wind speed of 8 m/s at the rotor centre height. This will be corrected for background noise (again from a linear regression) also for a rotor centre wind speed of 8 m/s. This corrected value of board sound pressure level at 8 m/s shall be used to calculate the **Apparent Emission Sound Power Level, $L_{W,8m/s}$** , using spherical propagation and a board-correction of 6 dB.
- 3.4.11 The **Wind Speed Dependence, S_{dB}** , will be calculated as the slope of the linear regression of noise versus wind speed with turbine running in 3.4.10 above.
- 3.4.12 In the case of turbines that exhibit a noise wind speed characteristic that consists of two or more separate linear areas (e.g. as might be the case for turbines that have a speed-control cut-in region) then two or more separate linear regressions shall be fitted and used to plot the Immission Noise Map. One of these linear regressions shall span the range from at least 4.0 m/s to 10.0 m/s. Only the regression that spans the 8.0 m/s reference wind speed shall be used in the calculation of the Apparent Emission Sound Power

Level.

3.4.13 The uncertainty of the measurement (standard deviation, σ) shall be estimated including the uncertainty of the linear regression of noise versus wind-speed obtained in 3.4.10 with the turbine running.

3.4.14 The **Declared Apparent Emission Sound Power Level**, $L_{Wd,8m/s}$ shall be calculated using the approach of IEC 61400-14: 2005 from the Apparent Emission Sound Power Level $L_{W,8m/s}$. Where tests on only one turbine of a current design configuration have been performed this is:

$$L_{Wd,8m/s} = L_{W,8m/s} + 1.645 \sigma \quad (\text{Eq.1})$$

This equates to a 95% confidence level that the noise will be below this value at the reference wind speed.

3.4.15 The **Frequency content** based only on 1/3rd octave band analysis of the noise is acceptable. For fixed speed turbines, a plot of band levels at the reference wind speed (8 m/s) is sufficient. For variable speed turbines this shall be supplemented by plots at cut-in wind speed and the wind speed at which speed control commences. Each 1/3rd octave plot should show the dB(Lin) total, the dB(A) total and the dB(C) total for the spectrum.

3.4.16 The **Character** of the noise is assessed only for tonality. The method as in BS EN 61400-11 can be used but the simpler method as in ISO 1996-2:2007 Annex D based only on 1/3rd octave band data is acceptable as follows:

The turbine is declared tonal if any 1/3rd octave band (in any of the spectra from section 3.4.16) is higher than its adjacent bands by:

15 dB in the low frequency bands (50 to 125 Hz)

8 dB in the mid-frequency bands (160 to 400 Hz)

5 dB in the high frequency bands (500 to 10000 Hz)

3.4.17 If the turbine is declared tonal from the analysis in 3.4.16, the Noise Label must show the Noise Penalty as "YES" and the penalty applied, P , = 5 dB. If the turbine is not declared tonal, the Noise Penalty will be shown as "NO" and the penalty applied = 0 dB.

3.5. An estimation of the **Noise Immission** from the turbine, including **Noise Penalty**, P , will be made as follows:

3.5.1. The Immission Sound Pressure Level in dB(A) re 20 μ Pa at any slant distance X metres from the rotor centre for a wind speed of 8 m/s at rotor centre height is calculated using hemispherical propagation as follows:

$$L_{p,Xm} = L_{Wd,8m/s} + P - 10 \cdot \text{Log}_{10}(2 \cdot \pi \cdot X^2) = L_{Wd,8m/s} + P - 8 - 20 \cdot \text{Log}_{10}(X) \quad (\text{Eq. 2})$$

3.5.2. The "**Immission Sound Pressure Level at 60m**, $L_{p,60m}$ " in dB(A) re 20 μ Pa for a wind speed of 8 m/s at the rotor centre height (i.e. the BWEA Reference 60 m Sound Level) is calculated as follows:

$$L_{p,60m} = L_{wd,8m/s} + P - 43.5dB \quad (\text{Eq. 3})$$

3.5.3. The "Immission Sound Pressure Level at 25m, $L_{p,25m}$ " in dB(A) re 20 μ Pa at for a wind speed of 8 m/s at the rotor centre height (i.e. the BWEA Reference 25 m Sound Level) is calculated as follows:

$$L_{p,25m} = L_{wd,8m/s} + P - 36dB \quad (\text{Eq. 4})$$

3.5.4. Data for the "Immission Noise Map" is calculated over a range of wind speeds V m/s at rotor centre height using the following process:

- a) Through a rearrangement of equation (2), the slant distance X metres required to give a target noise level of Y dB from a source of sound power level L_w dB is given by:

$$X_{YdB} = 10^{\left(\frac{L_w + P - 8 - Y}{20}\right)} \quad (\text{Eq. 5})$$

- b) At a given wind speed V m/s at rotor centre height this gives:

$$X_{YdB} = 10^{\left(\frac{L_{wd,8m/s} + S_{dB}(V-8) + P - 8 - Y}{20}\right)} \quad (\text{Eq. 6})$$

- c) Hence the distances required for a given wind speed V m/s at rotor centre height are for levels of 45 dB(A) and 40 dB(A) respectively:

$$X_{45dB} = 10^{\left(\frac{L_{wd,8m/s} + S_{dB}(V-8) + P - 53}{20}\right)} \quad (\text{Eq. 7})$$

$$X_{40dB} = 10^{\left(\frac{L_{wd,8m/s} + S_{dB}(V-8) + P - 48}{20}\right)} \quad (\text{Eq. 8})$$

- d) If the Noise emission has two or more separate linear regions as described in Section 3.4.12 above, then equations (7) and (8) need to use the data from both slope regions rather than just the one. This will give a "kink" point in the Immission Noise Map. Appendix A provides some comment on this and other features of the Immission Noise Map.

4 Strength and Safety

4.1 Except as noted below, mechanical strength of the turbine system will be assessed using either the simple equations in Section 7.4 of BS EN 61400-2:2006 in combination with the safety factors in Section 7.8, or the aeroelastic modeling methods in Section 7.9. Evaluation of, as a minimum, the blade root, main shaft and the yaw axis (for HAWT's) will be performed using the outcome of these

equations. A quick check of the rest of the structure for obvious flaws or hazards will be done and if judged needed, additional analysis may be required.

- 4.2 Variable speed wind turbines are generally known to avoid harmful dynamic interactions with towers. Single/dual speed wind turbines are generally known to have potentially harmful dynamic interactions with their towers. Therefore, in the case of single/dual speed wind turbines, such as those using either one or two induction generators, the wind turbine and tower(s) must be shown to avoid potentially harmful dynamic interactions. A variable speed wind turbine with dynamic interactions, arising for example from control functions, must also show that potentially harmful interactions are likewise avoided.
- 4.3 Other safety aspects of the turbine system will be evaluated including:
 - 4.3.1 procedures to be used to operate the turbine;
 - 4.3.2 provisions to prevent dangerous operation in high wind;
 - 4.3.3 methods available to slow or stop the turbine in an emergency or for maintenance; and
 - 4.3.4 adequacy of maintenance and component replacement provisions.
- 4.4 A Safety and Function Test shall be performed in accordance with Section 9.6 of BS EN 61400-2:2006.

5 Duration Test

- 5.1 To establish a minimum threshold of reliability, a duration test shall be performed in accordance with the BS EN 61400-2:2006 Section 9.4.
- 5.2 The following are additions and clarifications to this standard, none of which shall be interpreted as a reduction in the requirements of this standard:
 - 5.2.1 The test shall continue for 2500 hours of power production.
 - 5.2.2 The test must include at least 25 hours in wind speeds of 15 m/s (33.6 mph) and above.
 - 5.2.3 Downtime and availability shall be reported and an availability of 90% is required.
 - 5.2.4 Minor repairs are allowed, but must be reported.
 - 5.2.5 If any major component such as blades, main shaft, generator, tower, controller, or inverter is replaced during the test, the test must be restarted.
 - 5.2.6 The turbine and tower shall be observed for any tower dynamics problems during the duration test and the test report shall include a statement of the presence or absence of any observable problems.

6 Reporting and Certification

- 6.1 For each model to be certified the manufacturer shall submit to an accredited certifying body for review and certification:

- 6.1.1 Summary Report, containing a power curve, an AEP curve, the Noise Label, and the measured sound pressure levels (Section 9.4 of BS EN 61400-11:2003 as modified or extended by Section 3 of this BWEA standard).

This report, once approved by an accredited certifying body, is to be made publicly available

- 6.1.2 Performance Test Report
 6.1.3 Acoustic Test Report including the Noise Label
 6.1.4 BWEA Reference Annual Energy
 6.1.5 BWEA Reference 60m Sound Level, $L_{p,60m}$
 6.1.6 BWEA Reference Power, at 11.0 m/s (24.6 mph)
 6.1.7 Wind Turbine Strength and Safety Report

6.1.7.1 The tower top design loads shall be reported

- 6.1.8 Duration Test Report

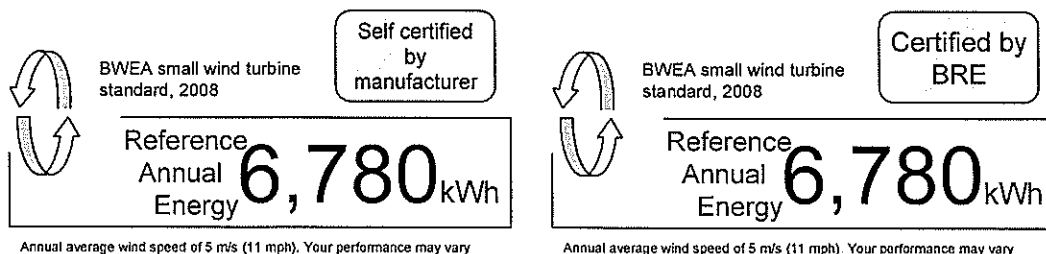
6.2 The manufacturers of certified wind turbines must also abide by the labeling requirements of Section 7.

7 Labeling

- 7.1 BWEA Reference Annual Energy (BWEA RAE) shall be provided in any product literature or advertising in which product specifications are provided.

7.1.1 The BWEA RAE shall be rounded to no more than 3 significant figures.

7.1.2 The form of presentation can be in plain text, but the preferred form is



(example of self certified form on left; externally certified form on right⁵):

- 7.2 The manufacturer shall use BWEA Reference Power if a rated power is specified.
 7.3 The manufacturer shall provide the Noise Label in any product literature or advertising in which product specifications are provided.
 7.4 Other recommended performance specifications are:
 7.4.1 Cut-in Wind Speed

⁵ Insert name of manufacturer, or alter the example of BRE to any other certification authority as appropriate.
 BWEA Small Wind Turbine Performance and Safety Standard (29 Feb 2008)

- 7.4.2 Cut-out Wind Speed
- 7.4.3 Maximum Power
- 7.4.4 Maximum Voltage
- 7.4.5 Maximum Current(s)
- 7.4.6 Overspeed Control
- 7.4.7 Power Form
- 7.5 The use of more detailed performance characterizations, such as power curves or estimated energy output graphs or tables, is allowed so long as this material was included in the certification.

8 Changes to Certified Products

- 8.1 It is anticipated that certified wind turbines will occasionally be changed to provide one form of improvement or another. In some cases such changes will require review by an accredited certifying body and possible changes to the certified product parameters. The following guidance is provided concerning when product changes will require review by an accredited certifying body:
 - 8.1.1 Any changes to a certified wind turbine that will have the cumulative effect of reducing BWEA Reference Power or BWEA Reference Annual Energy by more than 10% will require retesting and recertification by an accredited certifying body. Only those characteristics of the wind turbine affected by the design change(s) would be reviewed again.
 - 8.1.2 Any changes to a certified wind turbine that will have the cumulative effect of raising the BWEA Reference Sound Level by more than 1 dBA will require retesting and recertification by an accredited certifying body. Only those characteristics of the wind turbine affected by the design change(s) would be reviewed again.
 - 8.1.3 Any changes to a certified wind turbine that could reduce the strength and safety margins by 10%, or increase operating voltages or currents by 10%, will require resubmission of the Wind Turbine Strength and Safety Report and recertification by an accredited certifying body.
 - 8.1.4 Any changes to a certified wind turbine that could materially affect the results of the Duration Test will require retesting, submission of a new Duration Test Report, and recertification by an accredited certifying body.
- 8.2 For the first two years after turbine certification the manufacturer is required to notify the accredited certifying body of all changes to the product, including hardware and software. The accredited certifying body will determine whether the need for retesting and additional review under the guidelines provided in Section 8.1.
- 8.3 The use of Engineering Change Orders or their equivalent is recommended.

9 References and Appendices

9.1 References⁶.

- 9.1.1 BS EN 61400-12-1: 2006, Wind Turbines: Power performance measurement of grid connected wind turbines.
- 9.1.2 BS EN 61400-11:2003, Wind turbine generator systems: Acoustic noise measurement techniques. (Note: identical to IEC 61400-11:2002)
- 9.1.3 IEC 61400-11:2006 Wind Turbine Generator Systems – Part 11: Acoustic noise measurement techniques (Note: new consolidated version of 2002 edition)
- 9.1.4 BS EN 61400-2:2006 , Wind turbine generator systems: Design requirements of small wind systems.
- 9.1.5 IEC TS 61400-14:2005 Wind turbines – Part 14: Declaration of apparent sound power level and tonality values
- 9.1.6 BS 7445-2:1991 (identical to ISO 1996-2:1987) Description and measurement of environmental noise. Guide to the acquisition of data pertinent to land use.
- 9.1.7 BS 7445-1:2003 Description and measurement of environmental noise. Guide to quantities and procedures.
- 9.1.8 ISO 1996-2:2007 Acoustics - Description, measurement and assessment of environmental noise - Part 2: Determination of environmental noise levels.
- 9.1.9 BS ISO 9611: 1996 Acoustics – Characterisation of sources of structureborne sound with respect to sound radiation from connected structures – Measurement of velocity at the contact points of machinery when resiliently mounted.
- 9.1.10 MIS 3003: Microgeneration Installation Standard: Requirement for contractors undertaking the supply, design, installation, set to work commissioning, and handover of micro and small wind turbine systems.
- 9.1.11 BS 4142: Method for rating industrial noise affecting mixed residential and industrial areas.

⁶ The British Standards (BS) are the official English Language versions of the respective European Standards (EN) which in turn correspond to the International Standards published by the IEC.

Appendix A

NOTES ON THE USE OF NOISE LABEL INFORMATION

A.1 Notes on Features of the Immission Noise Map

The example Noise Label is shown in Figure A.1 containing the Noise Map. The map is plotted at levels of 40 and 45 dB(A) since these are most relevant to the levels used for planning purposes. The map is plotted from the cut-in wind speed up to the cut-out wind speed for the given turbine.

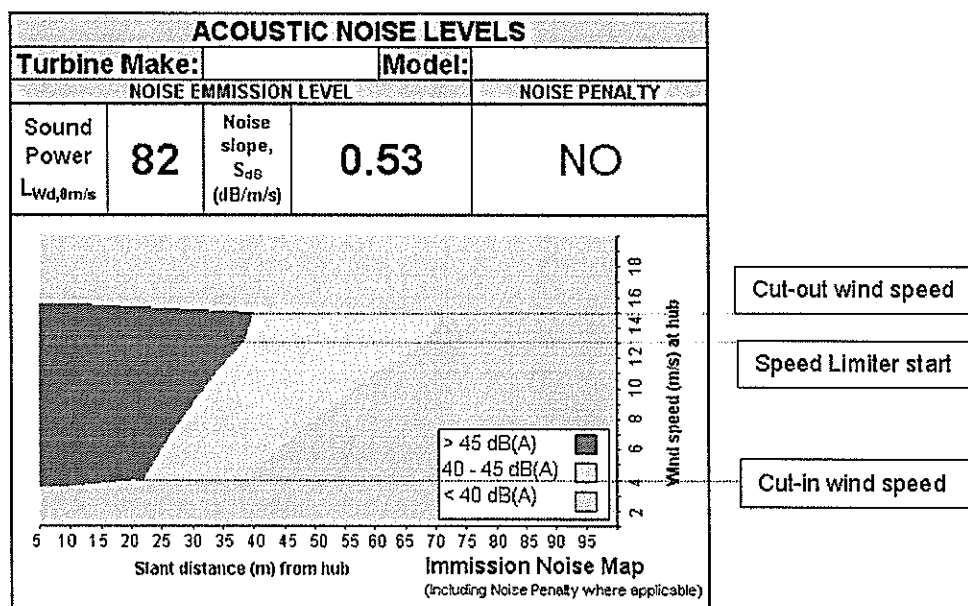


Figure A.1 Small Wind Turbine Noise Label Example – features

However, some designs of turbine do not have a cut-out speed but achieve protection to high winds by various mechanisms such as furling their blades or yawing the turbine to cross-wind. In these cases the red and orange zones of the Noise Map will continue up to the wind scale maximum.

When a turbine starts to encounter high winds it generally has some form of in-built speed control or speed protection and that may manifest itself as a change in the acoustic output of the turbine. It can be expected that in this circumstance there may be a "kink point" in the Noise map as labelled in figure A.1.

A.2 Use of Noise Map Information to Assess Site Suitability

The following procedure can be used to assist an installer or consumer in considering the suitability of a prospective site. The procedure can also be used by the turbine manufacturer when considering the suitability of a specific region of the country for a given size of turbine.

The procedure is based on the use of 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. More information is available at www.bwea.com/noabl/index.html. Equivalent wind speed maps could be used in other countries as the starting point for this procedure.

- Find the National Grid reference for the location being considered. This can be obtained from a map or from the Postcode (Zipcode) if a suitable conversion programme 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.

- b) Use NOABL to get the average annual wind, $V_{avg,10}$ at 10m height for the location.
- c) Assume a Rayleigh wind distribution, calculate the 90% wind $V_{90,10}$ for 10 m height as:

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

- d) 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:

$$V_{90,H} = V_{90,10} * \left(\frac{H}{10}\right)^{0.2}$$

- e) Draw a horizontal line on the Immission Noise Map at the $V_{90,H}$ wind speed.
- f) Read-off the distance for the 45 dB(A) and 40 dB(A) values.
- g) Compare these distances with the slant distance to the nearest noise sensitive location(s) for the planned installation.

In general any location(s) that lie in the Red region are unlikely to be given planning permission. Locations that lie in the Green region would generally be acceptable. Locations that lie in the Amber region may or may not be acceptable depending on factors such as national or local planning legislation.

As an example, consider a site where the NOABL wind was 5 m/s at 10 m height and a turbine to be installed at 7 m rotor centre height and the nearest noise sensitive location was 50 m away. This will give a $V_{90,10}$ speed of 7.6 m/s and a $V_{90,H}$ speed of 7.1 m/s. When plotted on the turbine's Immission Noise Map, figure A.2, this gives approximate slant distances of 26 and 47 m for 45 and 40 dB(A) respectively. Hence in this example the 50 m proposed installation would be acceptable if the relevant threshold was 40dB(A) for planning permission.

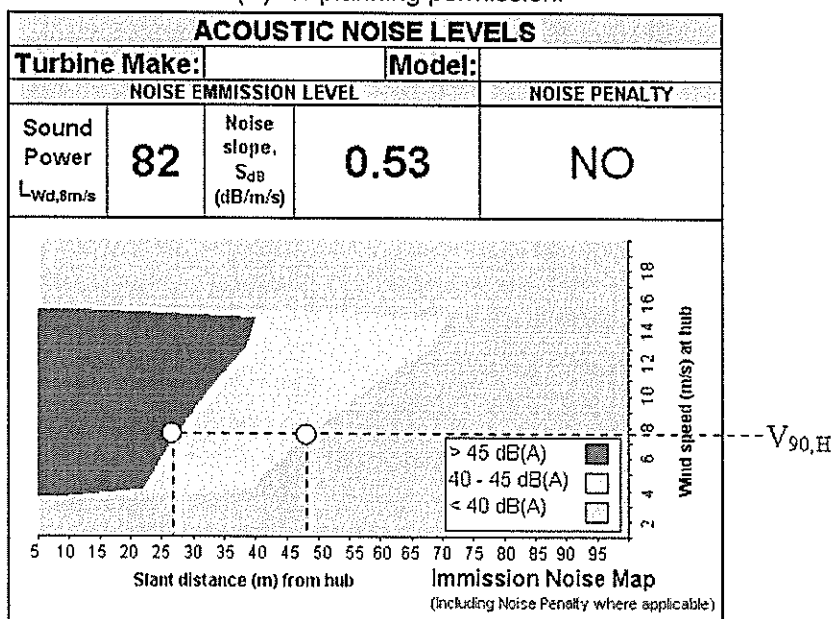


Figure A.2 Small Wind Turbine Noise Label – Example to assess site suitability

Note: This procedure provides a conservative estimate since it does not further reduce the wind strength in step d) based on local obstructions and hence errs on the side of the general public rather than the turbine manufacturer. If there are buildings or other obstructions in the vicinity of the turbine then further weighting factors could be applied to account for wind-shadow effects (for example see MCS standard MIS 3003). This in general will lower the $V_{90,H}$ value and result in closer allowable slant distances.

A.3 Local Background Noise

Almost regardless of what the actual absolute level of noise is that is produced by a given turbine, whether or not that turbine will be audibly noticeable at a given location will be heavily dependent on the local background noise at that location.

Ignoring wind and weather effects, i.e. under calm conditions, typical background noise levels range from 35 dB(A) (quiet) to 50 dB(A) (noisy) in an urban setting.

For a given location, background sound levels depend greatly on the presence of trees, buildings, fences and also on the proximity of roads, railways, air routes and other sound sources (i.e. anything other than the turbine). In certain locations, wildlife noise, particularly from birds, is also a factor in background noise. Noise from passive sources (e.g. trees, fences, telephone wires, pylons, aerials, overhead cables etc.) is strongly affected by the wind strength and wind direction. Wind strength and direction also affect propagation from distant noise sources such as roads, railways and aircraft. As the turbine noise increases with wind strength, so will the background noise.

Few studies have been carried out to show how background noise varies as wind strength at high wind speed although some urban studies have looked at the 1-5 m/s region. The larger collection of background noise data at high wind speed is probably available from site assessments or from data collected during turbine noise certification exercise. For turbine noise measurements, noise measurements are intentionally made on a ground mounted board (with windshield) to remove the microphone from the wind-shear region and hence minimise the noise floor. This allows measurement to be made at high wind speeds.

From a range of wind turbine measurements (carried out by TUV NEL) on different test sites both in the UK and Europe, background noise, $L_{p,bgd}$, due to the wind was found to vary greatly from site to site but a typical level in the middle of a country field as a function of wind speed, V , at 10 m height is shown to approximately follow a line:

$$L_{p,bgd} = 28 + 2.25 * V \quad (\text{Eq. A.1})$$

It should be noted these measurements were obtained for a microphone on a ground mounted board and the microphone fitted with a primary windshield only. Lower background noise may be achievable by use of a primary and a secondary windshield.

At 8 m/s the background noise might be expected to be ~46 dB(A) and vary from 37 to 70 dB(A) from cut-in wind speeds of 4 m/s through to cut-out wind speeds of 18 m/s. Basically the nearer to trees, power lines, telephone lines, fences, buildings etc... one is the higher the background noise so the 33-70 dB(A) figure could be an underestimate of the local background noise.

With the lack of any other data on background noise at high wind speeds, equation (Eq. A.1) can be taken as a worst-case scenario (i.e. the lowest ambient noise) for a rural background since the test site noise measurement locations are generally well away from obstructions and other noise sources and, as mentioned above, are noise at ground level.

Noise from the turbine alone, including noise penalty, P, where P = 5 dB if the Noise Penalty is shown as YES on the Noise Label, P = 0 dB otherwise; at any distance, X m away, i.e. $L_{p,Xm}$; and at a wind speed, V m/s at the rotor centre; can be obtained from the simple $L_{Wd,8m/s}$ level and the Noise Slope, S_{dB} , using:

$$L_{p,Xm} = L_{Wd,8m/s} + S_{dB}*(V-8) + P - 8 - 20*\text{Log}_{10}(X) \quad (\text{Eq. A.2})$$

This gives a 6 dB reduction in level every time the distance away is doubled. Alternatively, there is a 6 dB increase in level every time the distance is halved.

BS 4142 is commonly used to assess whether a certain level of noise above background will increase the likelihood of complaint. The broad rules under which BS 4142 operates are that a "noise rating level" (i.e. the noise level once corrected for the presence of tones or other noise characteristics, that is, including the Noise Penalty) of 10 dB above the background noise is likely to give rise to complaint, one only 5 dB above background would be marginal and one 10 dB below background is unlikely to give rise to complaint.

Comparing the results of equations (Eq. A.1) and (Eq. A.2) for a given wind speed and distance gives a very approximate but simple means of estimating whether the turbine noise will be noticeable above background in rural situations.

If the turbine on its own is of the same level as the background it will still be noticeable when it either cuts-in or cuts-out. Only a few dB lower than background is generally needed for the background noise to dominate and the turbine to be unnoticed.

Assessment however has to be made on a case-by-case basis since background noise is so location specific.

MacNeill Richard@Infrastructure Services

From: Ian Leiper [REDACTED]
Sent: 10 June 2011 15:19
To: MacNeill Richard@Infrastructure Services
Cc: Leach Elaina@Infrastructure Services
Subject: Background noise assessment/planning report
Attachments: Burra Hall Noise report response-10.06.11.pdf

Hello Richard,

As discussed with Elaina Leach (Environmental health officer) and Ben Brown of Proven Energy I now attach a report provided by Proven showing the noise data for the P35-2 against the calculated background noise as per the BWEA standard. This also references to the BWEA standard appendix A3.

Can you please consider and discuss this with Elaina Leach.

As the installer and on behalf of the Burra hall committee I ask that this report be considered and hopefully deemed as satisfactory to resolve the outstanding requirements of the client's planning application.

I appreciate your assistance in this matter.

Regards

Ian M Leiper Cert PFS

Sales & Marketing

(Based at Shetland Office)

Shetland Wind Power Ltd

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SBS Base,
Gremista Industrial Estate,
Lerwick,
Shetland,
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F 01595 692 309

13/06/2011

Glasgow Head Office & Depot

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Cloberfield
Milngavie
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F0141 237 8081

www.shetlandwindpower.co.uk

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13/06/2011

F.A.O Richard MacNeill,
Planning Officer Development Management,
Infrastructure Services,
Grantfield,
Lerwick

Ref: Burra Public Hall Wind Turbine- 2011/116/PCD

Please find detailed below a report on the Proven P35-2 at lower wind speeds , provided by Ben Brown of Proven and in conjunction with his conversation with Elaina Leach:

If we take the noise measurements of the turbine at varying wind speeds and compare them with approximate background noise levels:

Using BWEA equation A2 taken from the BWEA Small Wind Turbine Performance & Safety Standard

Turbine Noise Emission (L_{pXm}) = $L_{Wd,8m/s} + SdB*(V-8) + P - 8 - 20*\log_{10}(X)$

$L_{Wd,8ms} = 95.9dB(A)$ taken from Hayes McKenzie report

SdB = Noise slope = 2.68 taken from Hayes McKenzie report

V = Wind Speed @ rotor height

P = Noise Penalty = 0

X = distance = 200m

And using BWEA equation A1 taken from the BWEA Small Wind Turbine Performance & Safety Standard

Background Noise $\Rightarrow L_{p.bgd} = 28 + 2.25*V$

V = Wind Speed @ rotor height

Wind Speed (m/s)	Noise @ Receptor (dB(A))	Background Noise (dB(A))
3.5 (Cut-In Speed)	29.8	35.9
4	31.2	37
5	33.9	39.3
6	36.6	41.5
7	39.3	43.8
8 (BWEA Standard)	41.9	46

To quote the British Wind Energy Association standard Appendix A3 - If the turbine on its own is of the same level as the background it will still be noticeable when it either cuts-in or cuts-out. Only a few dB lower than background is generally needed for the background noise to dominate and the turbine to be unnoticed.

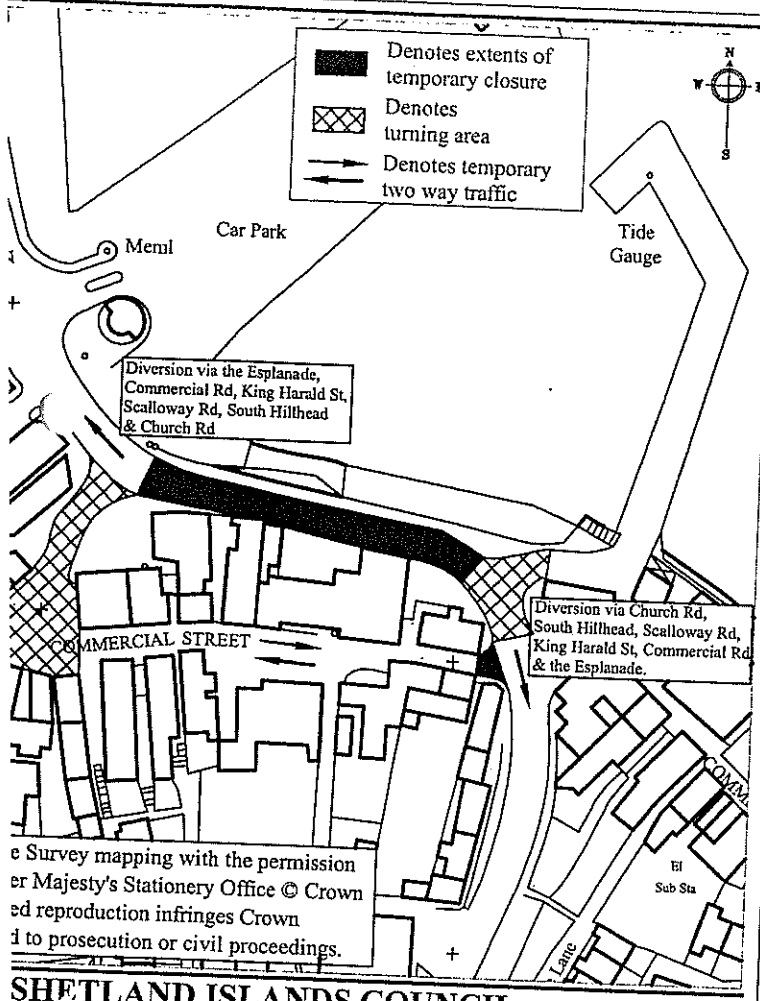
Section 2. Statutory Advert

Tuesday 15th November 2011

remember a Shetland special programme to the garden - and some did and do. I take memories of Shetland away with them to share with friends all over the world. A fair exchange.

programme on air every fortnight, recording and editing the books

Friday, 6th May, 2011



SKETLAND ISLANDS COUNCIL A 9 ESPLANADE, LERWICK: TEMPORARY ROAD CLOSURE

Lerwick is to be temporarily closed between Church Road and the Market Esplanade from Monday 9 May until 22 May 2011 and is necessary to allow the surface of the road.

For those wishing to travel east along the Esplanade will be via Commercial Road, Scalloway Road, the South Hillhead and Church Road, and vice versa for those wishing to travel west. Notices advising drivers of these diversions will be placed on each of these routes.

For those wishing to travel from the Viking Bus Station and on via Commercial Road, those wishing to travel west will be via Church Road, South Hillhead, Scalloway Road, King Harald St, Commercial Rd & the Esplanade.

Public Notices

SKETLAND 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)(a)

Representations within 14 days

2011/116/PCD Erect wind turbine on 15m tower with 8.6m diameter blades with trenched cable connection, Burra Public Hall, Hamnavoe, Burra by Burra Public Hall

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, SPNE2

2011/116/PCD Erect wind turbine on 15m tower with 8.6m diameter blades with trenched cable connection, Burra Public Hall, Hamnavoe, Burra by Burra Public Hall

**GORDON GREENHILL,
Executive Director of Infrastructure Services,**

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

6th May, 2011.

PROPOSED ASSIGNATION OF A CROFT

Edmund M Nicolson is applying to the Crofters Commission for consent to assign the tenancies of the crofts at Pitt and Pinchdyke, Wethersta, Brae, Shetland, ZE2 9QL to Ellis F W Nicolson of Lynside, Wethersta, Brae, Shetland, ZE2 9QL

If you are a crofter, shareholder or tenant of a croft in the community of Shetland, please contact the Crofters Commission for more information.

SKETLAND ISLANDS ROADS SERVICE SURFACE DRESSING SERVICE

PUBLIC ROAD

The Roads Service intends to undertake surface dressing on Shetland's roads over the next few months. This essential maintenance is a simple method of improving skid resistance, sealing and preventing further deterioration.

The public should be aware that journey times due to these works, particularly on single lane roads, may be delayed by up to 15 minutes. This is necessary to protect the public and prevent damage to vehicles.

In the interests of road safety we would ask drivers to observe these speed limits. Shetland Islands Council acknowledges the inconvenience these essential works cause and thanks road users for their co-operation in this matter.

ACCESSES AND PRIVATE ROADS

Members of the general public who are interested in having their roads surface dressed between MAY and JUNE are asked to complete and return the appropriate form. The form can be obtained from the following addresses. The form should be returned no later than 20th May 2011. The Roads Service will assess your request, receive the form, and confirm to you whether or not the surface dressing of your access/road.

Should you have any queries regarding surface dressing, please contact Neil Hutcheson at the following address:

Roads Service
Infrastructure Services Department
Shetland Islands Council

Section 3. Consultation Responses

Tuesday 15th November 2011

MacNeill Richard@Infrastructure Services

From: Leach Elaina@Infrastructure Services
Sent: 14 June 2011 20:10
To: MacNeill Richard@Infrastructure Services
Subject: RE: Background noise assessment/planning report

Hi Richard,

I have had a chance to look at the additional information submitted.

While I disagree with the stated background levels, the calculated noise levels due to the turbine at low wind speeds (between cut-in and 5ms) are at a level which I do not expect will result in statutory nuisance to the nearest sensitive receptor.

Regards,
Elaina

Elaina Leach
Environmental Health Officer

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

T: 01595 744816
F: 01595 744802
M: 07786 275311
E: elaina.leach@shetland.gov.uk

From: MacNeill Richard@Infrastructure Services
Sent: 13 June 2011 15:17
To: Leach Elaina@Infrastructure Services
Subject: FW: Background noise assessment/planning report

Hello,

Have you had a wee look at the figures ?

Cheers,

Richard.

From: Ian Leiper [mailto:ian.leiper@shetlandwindpower.co.uk]
Sent: 10 June 2011 15:19
To: MacNeill Richard@Infrastructure Services
Cc: Leach Elaina@Infrastructure Services
Subject: Background noise assessment/planning report

Hello Richard,

As discussed with Elaina Leach (Environmental health officer) and Ben Brown of Proven

15/06/2011

Energy I now attach a report provided by Proven showing the noise data for the P35-2 against the calculated background noise as per the BWEA standard. This also references to the BWEA standard appendix A3.

Can you please consider and discuss this with Elaina Leach.

As the installer and on behalf of the Burra hall committee I ask that this report be considered and hopefully deemed as satisfactory to resolve the outstanding requirements of the client's planning application.

I appreciate your assistance in this matter.

Regards

Ian M Leiper Cert PFS

Sales & Marketing

(Based at Shetland Office)

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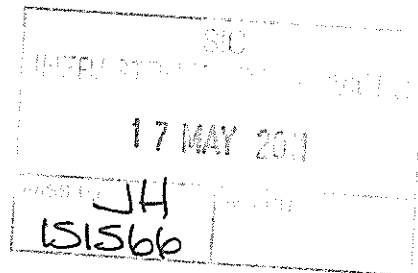
Scottish Natural Heritage

All of nature for all of Scotland

Infrastructure Services
Shetland Islands Council
Grantfield
Lerwick
ZE1 0NT

16 May 2011

Our ref: CNS/REN/ST/SHET-ST
Your ref: 2011/116/PCD



Dear Sir/Madam

Planning Application: 2011/11/PCD – erect single turbine 15m mast, Burra Public Hall.

Thank you for consulting SNH on this application.

Background

The proposal is for a single turbine (Proven 35-2) on 15m high tower on agricultural land close to Burra Hall, at approximately HU 372 354.

The site lies within the Shetland National Scenic Area. No other designated sites are affected by the proposal.

SNH Position

We **do not object** to the proposal.

Appraisal of Impacts on designated sites

The Shetland National Scenic Area.

The character of the NSA in southwest mainland of the larger islands of Burra and Trondra is described as having distinctive settlement patterns, with the other numerous small islands and stacks lying in the bight known as the Deeps all combine to make a western oceanic seascape of strong character and atmosphere in which the constantly changing skies play an important part.

The placing of a single domestic sized turbine within the National Scenic Area will not significantly affect the integrity of the designated site.

Other Interests

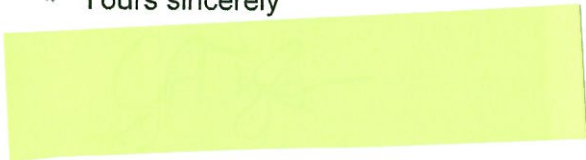
The natural heritage interests of the land to be used for the cable run and the site of the turbine are not known to be of special interest. To avoid destruction of birds nests the construction work should take place outside the bird breeding season if possible.



INVESTOR IN PEOPLE

Scottish Natural Heritage, Ground Floor, Stewart Building, Alexandra Wharf, Lerwick, ZE1 0LL
Tel 01595 693345 Fax 01595 692565 www.snh.org.uk

Yours sincerely



Glen Tyler
Operations Officer
Shetland, Northern Isles and North Highland
glen.tyler@snh.gov.uk

Section 4. Report of Handling

Tuesday 15th November 2011

Delegated Report of Handling

Development: Erect wind turbine on 15m tower with 8.6m diameter blades with trenched cable connection Burra Public Hall, Hamnavoe, Burra

By: Burra Public Hall

Application Ref: 2011/116/PCD

1. Introduction

- 1.1 This is an application to site a wind turbine to serve the Public Hall at Hamnavoe, Burra. The proposed tower height is 15 metres high and the blade diameter will be 8.6 metres.
- 1.2 The turbine will be located approximately 360 metres from the curtilage of the hall that it is to service. The length of buried cabling required to transfer the power is to be some 390 metres long.
- 1.3 The site of the proposed wind turbine is close to the shore and adjacent to the Sand of Meal, known as Meal Beach, which is a popular visitor destination. The nearest domestic property is 220 metres to the north west.
- 1.4 The applicant has submitted a supporting letter with the application.
- 1.5 The turbine design proposed for use is a fairly typical "Proven" model, with a thin mast and three blades.

2. Statutory Development Plan Policies

- 2.1 **Shetland Islands Council Structure Plan (2000) Policies**
GDS4, SPNE1, SPNE2, SPENG 3
- 2.2 **Shetland Islands Council Local Plan (2004) Policies**
LPNE10, LPENG6, LPENG 9
- 2.3 **Shetland Islands Council Interim Planning Policy (2009)**
SPG 7: Community and Non- Domestic Wind Turbines

3. Safeguarding

- 3.1 Shetland National Scenic Area

4. Consultations

- 4.1 Community Council – No comment received at the time of reporting.

- 4.2 Environmental Health – Advised originally that the noise assessment submitted with the application did not include sufficient information to enable an assessment of the impact on the neighbouring domestic property. Following submission of an additional report provided by the manufacturer of the proposed turbine, advised that whilst there is disagreement about background levels stated in the report, the calculated levels due to the turbine at low wind speeds (between cut-in and 5 metres per second) are at a level which are not expected to result in statutory nuisance to the nearest sensitive receptor.
- 4.3 SNH – No objections. Consider that the placing of a single domestic sized turbine will not significantly affect the integrity of the designated site. Advise that construction work should take place outside the bird breeding season if possible.

5. Statutory Advertisements

- 5.1 Advertised under Regulation 20(1)(d) as contrary to the Development Plan in the Shetland Times on the 6th May 2011.

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 The Shetland Structure Plan (2000) Policy SP ENG3 encourages proposals for the generation of power from renewable sources. Structure Plan Policy SP NE1 seeks to ensure that new developments are sympathetic to the landscape of which they will form a part. Provided the policy requirements of Shetland Local Plan (2004) Policy LP NE 10, and Interim Planning Policy (2009) SPG 6 and SPG 7 are met, the Council

will support in principle aero-generators for non-domestic properties.

- 7.4 SNH has commented that in a national context the proposal will not impact on the area. However the local impact has also to be given consideration when making a determination. The proposed turbine site's location is fairly open, and as such the turbine is likely to be visible to the immediate surrounding area. While this can be the case in relation to many community hall turbine proposals recently approved, the main determining material consideration in this instance is the particular site location, and the impact that the turbine will have on the visual amenity of the area.
- 7.5 The majority of views of the turbine will be localised due to the location being close to the sea. However, the height of the mono pole will result in an immediate visible presence in the area. This will be particularly significant from a public perception perspective on the approach to Meal Beach, which is a popular visitor destination. The site is open and exposed, and the turbine will appear as a raised and dominant feature in the public view of Meal Beach. It is considered that the structure will neither enhance or conserve the existing high quality landscape.
- 7.6 When balancing the additional visual intrusion of the turbine, any impact has to be balanced against the sustainable credentials of the development. However, in this instance it is considered that the visual impact is of a level of significance as to cause an adverse impact on the visual amenity and the integrity of the area that is not offset by the renewable energy benefit of the proposal.
- 7.7 it is further considered that allowing such a structure to be placed in this sensitive location will allow a planning precedent which may encourage similar such inappropriate proposals in other sensitive locations. While the Planning Authority is not obliged to follow the same approach taken in a previous decision, any decision made might be used to show a consistent pattern in the application of its, and therefore the Council's policies.

8. Recommendation

8.1 Refuse permission for the following reason;

The proposed wind turbine is of such a size, and the location proposed for it is so exposed and prominent within an area of high landscape value, and adjacent to the visitor destination at the Sands of Meal, that it will have a significant adverse impact on the visual amenity and the integrity of the area. The proposed development is therefore contrary to; Shetland Structure Plan (2000) Policy SPNE1 Natural and Built

9. Further Notifications Required

9.1 None

10. Background Information Considered

10.1 None

RFM/DRH/ 2011/116/PCD
06/06/2011

Section 5. Decision Notice

Tuesday 15th November 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

Burra Public Hall
Hamnavoe
Burra
ZE2 9LB

Reference Number: PL 2011/116/PCD

Erect wind turbine on 15m tower with 8.6m diameter blades with trenched cable connection: Burra Public Hall, Hamnavoe, Burra

The proposed wind turbine is of such a size, and the location proposed for it is so exposed and prominent within a area of high landscape value, and adjacent to the visitor destination at the Sands of Meal, that it will have a significant adverse impact on the visual amenity and the integrity of the area. The proposed development is therefore contrary to; Shetland Structure Plan (2000) Policy SPNE1 Natural and Built Environment and the Shetland Local Plan (2004) Policy LPNE10 Natural and Built Environment

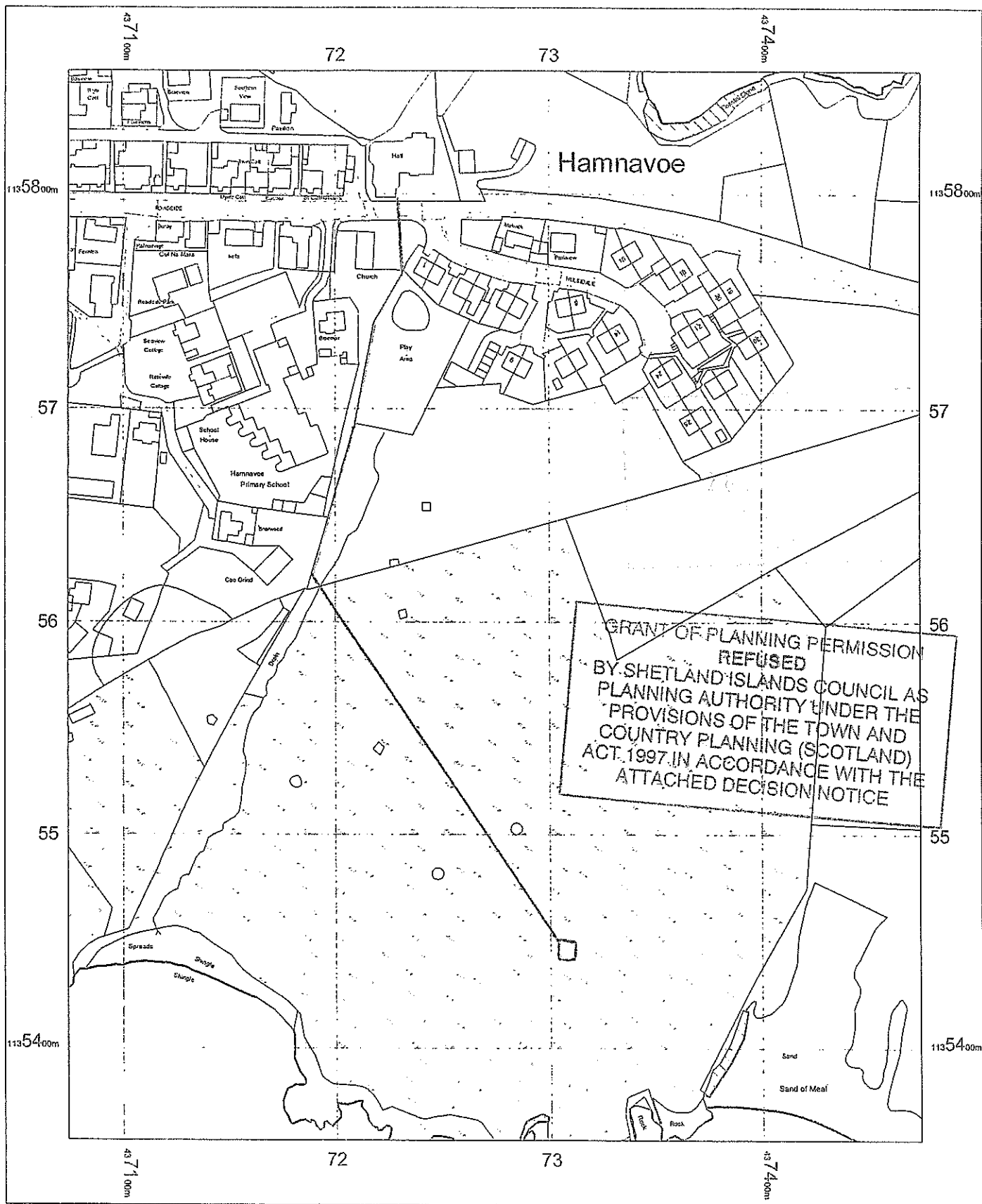
28th June 2011

Head of Planning

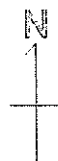
116con.doc

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

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



□ Hamnavoe Primary School
 — Hamnavoe Burn

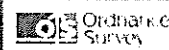


14/04/2011

OS Mastermap
 14 April 2011, ID: CM-00068224
www.centremapslive.co.uk

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Shetland
 Islands
 Council

Section 6. Notice of Review

Tuesday 15th November 2011



Infrastructure Services Department
Shetland Islands Council

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 BURRA PUBLIC HALL

Address HANNAVOE
BURRA ISLE

Postcode ZE2 9LB

Contact Telephone 1 01595 859449

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 ☒

10/07/11

JH
153260

3. Application Details

Planning authority's application reference number

PL 2011/116/PCD

Site address

Description of proposed development

Erect wind turbine on 15m tower with 8.6m diameter blades with trenched cable connection.

Date of application

19/04/11

Date of decision (if any)

28/6/11

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 checked="" type="checkbox"/> | <input 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:

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.

See enclosed statement.

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.

Planning Model diagram of wind turbine.
Site Plan.
Summary Statement

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

29/8/11

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.uk

Visit: www.shetland.gov.uk

Why you are seeking a review on your application - Your statement must set out all matters you consider require to be taken in to account in determining your review

Following the recent refusal of planning application ref no PL2011/116/PCD

The proposed development for a wind turbine on a 15m tower with 8.6m blade diameter with trenched cable connection to the Burra Public Hall, Hamnavoe, Burra

The project has taken a number of years to develop as the hall committee have a high energy requirement and required a larger turbine to make an appreciable difference on their energy consumption. Due to the amount of time that the project has taken to develop this has taken a large number of voluntary time, time from Community Energy Scotland officers, Shetland Wind Power, and the Shetland Islands Council.

This is the second planning application to be submitted by the hall committee. The previous application was for a larger turbine closer to the hall. Due to noise considerations it was decided to move to an alternative site further away from domestic properties.

The site has been selected following a number of site visits between the Hall Committee, representatives from Shetland Wind Power, Planning Officers, Environmental Health and the land owner. Following this wide consultation the site selected is the only site available to the hall committee which is away from current domestic properties for noise considerations and allows potential further development of the area for additional housing. In addition the size of the wind turbine has been reduced from a 20kW wind turbine on an 18m tower with a 10m blade diameter to a Proven P35-2 wind turbine on a 15m mast with a 8.6m blade diameter. To down size further to a smaller turbine will not change the mast height or have a significant impact on the blade diameter but will have a further reduction on wind turbine output. As the wind power intercepted by a wind turbine is proportional to the square of the blade length. As the wind turbine is located on its own without another turbine for comparison it would not be possible to tell the difference between a P35-2 which is proposed and a smaller P11. In addition there are already wind turbines situated within this National Scenic area two at Bridge End and on in Trondra. The development is also located close to the edge of the Local Protection Area.

The Burra Public Hall requires a larger wind turbine to meet the energy demand of the building as at present if energy prices continue to rise at current rates the hall committee will be unable to meet their energy costs and maintain the current level of comfort within the building.

A number of photo montages were included with the original planning application which has been reattached (and a couple more could be produced to show the proposed development from further away.)

There were ** objections to the planning application which has been advertised on the SIC website since April 2011 following the previous application which was advertised on the website since January 2010.

50 APR 2011

NOTE
DOCUMENT FOR REFERENCE ONLY.
CHECK SHEET SIZE AND DRAWING
SCALE BEFORE PRINTING.

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

WEIGHTS

Tower = 2032.4kg
Turbine Head = 1300kg


COLOUR

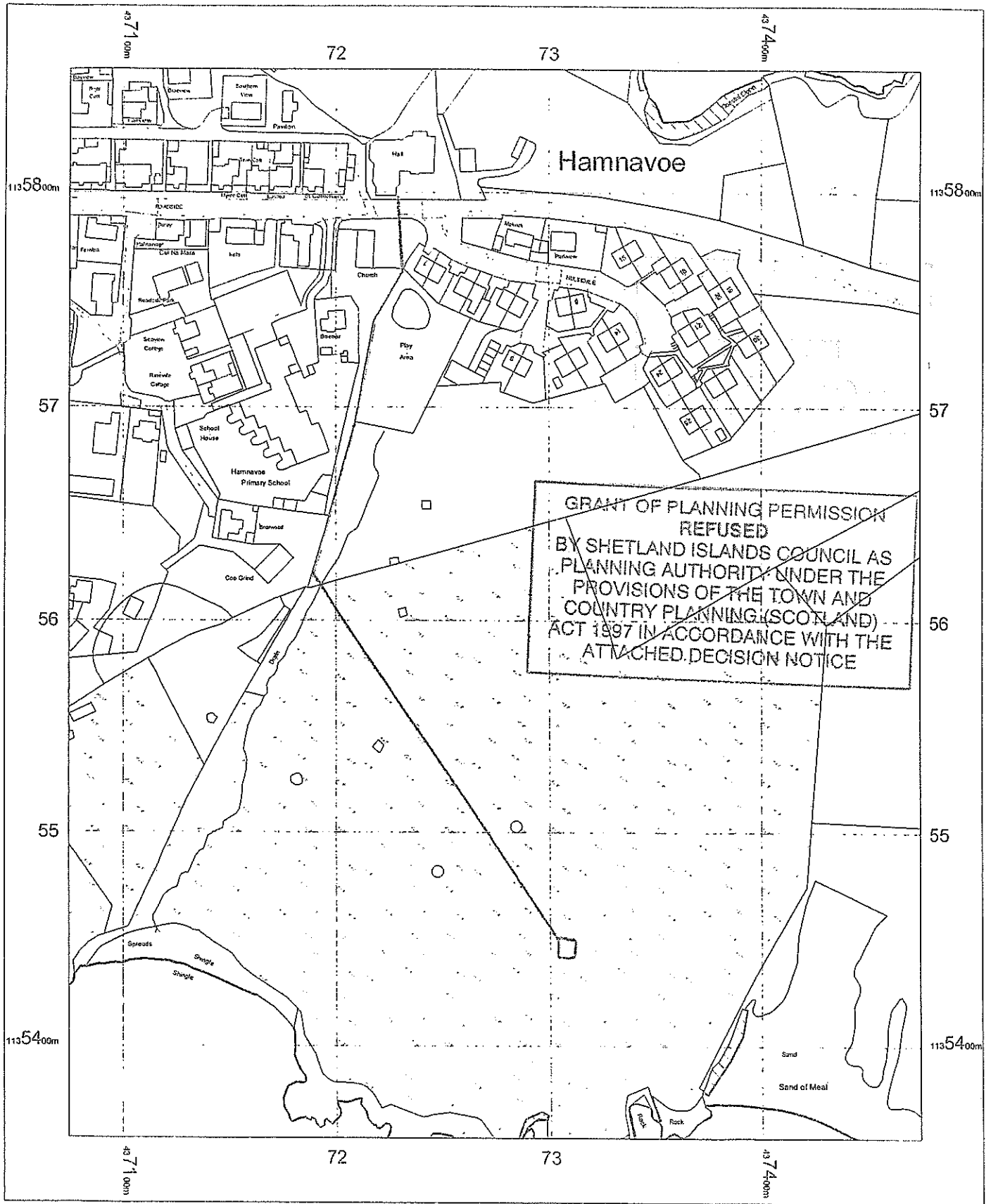
Tower and Frame - Galvanised Grey
Covers - White, RAL9003
Black, RAL9005

15080 Ground to Nacelle

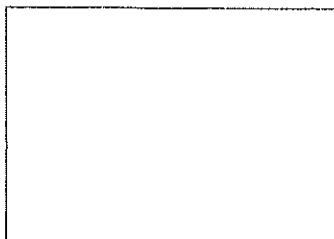
Ground Level

φ 8560 rotor diameter

PROVEN P R O V E N E N E R G Y		REVISION HISTORY	
GENERAL NOTES DESUPP ALL SHARP EDGES WELD STUBS TO BS 5499 PRT 21 WELDING TO BS EN 1011-2 BALANCING OF COMPONENTS TO COMPLY TO BS EN ISO 1461		DATE FOR SEE DATE FOR SEE DATE FOR SEE	
UNLESS OTHERWISE SPECIFIED DIMENSIONS ARE IN MILLIMETERS ANGLES IN ° 1 PL 401 2 PL 1001		PROVEN Energy Ltd, Wardhead Park, Sleat, Inverness, Scotland Tel: +44 (0)1850 45570 info@provenenergy.com All Rights Reserved	
Prop. No. 	DRAWN SF	CHECKED JWG/JP	NAME A. McH
DATE 05/06/00	SCALE 1:100	WEIGHT N/A	TITLE Planning Model Proven 35-2 on Flange Rotor 15m Tower
MATERIAL 316 L	FINISH 316 L	CUSTOMER NO. 316 L	RELEASED FOR 316 L



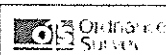
1135608
437100m



OS Mastermap
14 April 2011, ID: CM-00068224
www.centremapslive.co.uk

1:2500 scale print at A4, Centre: 437275 E, 1135608 N

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Shetland
Islands
Council



REPORT

To: Planning Committee

15 November 2011

**From: Marine Planning Officer
Development Department**

Development: To Develop a New Mussel Farm, Tokka, Ness of Hamar, Urafirth

By: Hjaltland Seafarms Ltd

Application Ref: 2011/034/MAR

1. Introduction

- 1.1 This is a proposal to develop a new mussel site at Tokka, Ness of Hamar, Urafirth by Hjaltland Seafarms Ltd. The proposed development is for three 330m double-headrope longlines. The site will be serviced from the Hamar shorebase.
- 1.2 The proposal has attracted objections from the Community Council and a member of the public.

2. Site History

- 2.1 A Works Licence (ref: 2006/022/NS) to farm scallops at Tokka, Ness of Hamar, was granted under delegated authority to Johnson Diving Services Ltd on 03 May 2006. The Works Licence was transferred to UK Scallops Ltd on 06 October 2006 (ref: 2006/074/TS).
- 2.2 As monitoring indicated that equipment had not been deployed on site for over three years, the works licence was considered forfeit on 10 November 2010.

3. Relevant Policies

3.1 Shetland Islands Council Interim Policy for Marine Aquaculture (2007)

- G1: The need to ensure that safe navigation is maintained;
- G2: Views of all interested parties, including competent and relevant bodies and local communities;
- S1: Minimum separation distance between sites;
- S4: Maximum surface works area;
- S7: Biological carrying capacity.

4. Safeguarding

4.1 None.

5. Consultations

5.1 Shetland Islands Council:

Environmental Health: No comments received.

Ports & Harbours Operations: Have no objections to the development provided the correct requirements for moorings, buoyage and lights are complied with.

5.2 Northmavine Community Council: Objected on the following grounds:

- There are concerns regarding the site and the weather conditions. The prevailing wind travels in the direction of the shore and Community Council members feel it would be irresponsible for a Local Authority to approve this.
- The exposure to rough conditions would constitute a danger to the mussel farm infrastructure. This could result in a break up of the infrastructure which could then pose a hazard to navigation and also result in debris being washed ashore at locations where retrieval is difficult.
- The Community Council also expressed concern about the past conduct of the company at sites in Northmavine, which they felt were not managed in a professional manner. There were some concerns that the company may have worked outside the remit of previous works licences and cited the current cages at Urafirth as an example.

5.3 Crown Estate Office: No comments received.

5.4 Royal Society for the Protection of Birds (RSPB): No adverse comments.

5.5 Shetland Fishermen's Association (SFA): No comments received.

5.6 Shetland Inshore Fishermen's Association (SIFA): No comments received.

5.7 Shetland Amenity Trust: No comments received.

5.8 Northern Lighthouse Board: No adverse comments.

5.9 Scottish Environment Protection Agency (SEPA): No adverse comments.

5.10 Scottish Natural Heritage (SNH): The applicant should submit annual returns of any bird deaths caused by net entanglement if anti-

predator nets are deployed. This will allow eider duck populations to be monitored.

5.11 Marine Scotland: No adverse comments.

6. **Statutory Adverts**

6.1 The application was advertised on 12 August 2011 under Regulation 35(5)(a) of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008.

7. **Representations**

7.1 One letter of objection from Mr J Duncan was received in relation to the proposal. The points raised are summarised as follows:

- The site is exposed to high energy wave action from multiple directions;
- There is a high probability of the proposed equipment breaking up and should this occur it would constitute a danger to navigation. Any debris would become a nuisance and be difficult to recover from the rugged coastline;
- There are no engineering calculations pertaining to loading on the moorings and long lines due to wave action nor any statistical analysis of weather and wave conditions or any other technical appendices in the application;
- Hjaltland Seafarms operations in Hamar Voe have been less than exemplary and do not inspire confidence.

7.2 The applicant has responded to the objections and provided an attestation from the mooring equipment company Gaelforce, the main points raised are summarized as follows:

- The applicant consulted with both North Atlantic Shellfish, who are the largest mussel producer in Shetland, and Gael Force, who have been providing mooring equipment to the aquaculture industry for more than 10 years, on what would be the best mooring system;
- Gael Force have provided a letter of attestation that the mooring system will stand up to the environmental conditions in Shetland and after undertaking the necessary engineering calculations have provided a mooring design specification for the proposed site;
- In relation to concerns about the professionalism of the company, Hjaltland Seafarms have only taken over sites in the area within the last year and are in the process of upgrading cages and moorings, a process which is almost complete.

8. Report

- 8.1 There are policies against which this application has to be assessed and these are listed at section 3 above. The determining issues to be considered are whether the proposal:
- complies with Council Policy; or
 - there are any other material considerations which would warrant the setting aside of Council Policy.
- 8.2 The main point in the objections from the Community Council and Mr J Duncan is that the proposed site is too exposed to high energy wave conditions from the southerly to south westerly fetch across St Magnus Bay and also from westerly swells refracted around the southern tip of Hillswick Ness. This could lead to the mussel farm breaking up causing a potential danger to navigation safety, and the debris becoming a nuisance and difficult to recover from the rugged shoreline. Concerns were also raised on the professionalism of the applicant and breaches of licence conditions.

Shetland Islands Council Ports and Harbours and the Northern Lighthouse Board were asked for their opinions on the points raised in the objections. Ports and Harbours agreed that the site is open to severe westerly weather conditions and if equipment broke up it would be a danger to navigation, thus Hjaltland Seafarms should provide proof that the development can stand up to these conditions. The Northern Lighthouse Board also agreed that the applicant should provide information that the moorings were fit for purpose. Hjaltland Seafarms subsequently provided information that the proposed equipment would withstand the prevailing conditions through a letter of attestation and mooring site plan from Gael Force.

The Gael Force letter of attestation and mooring plan provides an assurance that the proposed development will withstand the conditions. Hjaltland Seafarms would not invest in equipment to deploy on site if it was likely it would be destroyed or lost. However in the event that equipment does break up, this scenario would be dealt with through the standard condition in the Planning Permission which states:

- *“ In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk, the developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate.”*

A Works Licence was previously approved to a different operator for this site as detailed in Section 2. It was approved under the Council's Scheme of Delegation as there were no objections. However no equipment was ever deployed on site since the licence was granted and the licence was therefore deemed forfeit as it was not used for over three years.

In regards to the professionalism of the applicant there is, at the time of this report, no breach of any Planning Permission or Works Licence held by the applicant in this area.

The attestation from Gael Force and the standard condition should the site equipment break up answers the objectors points and protects against navigation safety issues, thus the application is compliant with Policy G1 and G2.

- 8.3 The site will not be within 500m of any other aquaculture developments and is therefore compliant with Policy S1.
- 8.4 Three 330m double-headrope longlines deployed as shown on the site plan results in a maximum surface works area of 33,000m² (330m x 100m) which is within the limits allowed by Policy S4.
- 8.5 Calculations show that the proposal will not result in biological carrying capacity being exceeded so that the application cannot be considered contrary to Policy S7.

9. Conclusions

- 9.1 The application attracted two objections (from the Northmavine Community Council and Mr J Duncan) with the main concern being that the proposed site is too exposed leading to the equipment breaking up and causing a danger to safe navigation. The applicant responded with a letter of attestation and mooring plan indicating the mooring system will withstand the sea conditions.
- 9.2 The policies referred to in Section 3 of this report are relevant to this application. The proposal complies with the Council's Interim Policy for Marine Aquaculture. Having considered the development proposed and all valid representations received, the determining issues regarding this application are whether the proposal will withstand the sea conditions and if not, would safe navigation be compromised.
- 9.3 On balance, and for the reasons set out in paragraph 8.2, the Marine Planning Service is of the opinion that the proposal can therefore be recommended for approval.

10. Policy and Delegated Authority

- 10.1 A decision to approve this amended application with the relevant conditions ensures that the proposal complies with Council policy. As the application is for a proposed development falling within the category of Local Development and as a local Community Council has objected to the proposal, the decision to determine the application is delegated to the Planning Committee in accordance with the Council's Planning Scheme of Delegations that has been approved by the Scottish Ministers.

- 10.2 If Members are minded to refuse the application as a departure from Council policy, it is imperative that clear reasons for proposing the refusal of planning permission contrary to Council 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.

11. Recommendation

- 11.1 In compliance with the Council's Interim Policy for Marine Aquaculture, it is recommended that the application as amended 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 unless previously approved in writing by the Planning Authority:

- Admiralty Chart: Location Map;
- Admiralty Chart: Zoomed in Location Plan;
- Site Plan;
- Section Plan;

All received by the Planning Authority on 19th June 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) All equipment and associated moorings approved by this permission shall be located as identified on the amended site plan received by the Planning Authority on 19 June 2011, the coordinates, in WGS84 projection, of the approved mooring containment area being:

Mid Point:	60° 27' 20.653" N	-01° 28' 9.850" W
N extremity:	60° 27' 28.334" N	-01° 28' 10.185" W
E extremity:	60° 27' 27.631" N	-01° 28' 3.403" W
S extremity:	60° 27' 12.972" N	-01° 28' 9.515" W
W extremity:	60° 27' 13.654" N	-01° 28' 16.297" W

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

- (5) The development hereby permitted shall relate to the longline culture of mussels. Details of any other species to be on-grown shall be submitted to the Planning Authority for prior approval.

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

- (6) A maximum of three 330m double-headrope longline shall be permitted. Any changes to longline deployment practices shall be submitted to and approved in writing by the Planning Authority prior to being implemented.

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

- (7) The following navigational marks shall be provided:

The site should be marked by 2 lit yellow buoys, conical in shape, exhibiting a yellow flashing light, character flash one every 5 seconds (Fl Y 5s) and fitted with a yellow multiplication cross topmark.

The buoys should have a diameter of approximately 1 metre at the waterline with the focal plane of the lights some 2 metres above that level. The visible range of the lights should be 2 nautical miles.

One buoy should be positioned at the most Northwesterly extremity of the site and the remaining buoy should be positioned at the most Southwesterly extremity of the site.

All navigation marks shall be deployed before any moorings are deployed on site.

Reason: In the interest of navigational safety and to comply with the guidelines laid down by the Northern Lighthouse Board.

- (8) All surface floats and buoys (excluding those required to comply with navigational requirements) shall be coloured dark grey, black or blue.

Reason: In the interest of visual amenity and to minimise the impact of the development on the wider landscape setting.

- (9) Any necessary predator control measures shall be non-lethal and non-destructive in accordance with the guidance provided by Scottish Natural Heritage (see Note to Applicant below for guidance). If anti-predator nets are used, they must be properly installed and maintained to ensure effective and non-lethal predator control. Any changes to permitted anti-predation measures shall be submitted to the Planning Authority for consideration and approval prior to any installation and use.

Reason: In the interest of protecting wildlife within the area, and for the avoidance of doubt as to what is being authorised by this permission.

- (10) In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk, the developer shall carry out or make suitable arrangements for the carrying out of all measures necessary for lighting, buoying, raising, repairing, moving or destroying, as appropriate.

Reason: In the interest of navigational safety.

- (11) In the event that the longlines or associated apparatus approved by this planning permission cease to be in operational use for the growing of shellfish for a period exceeding 3 years, they shall be wholly removed and the site restored to the satisfaction of the planning authority within 4 months of notice by the planning authority, unless agreed otherwise in writing by the planning authority.

Reason: To ensure that the site does not become a navigational hazard or source of marine litter.

12. **Attachments**

12.1 Admiralty chart: location plan.

12.2 Admiralty chart: zoomed in location plan.

12.3 Site plan.

12.4 Section plan.

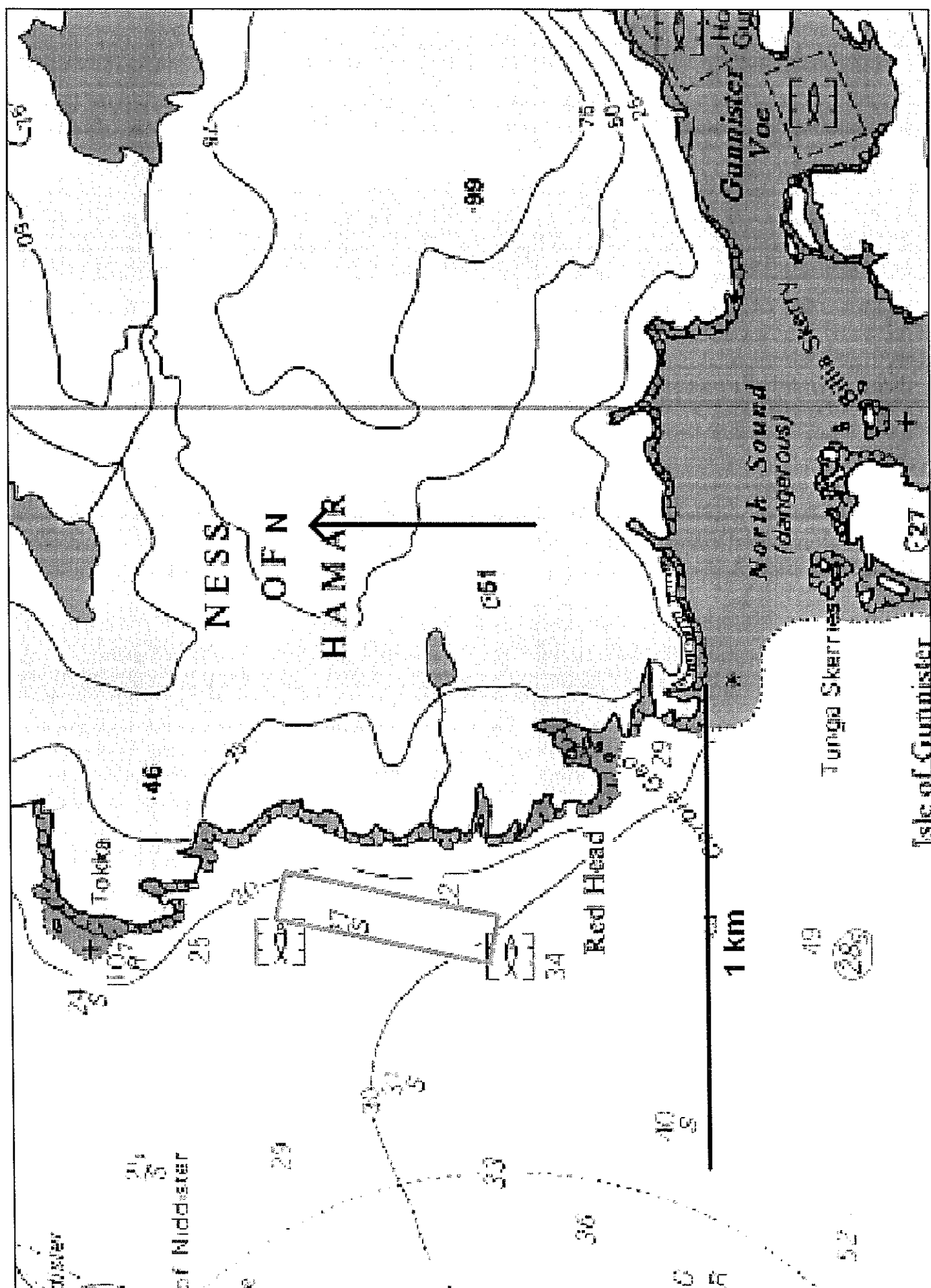
13. **Background Papers**

13.1 Letters of objection received from the following:

- Northmavine Community Council;
- Mr J Duncan.

13.2 Letter of response from the applicant with letter of attestation from Gael Force.

Report No: PL-22-11-F

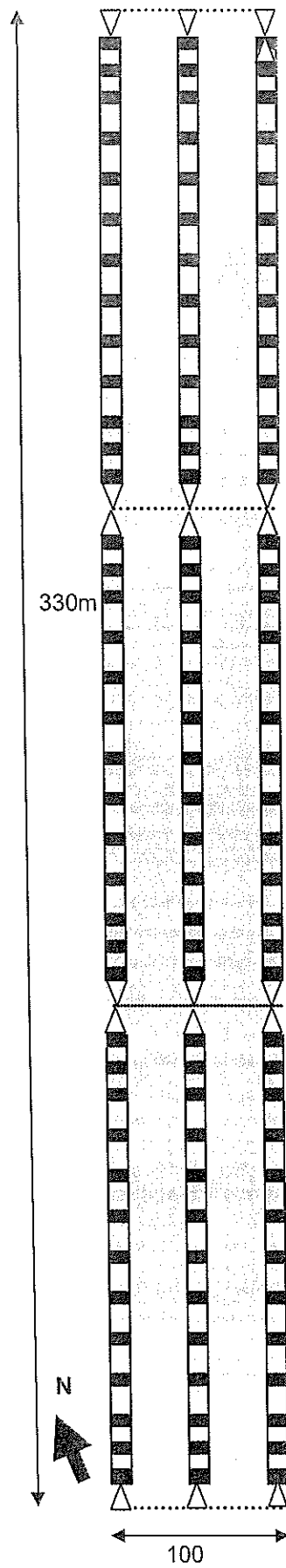


TOKKA, NESS OF HAMAR

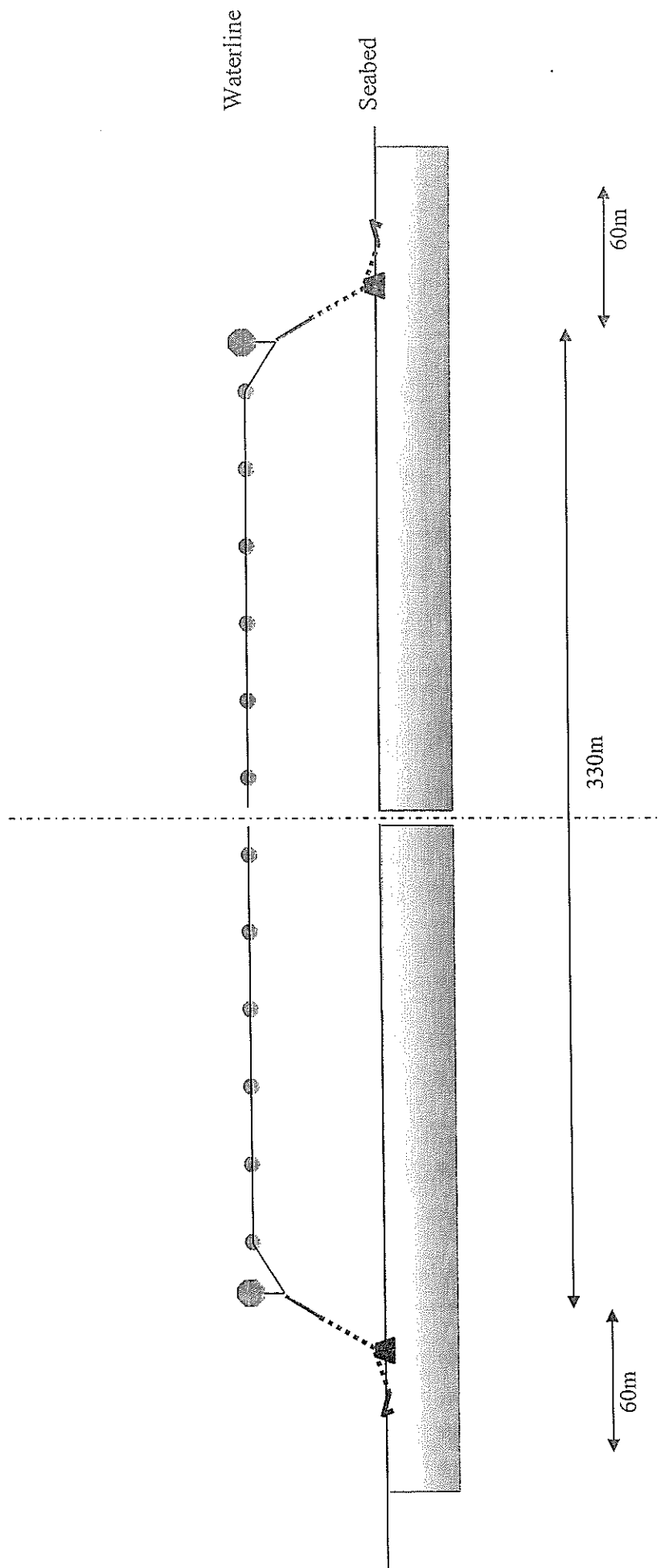
SITE PLAN - WORKS SURF

Mooring containment are

Shellfish works surface a



**TOKKA, NESS OF HAMAR
SECTION PLAN**



Note: Additional heavy ground chain riser and heavy block weight prior to anchor.



Marine Fish Farming Planning Application Consultation

For further information on this application contact:

Ryan Leask

Tel: 01595 745682

Email: ryan.leask@shetland.gov.uk

Application:

Ref: 2011/034/MAR	To develop a new mussel farm, Tokka, Ness of Hamar, Urafirth by Hjaltdland Seafarms Ltd
--------------------------	--

Date of Consultation: **2 August 2011**

Comments: Northmaven Community Council met on Monday 22nd August and discussed the proposed development at Ness of Hamar. Members moved that permission for the planning application should be denied for the following reasons:

There were concerns regarding the site and the weather conditions. The prevailing wind travels in the direction of the shore and members feel it would be irresponsible for a Local Authority to approve this.

The exposure to rough conditions would constitute a danger to the mussel farm infrastructure. This could result in a break up to the infrastructure which could pose a hazard to navigation and result in debris being washed ashore at locations where retrieval is difficult.

Members also expressed concerns about the past conduct of the company at sites in Northmavine which they felt were not managed in a professional manner. There were some concerns that the company may have worked outside the remit of previous works licences and cited the current cages at Urafirth as an example.

Organisation: .Northmaven Community Council.....

Signed: -- Clerk

Date: ..29th August 2011.....

Please reply to this consultation on this sheet (continue or attach your comments on a separate sheet if necessary). You may also reply in a separate letter or by email if you so wish. In any case, please return your comments within 14 days of receipt of this consultation. If not replying by email, please send your comments to the address below:

Orbister
Hamar
Sullom
Shetland
ZE2 9RG

19 AUG 2011
RL
153124

17-Aug-2011

F.A.O:Ryan Leask
Marine Planning Officer
Shetland Islands Council
Coastal Zone Management Service
Grantfield
Lerwick
ZE1 0NT

c.c. Northmavine Community Council

Dear Mr Leask,

Marine Fish Farming Planning Application
Hjaltland Seafarms Ltd
Tokka, Ness of Hamar
Reference Number: 2011/034/MAR

I wish to lodge an objection to this application on the following grounds.

This proposed site is extremely exposed with the shore to the east subject to high energy wave action not merely from the southerly to south westerly fetch across the St Magnus Bay, but from westerly swells refracted around the southern tip of Hillswick Ness.

In my opinion from extensive experience of this area there is a high probability that the proposed infrastructure would break up and should this occur would constitute a hazard to navigation; also any debris washed up would become a nuisance and difficult to recover from the rugged shoreline.

I note there are no engineering calculations pertaining to loading on the moorings and long lines due to wave action nor any statistical analysis of weather and wave conditions or any other technical appendices in the application.

Furthermore, I would also point out that Hjaltland Seafarms operations in Hamar Voe have been less than exemplary; specifically locating a large barge (which would appear to be extensively rusted and probably not in a good state of repair) outside the area of the works license. This and other probable infringements of the area of their works license and hap hazard storage of assets around the voe does not inspire confidence.

I am not in any way opposed to aquaculture provided that sites are properly selected and that management and operations are conducted in a professional manner.

Yours sincerely,


James P Duncan.



HJALTLAND

HJALTLAND SEAFARMS LTD,

Gremista,
Lerwick,
Shetland,
ZE1 0QD

Tel: 01595 741800
Fax: 01595 741806
e-mail: bill@shetlandproducts.co.uk

Ryan Leask
Marine Planning Officer
Shetland Islands Council
Coastal Zone Management Service
Grantfield
Lerwick
Shetland
ZE1 0NT

17/10/11

Dear Ryan,

Re. PLANNING APPLICATION : TOKKA, NESS OF HAMAR : 2011/034/MAR

Regarding letters of objection/concerns from Mr. James P Duncan, Northmaven Community Council and Ports & Harbour please find our response below.

The main concern appears to be the exposed nature of this proposed site and the ability of the equipment to withstand extreme weather conditions, so in conjunction with local shellfish farmers North Atlantic Shellfish, who are the largest and most experienced mussel farmers in Shetland, Gaelforce in Inverness were contacted to produce a mooring specification suitable for this site.

Location details of the site, including wave heights and reach as well as tidal details were submitted to Gaelforce to carry out the necessary engineering calculations and provide us with a mooring design and specification suitable for this site. Gaelforce are one of the most experienced mooring suppliers in Scotland and have been designing and supplying mooring systems to the aquaculture industry for over 10 years.

The mooring layout and letter of Attestation from Gaelforce is attached.

Regarding concerns about the professionalism of the company we wish to point out that Hjaltland Seafarms only took over these sites over a year ago and are in the process of upgrading cages and moorings, a process which is almost complete. This should elevate any concerns anybody has about the professionalism of the company.

If you require any further information or have any queries then please do not hesitate to make contact.

Regards

Bill Johnson
Fish Farming Manager



Letter of Attestation

17th October 2011

Dear Sirs

This is to confirm that Gael Force Aqua mooring equipment is manufactured from certified components and constructed by fully trained Gael Force employees. Based on the environmental conditions supplied for the Tokka site by North Atlantic Shellfish, Gael Force can confirm that the design and construction of the mooring system would be of the highest standard required by the Scottish and International Fish Farming Industry and that the mooring system which we would supply for this site would be more than suitable to endure the environmental conditions at the Tokka site in Shetland.

John Offord

Production Director

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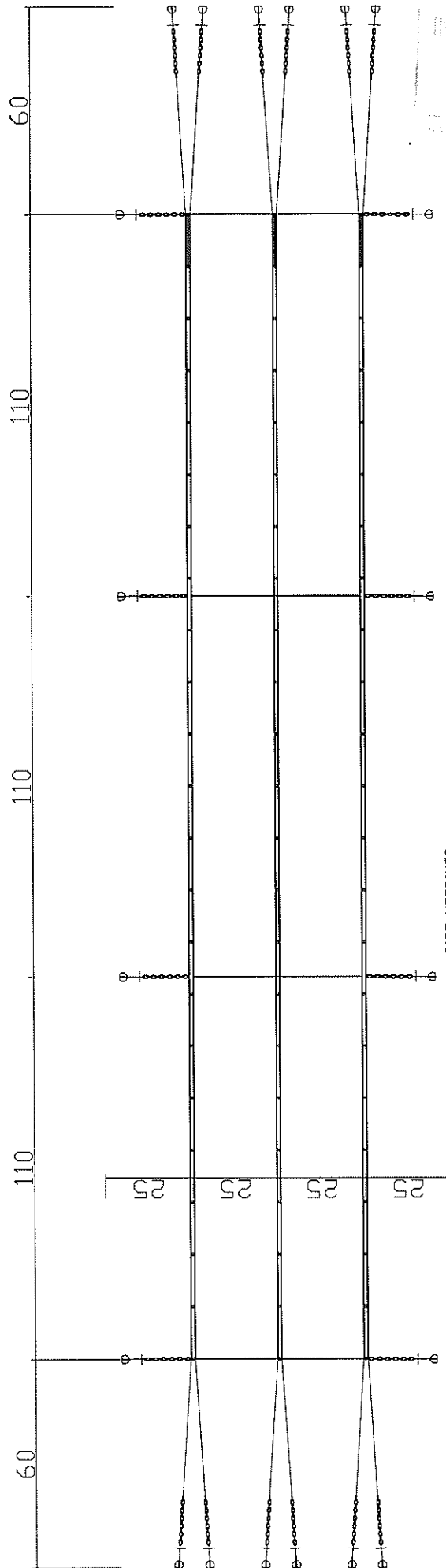
Gael Force Marine Equipment • Company Number SC160916 • Gael Force Aqua • Company Number SC186456

Gael Force Rentals • Company Number SC092175 • Gael Force Properties • Company Number SC264127

Registered Office: 136 Anderson Street Inverness

VAT No. 891769825

SIC
INFRASTRUCTURE SERVICES
1 JUL 2011



SIDE MOORINGS:
1 No 500KG ANCHOR
13.75M 32MM STUDLINK CHAIN
1 No 2 T CONCRETE BLOCK
30 M 40MM SEAMASTER ROPE

END MOORINGS:
1 No 1000KG ANCHOR
27.5 M 42MM STUDLINK CHAIN
1 No 2 T CONCRETE BLOCK
50 M 40MM SEAMASTER ROPE



REPORT

To: Planning Committee

15 November 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 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 Committee, applications for Local Development, where the exceptions that are set out in paragraph 1.3 above apply and so therefore the decision falls to be made by the Planning Committee, are set out in a table that includes the related officer recommendation. To meet with the Planning Committee's instruction of 20 September 2011 the table details the reason why the proposal falls to be determined by the Planning Committee.
- 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. To meet with the Planning Committee's instruction of 26 July 2011 (Item Minute 10/11), the list of conditions or refusal reasons (as appropriate) relating to each application is appended to this report.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2011/248/PPF	To change use of unused parcel of land to install swings and safety surface, Glen, Hamnavoe, Burra, Shetland, ZE2 9JY	Burra & Trondra Community Council	Approve, with conditions	Planning authority is landowner
2011/263/PPF	Extend breakwater, Fetlar Ferry Terminal, Fetlar, Shetland, ZE2 9DJ	Shetland Islands Council	Approve, with conditions	Planning authority is applicant
2011/278/PPF	To site portacabin for use by riding club, Seafield, Lerwick, Shetland, ZE1 0RN	Ms Tracey Leith	Approve, with conditions	Planning authority is landowner
2011/282/PPF	To install ground-source heat pump including trench and 14 boreholes, to provide heating, Sumburgh Lighthouse, Sumburgh, Virkie, Shetland, ZE3 9JN	Shetland Amenity Trust	Approve with conditions	Planning authority is landowner of part of application site

- 1.6 In respect of each application a decision that accepts the officer's recommendation will, in the opinion of the Executive Manager - 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 committee.doc J R Holden
Planning Committee: 15/11/2011

Appendix

2011/248/PPF - To change use of unused parcel of land to install swings and safety surface, Glen, Hamnavoe, Burra, Shetland, ZE2 9JY by Burra & Trondra Community Council

Recommended Conditions

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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 2008.

(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.) 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 seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . 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.

(5.) If any top soil, spoil or waste materials arising from any excavation of the site carried out as part of the development hereby permitted, 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.

Notes to Applicant:

Notice 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.

2011/263/PPF - Extend breakwater, Fetlar Ferry Terminal, Fetlar, Shetland, ZE2 9DJ by Shetland Islands Council

Recommended Conditions

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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.) Prior to the commencement of the development hereby approved details of any contractors working area and set down areas shall be submitted to and approved in writing by the Planning Authority. This shall include details of access into the site, site security, any lighting proposed and any buildings, plant and machinery proposed.

Reason: In the interests of amenity and public and road safety in compliance with Shetland Structure Plan (2000) GDS4 and Shetland Local Plan (2004) LPNE10.

(5.) Unless otherwise agreed in writing by the Planning Authority, working on the construction of the development hereby permitted shall only take place 0700h to 1900h Monday to Friday and 0700h to 1300h on Saturday. There shall be no working on Sundays and local public holidays.

Reason: In order to safeguard the amenity of existing properties in the area during the construction phase, in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(6.) No construction activities shall take place on the proposed development within the period 10th April to 31st July inclusive unless specifically authorised by the Planning Authority, and addressed by appropriate mitigation set out in the Appendix C of the Environmental Statement attached to this permission.

Reason: In order to reduce disturbance to wildlife in this area and to minimise impact on the Fetlar Special Protection Area, in compliance with Shetland Structure Plan (2000) Policy GDS4, SPNE5 and SPNE7 and Shetland Local Plan (2004) Policy LPNE10.

(7.) If any spoil or waste materials arising from the construction of the development are to be 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 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:

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.

Signage

Any signage proposed as part of this development may require Advertisement Consent under the Advertisement Regulations 1984. Please contact the Council's Development Management Service for further information (Tel 01595 744800).

Building Warrant:

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

2011/278/PPF - To site portacabin for use by riding club, Seafield, Lerwick, Shetland, ZE1 0RN by Ms Tracey Leith

Recommended Conditions

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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 steel container authorised by the permission hereby granted shall (unless a subsequent application for Full Planning Permission has been granted) be removed, or the use of the site shall be discontinued by the 30th November 2016. Following the removal of the development or the discontinuance of the use the land the subject of the development shall be restored in accordance with a scheme, which shall be submitted to the Planning Authority not later than 6 months before the expiry of this permission. The scheme shall not be implemented until the Planning Authority has given its written approval. Works comprising the approved scheme shall be completed before the 30th April 2017.

Reason: As the development is temporary in nature and to ensure the satisfactory reinstatement of the site when the use ceases in order to comply with Shetland Local Plan (2004) Policy LPNE10.

(4.) Notwithstanding the approved plans, the steel container hereby approved shall be painted dark green within one month of being placed on site. Thereafter the container shall be kept in a good state of repair and decoration.

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.

Notes to Applicant:

Notice 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.

2011/282/PPF - To install ground-source heat pump including trench and 14 boreholes, to provide heating, Sumburgh Lighthouse, Sumburgh, Virkie, Shetland, ZE3 9JN by Shetland Amenity Trust

Recommended Conditions

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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.) No construction works in connection with the development hereby approved shall take place during the bird breeding season (1 April to 31 August inclusive) unless otherwise approved in writing by the Planning Authority.

Reason: In order to ensure that there is no adverse impact on the adjacent Special Protection Area designated for its aggregation of sea birds, and in compliance with Shetland Structure Plan (2000) policy GDS4, SPNE1, SPNE4, SPBE1 and SPBE2 and Shetland Local Plan (2004) LPNE10 and LPBE6.

(5.) The development shall not commence until a scheme identifying a programme and implementation of archaeological works has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include a combination of evaluation excavation and a watching brief. Following written approval the scheme shall be implemented prior to the commencement of any development on the site.

Reason: In order to establish and protect any known archaeological and historical features within, or adjacent to, the area of development which are of significant historical importance to Shetland and in compliance with Shetland Structure Plan (2000) Policy SPBE2, Shetland Local Plan (2004) Policy LPNE10.

- (6.) The development shall not commence until details of the temporary opening and the reinstatement in the boundary wall around Sumburgh Lighthouse have been submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure that there is no adverse impact on the listed structure in compliance with Shetland Structure Plan (2000) SPBE1 and SPBE2 and Shetland Local Plan (2004) LPNE10 and LPBE6.

- (7.) 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 seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and celi grown stock tress, shrubs and hedges) . 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 Shetiand Local Plan (2004) Policy LPBE13.

- (8.) If any top soil, spoil or waste materials arising from any excavation of the site carried out as part of the development hereby permitted, 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.

Notes to Applicant:

Notice 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.

Military Remains

As it is possible that there are military remains in the area of the proposed development, the ground works should be carried out with caution.

Report of Handling

Development: To change use of unused parcel of land to install swings and safety surface

Location: Glen, Hamnavoe, Burra, Shetland, ZE2 9JY,

By: Burra & Trondra Community Council

Application Ref: 2011/248/PPF

1. Introduction

This is an application by Burra & Trondra Community Council, for full planning permission to install swings and a safety surface at Glen, Hamnavoe, on an area of open grass adjacent to and north of Beach Cottage. Within the Hierarchy of Developments this proposal is considered to be a Local Development, but is referred to the Planning Committee for decision as a statutory exception within the Planning Scheme of Delegations approved by the Scottish Ministers, as the Council is the landowner.

The site measures 14 metres by 26 metres (0.0364 hectares). The swing design will comprise 4 traditional swings and be constructed in galvanised steel.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS3 - General Development Policy Existing Settlements

GDS4 - General Development Policy Natural and Built Environment

SPNE2 - National Scenic Areas

SPNE1 - Design

Shetland Islands Council Local Plan (2004) (As Amended) Policies

LPNE10 - Development and the Environment

LPBE13 - Design

3. Safeguarding

Zone 1 Modified - Zone 1 Modified: Housing Zone 1

National Scenic Area - National Scenic Area: 53

4. Consultations

Roads Traffic were consulted on the 12 September 2011. Their comments dated 27 September 2011 can be summarised as follows:

No objections.

5. **Statutory Advertisements**

A notice was not required to be published in the local newspaper.

A site notice was not required to be posted.

6. **Representations**

Representations were received from the following properties:

None

7. **Report**

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.

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.

This main issue to be considered in determining this application is whether the proposed development will have an adverse impact on the amenity of the area and an impact on the National Scenic Area.

The provision of swings with a safety surface would appear to be compatible with the residential nature of the area, play parks often being located in such areas.

The site location and the traditional design of the swings while close to residential property is unlikely to impact adversely on the amenity currently enjoyed and further will not have an adverse visual impact on the amenity of the area.

8. **Policy and Delegated Authority**

As the application is for a proposed development falling within the category of Local Development and the Council has an interest in the proposal, 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.

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.

Notification to Scottish Ministers

Not required.

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

Subject to conditions, the installation of swings and a safety surface, does not depart from the aims of the development plan policies, will not have any adverse impact on the nature of the National Scenic Area nor the amenity of the area, and complies with Shetland Structure Plan (2000) policies GDS3, GDS4 and SPNE1, and Shetland Local Plan (2004) policies LPNE10, and LPNE11.

10. List of approved plans:

- Location Plan 11.08.2011
- Site Plan 11.08.2011
- Detail 11.08.2011

11. Conditions:

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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.) 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 seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . 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.

(5.) If any top soil, spoil or waste materials arising from any excavation of the site carried out as part of the development hereby permitted, 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.

Notes to Applicant:

Notice 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.

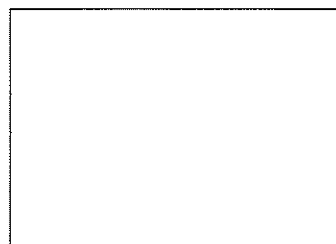
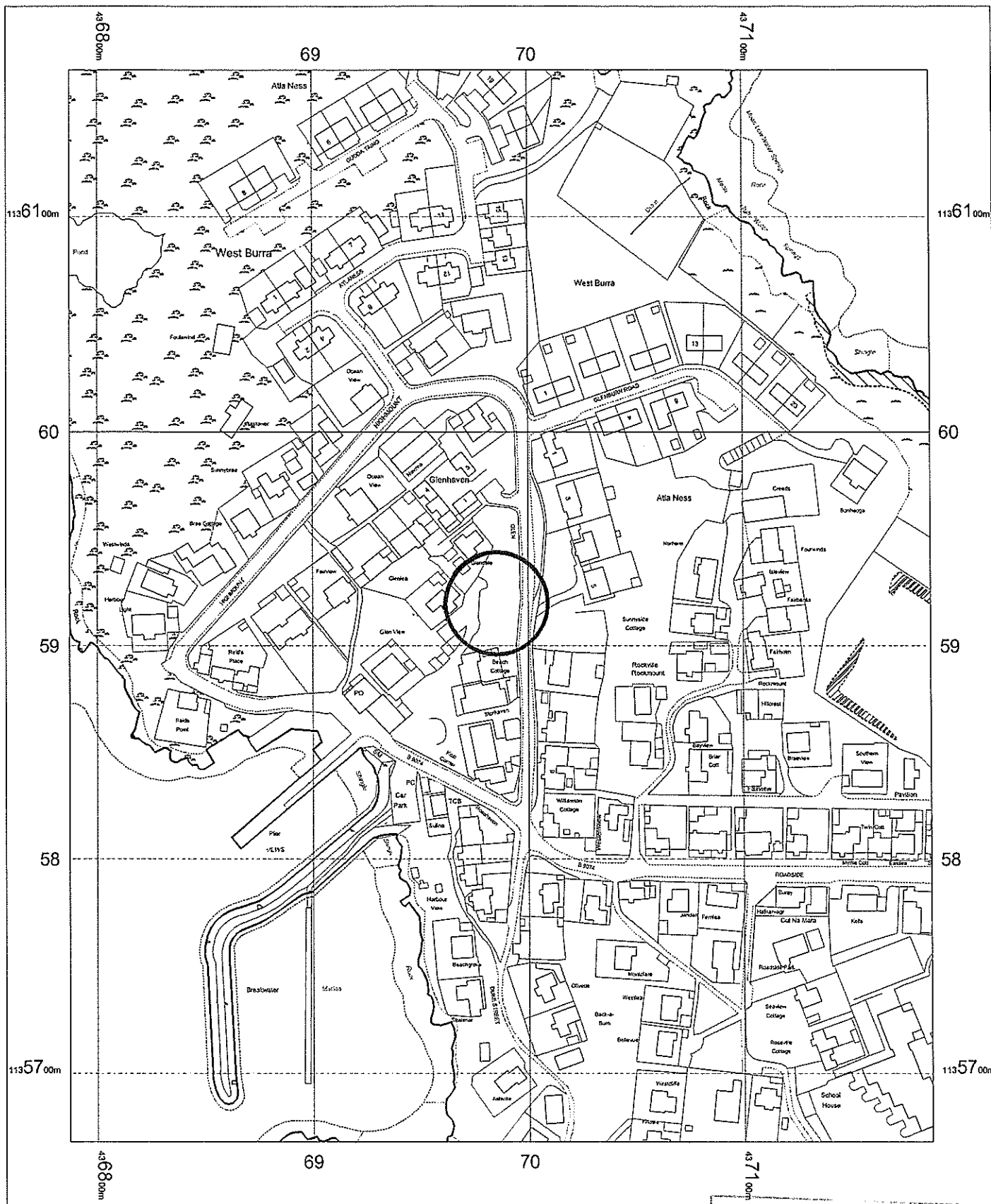
9. Further Notifications Required

None

10. Background Information Considered

None

2011/248 Report_of_Handling.doc
Officer: Mr Richard MacNeill
Date: 15 November 2011



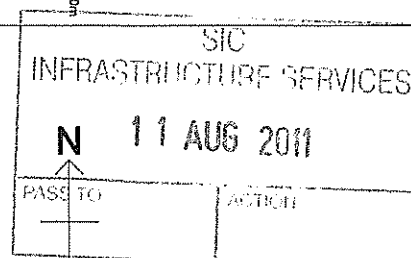
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08 August 2011, ID: CM-00087159
www.centremapslive.co.uk

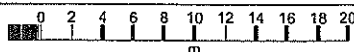
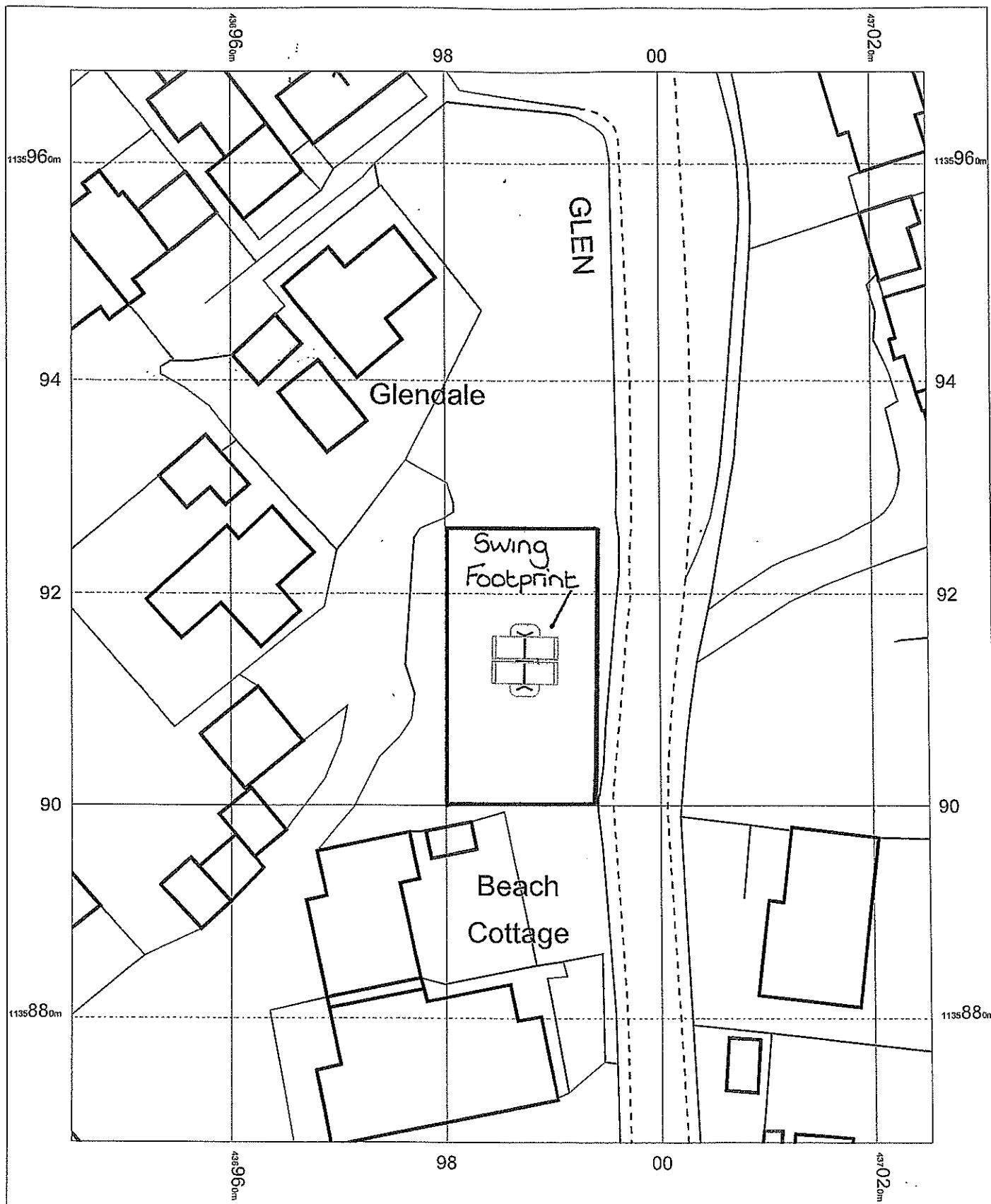
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**Shetland
Islands
Council**





OS Mastermap
08 August 2011, ID: CM-00087157
www.centremapslive.co.uk

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SIC	
INFRASTRUCTURE SERVICES	
N	11 AUG 2011
PASS TO	ACTION



Shetland
Islands
Council

Report of Handling

Development: Extend breakwater

Location: Fetlar Ferry Terminal, Fetlar, Shetland, ZE2 9DJ,

By: Shetland Islands Council

Application Ref: 2011/263/PPF

1. Introduction

This is an application for full planning permission to extend the breakwater which is currently under construction, at Hamars Ness, Fetlar which lies in the north west corner of the island. Planning consent was previously granted on the 7th October 2010. (2010/258/PCD).

It is now necessary to extend the consented development by a further 40 metres which will give a total breakwater length of 256 metres. It will have a crest height of 5.4 metres above local chart datum, as with the rest of the breakwater.

Under the Environmental Impact Assessment (Scotland) Regulations 1999, Schedule 2, an Environmental Statement (ES) was required in support of the previous planning application. This report has taken into account the information contained in the ES and that arising from the statutory consultations and other responses and is considered to be relevant to the consideration and determination of the current proposal. An additional Environmental Note supporting the application has been submitted which draws on the information contained within the ES and outlines mitigation measures.

Under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 the proposed development is defined as a local development.

Scottish Natural Heritage have advised that in this instance an Appropriate Assessment (AA) is not required under the Habitats Directive and Regulations.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS1 - General Development Policy Sustainable Development

GDS2 - General Development Policy Economic Competitiveness

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

SPNE2 - National Scenic Areas

SPCST1 - Development at Coastal Sites

SPTP7 - Car Parking Standards

Shetland Islands Council Local Plan (2004) (As Amended) Policies

LPNE10 - Development and the Environment

LPBE13 - Design

LPWD10 - Flooding

LPWD11 - Surface Water Drainage Standards

LPIND6 - Class 4 Business Uses in Lerwick

3. Safeguarding

30km Radius Scatsta - 30km Sumburgh Scatsta: 2

Coastal 100 V0 - Coastal 100 V0: 1

Coastal 200 V1 - Coastal 200: 21

Health and Safety Executive - Code: HSE071

Site Name: Hamars Ness Ro-Ro Terminal

Type: Explosives

HSE Ref: XI48111552

Special Protection Areas - Special Protection Areas: Fetlar

4. Consultations

SEPA Dingwall were consulted on the 30 August 2011. Their comments dated 8 September 2011 can be summarised as follows:

Have no objection as they are satisfied with the proposed mitigation detailed within the Environmental Statement.

SNH were consulted on the 30 August 2011. Their comments dated 7 September 2011 can be summarised as follows:

Consider that it is unlikely that the proposal will have a significant effect on any qualifying interests directly or indirectly. An appropriate assessment is therefore not required.

Fetlar Community Council were consulted on the 30 August 2011. Their comments dated 3 October 2011 can be summarised as follows:

No objections.

5. Statutory Advertisements

A notice was not required to be published in the local newspaper.

A site notice was not required to be posted.

6. Representations

Representations were received from the following properties:

Newhouse, Midbrake, Cullivoe,
Yell

and were made in the provision of the Community Council's comments.

7. Report

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.

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.

This extension will be constructed from rubble and be protected by rock armour on its inside and outside faces in a similar manner to the previously approved breakwater. It will have a crest height of 5.4 metres above local chart datum and extend 40 metres from the end of the previously proposed breakwater. Most of the core fill and armour will be sourced from the excavation and construction of the parking and lay-down area previously approved, so avoiding importation.

The ES submitted in support of the original application (2010/258/PCD) outlined that Fetlar is the only island in Shetland without a berthing facility (other than the ferry terminal) capable of being used all year round.

The proposed extension to the original design would provide further protection for vessels, increasing the reliability of the ferry service and also giving additional protection for the users of the small craft facility.

The overall objective of the proposal then is set as being to enhance the viability of Fetlar, and to improve the desirability, vibrancy and economy of the area.

The main environmental impacts of the activities are most likely to be noise and vibration generated during the construction and rock blasting phases. The previous ES contains an assessment of the residual effects and has described six areas of activity where impacts may be noticeable.

- * Airborne Construction Noise and Vibration - Disruption due to construction is a localised phenomenon and temporary in nature. There are no residences close to the site and receptors affected are likely to be people waiting for or disembarking from the ferry.
- * Air Overpressure from Blasting at the Borrow Pit - The brief duration of the blasts, distance from residences, (closest 3km) and timing not to coincide with ferry arrival and departures mean that it can be concluded that this is unlikely to be an issue for humans
- * Groundborne Vibration from Blasting at the Borrow Pit - Appropriate vibration monitoring will be undertaken.
- * Construction Traffic Noise - It is estimated that there will be 60 traffic movements a day, however none are to go past residential properties.
- * Waterborne Construction Noise - There is potential for construction noise to cause disturbance to marine mammals in the vicinity of the proposals. Ecological measures as set out in the ES will ensure that these effects will not be significant.
- * Operational Noise - There will be increased noise associated with an increase in the number of boats using the new pier. While a quantitative assessment has not been undertaken it is unlikely that this will be a significant increase.

The Environmental Statement submitted in support of the original application (2010/258/PCD) outlines mitigation measures to be undertaken during the construction process. The measures proposed are considered to be proportionate to the activity anticipated during construction.

An Appropriate Assessment (AA) has not been required for this proposal but was undertaken during the previous proposal. The AA concluded then, that from the currently available evidence, data and literature, and taking account of the information supplied in the Environmental Statement the construction of the breakwater and pier will not have any adverse effect on the integrity of the Fetlar SPA with respect to the impact on qualifying bird species in terms of physical and noise disturbance. This was due to the relatively small footprint of the development and the temporary and short-term duration of noise impacts during the construction phase of the development. This additional extension is unlikely to have a significant impact and as such SNH have raised no objections to this proposal.

This is provided that the mitigation measures outlined in the Environmental Statement restricting the timing of construction activities to be outwith the period 10th April June to 31st July unless specifically authorised, be included as site specific planning conditions in any permission granted.

Although there is the potential for seals to be affected by onshore noise during the construction phase, these activities will be temporary and short-lived and will not have a detrimental impact on seal populations locally or regionally. It is unlikely to permanently affect the designated features of the European site.

The ES identified previously that there would be a permanent habitat loss of 0.92ha of seabed which lies within the Fetlar SPA from the footprint of the breakwater and pier. The area of habitat to be lost represented some 0.005% of the total SPA area. Some 0.02ha of seabed was required to be dredged to achieve the minimum depth for the use of the pier. There would be some impacts to water quality during the dredge but these would be short term and any plumes of fine material in the water dispersed by the tides. The small nature of the extension (0.165ha in the marine environment, and approximately 0.001% of the total SPA) is unlikely to increase to any significant degree the loss and impacts described above.

Landscape and Visual Effects

The impact of the development on the landscape and the physical changes that will take place have been fully explored within the ES. The Planning Service agrees with the assessment that the impacts during construction will be temporary and providing that the proposed mitigation and restoration principles are fully implemented there will be no permanent adverse visual impact.

8. Policy and Delegated Authority

As the application is for a proposed development falling within the category of Local Development and the Council has an interest in the proposal, 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.

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.

Notification to Scottish Ministers

Not required.

9. Recommendation

Grant subject to conditions.

Reasons for Council's decision:

(0.) The principle of this type of development in this location is considered to have been established, not least by the granting of Planning Permission 2010/258/PCD to construct a breakwater. The Environmental Statement submitted in that regard has identified and includes recommended mitigation measures to reduce the potential effects of the works on the environment. On balance, and taking into account the benefit of providing a new facility, and the socio-economic benefits for Fetlar, the impacts are considered to be acceptable in the short term. The development is considered to be acceptable in terms of: the type of development proposed and location; the provision of adequate parking and satisfactory access arrangements; satisfactory mitigation measures proposed during the construction period; and socio-economic benefits and thereby to comply with Shetland Structure Plan (2000) Policies GDS1, GDS2, GDS4, SPNE1, SPNE2 and SPIND1 and Shetland Local Plan (2004) Policies LPBE13 and LPNE10 and LPIND4

9. List of approved plans:

- Site & Location Plan 200P 24.08.2011
- Section Plan 201P 24.08.2011
- Environmental Note 24.08.2011

10. Conditions:

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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.) Prior to the commencement of the development hereby approved details of any contractors working area and set down areas shall be submitted to and approved in writing by the Planning Authority. This shall include details of access into the site, site security, any lighting proposed and any buildings, plant and machinery proposed.

Reason: In the interests of amenity and public and road safety in compliance with Shetland Structure Plan (2000) GDS4 and Shetland Local Plan (2004) LPNE10.

(5.) Unless otherwise agreed in writing by the Planning Authority, working on the construction of the development hereby permitted shall only take place 0700h to 1900h Monday to Friday and 0700h to 1300h on Saturday. There shall be no working on Sundays and local public holidays.

Reason: In order to safeguard the amenity of existing properties in the area during the construction phase, in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(6.) No construction activities shall take place on the proposed development within the period 10th April to 31st July inclusive unless specifically authorised by the Planning Authority, and addressed by appropriate mitigation set out in the Appendix C of the Environmental Statement attached to this permission.

Reason: In order to reduce disturbance to wildlife in this area and to minimise impact on the Fetlar Special Protection Area, in compliance with Shetland Structure Plan (2000) Policy GDS4, SPNE5 and SPNE7 and Shetland Local Plan (2004) Policy LPNE10.

(7.) If any spoil or waste materials arising from the construction of the development are to be 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 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:

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.

Signage

Any signage proposed as part of this development may require Advertisement Consent under the Advertisement Regulations 1984. Please contact the Council's Development Management Service for further information (Tel 01595 744800).

Building Warrant:

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

9. Further Notifications Required

None

10. Background Information Considered

Previous planning consent 2010/258/PCD granted in October 2010.

263_Delegated_Report_of_Handling.doc
Officer: Mr Richard MacNeill
Date: 15.11.11

Report of Handling

Development: To site portacabin for use by riding club

Location: Seafield, Lerwick, Shetland, ZE1 0RN.

By: Ms Tracey Leith

Application Ref: 2011/278/PPF

1. Introduction

This is an application to site a metal container, measuring approximately 6 metres by 2.4 metres, for storage of riding jumps and other equipment used by the Filsket Riding Club, on land adjacent to Seafield Lodge at Seafield, Sea Road, Lerwick.

Within the Hierarchy of Developments this proposal is considered to be a Local Development, but is referred to the Planning Committee for decision as a statutory exception within the Planning Scheme of Delegations approved by the Scottish Ministers, as the Council is the landowner.

There is an existing steel container on the site that is used by another riding group which was granted permission in March 2007 (2007/075/PCD)

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS3 - General Development Policy Existing Settlements

GDS4 - General Development Policy Natural and Built Environment

SPNE1 - Design

Shetland Islands Council Local Plan (2004) (As Amended) Policies

LPNE10 - Development and the Environment

LPNE11 - Local Protection Areas

3. Safeguarding

Land Capability Agriculture - code: 6.3

LPA Modified - Local Protection Area: Local Protection Area

4. Consultations

Lerwick Community Council were consulted on the 20 September 2011. Their comments dated 5 October 2011 can be summarised as follows.

No objections.

5. **Statutory Advertisements**

A notice was not required to be published in the local newspaper.

A site notice was not required to be posted.

6. **Representations**

Representations were received from the following properties:

None

7. **Report**

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.

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.

The main issue to be considered in this application for full planning permission is whether, in terms of the development plan, such a development in this location is acceptable. Within areas that have been identified on the Shetland Local Plan 2004 Map as a Local Protection Area (LPA), such as is the case in respect of this proposal, only applications for the development of facilities which benefit the community as a whole will be considered. The areas identified on the Proposals Maps are generally areas of land not protected by any statutory designation, but they are areas regarded by the local community as being worthy of protection for a variety of reasons e.g. a viewpoint, wildlife, wild flowers, local historic interest, open space. The aim of the policy LPNE11 is to maintain these areas free from development, except that which is for the benefit of the community as a whole.

The main thrust of the policies is to protect the area from developments which are inappropriate and which would have an adverse impact on the site, both in terms of environmental impacts and visual amenity.

While it could be argued that the proposed use does not greatly benefit the "community as a whole" the Riding Club provides instruction for

children aged four to 16 years old and the siting of the container would assist this worthwhile sporting activity.

The previous container was granted full planning permission. Notwithstanding this it is considered that any additional units should be granted on a temporary basis only to further protect the LPA. It is further recommended that the container should be painted dark green to match the existing one on site.

It is therefore considered that subject to conditions, the placement of a steel container which is to be used in conjunction with the established equestrian activity, does not depart from the aims of the development plan policies, and will not have any adverse impact on the nature of the LPA nor the amenity of the area.

8. Policy and Delegated Authority

As the application is for a proposed development falling within the category of Local Development and the Council has an interest in the proposal, 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.

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.

Notification to Scottish Ministers

Not required.

9. Recommendation

Grant subject to conditions

Reasons for Council's decision:

(1.) Subject to conditions, including one allowing the steel container proposed to be sited for a temporary period only, the placement of an additional unit at the site which is to be used in conjunction with the established equestrian activity, does not depart from the aims of the development plan policies, will not have any adverse impact on the

nature of the LPA nor the amenity of the area, and complies with Shetland Structure Plan (2000) policies GDS3, GDS4 and SPNE1, and Shetland Local Plan (2004) policies LPNE10, and LPNE11.

10. **List of approved plans:**

- Photograph 05.09.2011
- Photograph 05.09.2011
- Location Plan 26.09.2011

Conditions:

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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 steel container authorised by the permission hereby granted shall (unless a subsequent application for Full Planning Permission has been granted) be removed, or the use of the site shall be discontinued by the 30th November 2016. Following the removal of the development or the discontinuance of the use the land the subject of the development shall be restored in accordance with a scheme, which shall be submitted to the Planning Authority not later than 6 months before the expiry of this permission. The scheme shall not be implemented until the Planning Authority has given its written approval. Works comprising the approved scheme shall be completed before the 30th April 2017.

Reason: As the development is temporary in nature and to ensure the satisfactory reinstatement of the site when the use ceases in order to comply with Shetland Local Plan (2004) Policy LPNE10.

(4.) Notwithstanding the approved plans, the steel container hereby approved shall be painted dark green within one month of being placed on site. Thereafter the container shall be kept in a good state of repair and decoration.

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.

Notes to Applicant:

Notice 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.

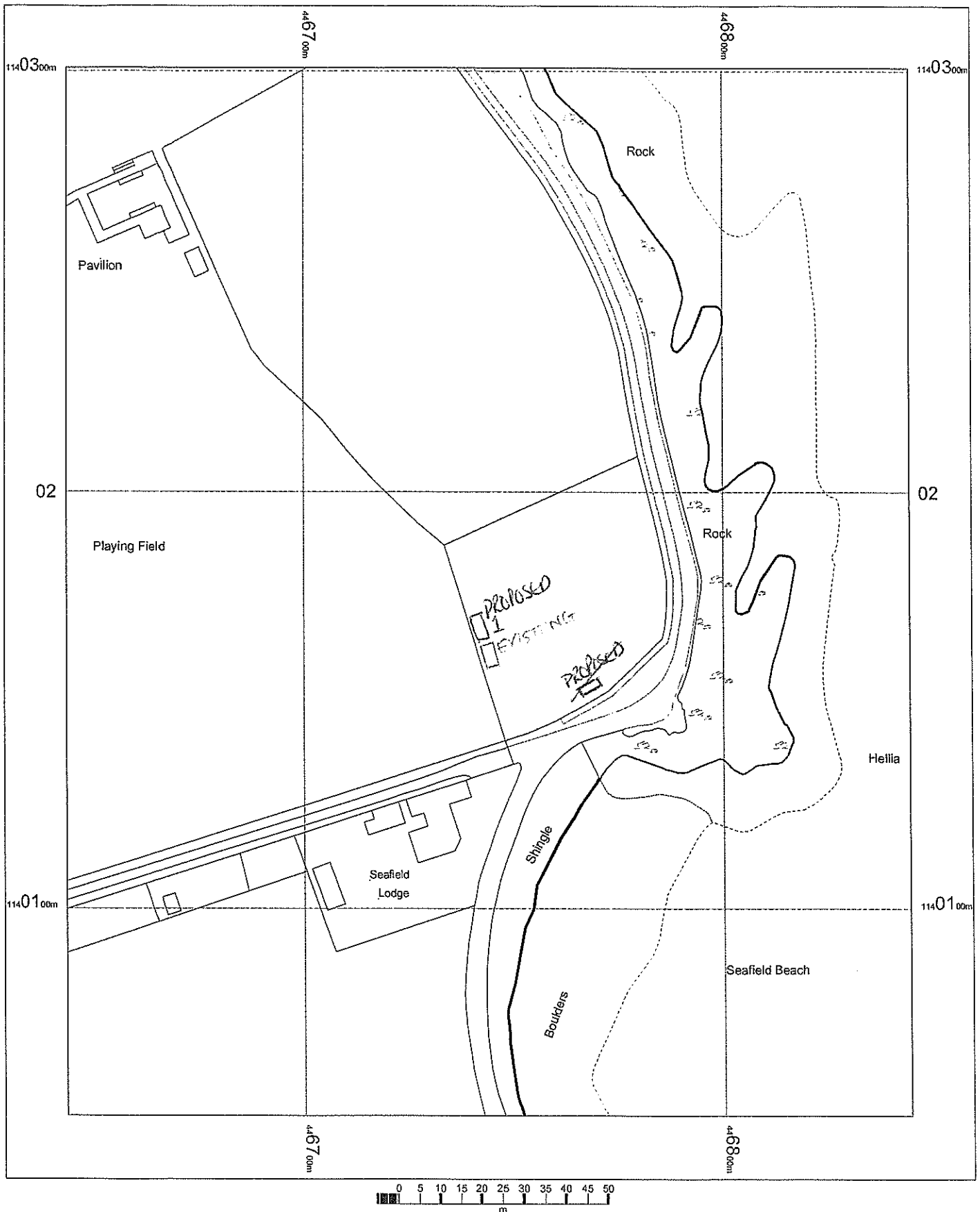
11. Further Notifications Required

None

12. Background Information Considered

Planning permission 2007/075/PCD

278_Report_of_Handling.doc
Officer: Mr Richard MacNeill
Date: 15th November 2011



OS Mastermap
14 July 2011, ID: CM-00082834
www.centremapslive.co.uk

1:1250 scale print at A4, Centre: 446744 E, 1140176 N

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Mapping
sourced from

Ordnance
Survey



Shetland
Islands
Council

Report of Handling

Development: To install ground-source heat pump including trench and 14 boreholes, to provide heating

Location: Sumburgh Lighthouse, Sumburgh, Virkie, Shetland, ZE3 9JN,

By: Shetland Amenity Trust

Application Ref: 2011/282/PPF

1. Introduction

This application relates to the installation of a ground source heat pump to supply heat to the visitor centre, holiday accommodation and offices in the complex of buildings at Sumburgh Head Lighthouse that gained planning permission in March 2011 (ref: 2009/021/LBC & 2009/026PCD). The works will mainly comprise a series of trenches and 14 boreholes to house the ground-source pipe work. The boreholes and pipe work will be located in the field immediately to the south west of the buildings at the lighthouse and will require the formation of a temporary opening through the existing boundary wall that will be made good on completion of the development.

2. Statutory Development Plan Policies

Shetland Islands Council Structure Plan (2000) Policies

GDS1 - General Development Policy Sustainable Development
GDS4 - General Development Policy Natural and Built Environment
SPNE1 - Design
SPNE4 - Nature Conservation
SPNE6 - Sites of Special Scientific Interest
SPNE7 - Nature Conservation
SPBE1 - Built Heritage
SPBE2 - Archaeological Remains
SPTOUR1 - Tourism Development
SPCSF3 - Social and Economic Services

Shetland Islands Council Local Plan (2004) (As Amended) Policies

LPNE10 - Development and the Environment
LPBE4 - Preservation and Re-use of Disused Buildings
LPBE5 - Protection and Enhancement of Buildings
LPBE6 - Listed Buildings
LPTOU2 - Visitor Accommodation
LPCFS4 - Community Facilities

3. Safeguarding

Civil Aviation Authority - CAA: All Applications involving tree planting, mineral extraction, quarrying, refuse tips, reservoirs, sewage disposal, bird sanctuaries, all applications connected with aviation use.

Civil Aviation Authority - CAA: Bird Strike Hazard 13km consultation zone around aerodrome

Civil Aviation Authority - CAA: All Development Structures or Erections Greater than 45m in height

Listed Building - Listed buildings: SUMBURGH HEAD LIGHTHOUSE
Category of listing: A

Military Unclassified - Military Unclassified info: no contamination

4. Consultations

The RSPB were consulted on the 12 September 2011. Their comments dated 13 October 2011 can be summarised as follows:

The construction phase of the proposed development may generate considerable amount of noise and possibly vibration that may have an adverse effect on seabirds when they are breeding. It is considered that to prevent disturbance, construction work should not be carried out during the breeding season (1 April to 31 August 2011 inclusive), unless it can be shown that the works will not cause significant disturbance to the breeding seabirds.

Environmental Health were consulted on the 12 September 2011. Their comments dated 27 September 2011 can be summarised as follows:

As it is possible that there are military remains in this area, the ground works should be carried out with caution.

Scottish Water Customer Connections were consulted on the 12 September 2011. Their comments dated 19 September 2011 can be summarised as follows:

No objections.

SNH were consulted on the 12 September 2011. Their comments dated 27 September 2011 can be summarised as follows:

The proposal could affect Sumburgh Head Special Protection Area (SPA) designated for aggregation of breeding seabirds and sea bird assemblage. The site's status means that the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended apply. SNH advises that the proposal be conditioned so that the works are undertaken strictly in accordance the following condition:

1. Work should take place outside the breeding season for seabirds at the site ie. between 1 September and 30 March.

As the proposed development raises natural heritage issues of national interest, SNH object to the proposal unless it is made subject to this condition.

Shetland Amenity Trust were consulted on the 12 September 2011. Their comments dated 19 September 2011 can be summarised as follows:

No ground works shall proceed until a programme of archaeological works has been undertaken to a specification agreed with the regional archaeologist on behalf of the Planning Authority. This will include a combination evaluation excavation/watching brief.

5. Statutory Advertisements

The application was advertised in the Shetland Times on 16.09.2011

A site notice was not required to be posted.

6. Representations

Representations were received from the following properties:

None.

7. Report

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.

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.

There are a number of environmental concerns for this development due to the proposed location of this development close to a Special Protection Area (SPA) designated for its aggregation of breeding sea birds, within an area where there may be archaeological remains, in an area where there may be military remains and close to a Category A listed building.

The development will involve the drilling of 14 boreholes each approximately 120 metres deep and the excavation of trenches to

accommodate the ground source pipe work. During the construction of the development there is a potential to disturb the breeding seabirds on the adjacent cliffs. Given this SNH and the RSPB have asked for a condition to be placed on any permission to ensure that the construction of this development does not take place during the bird breeding season (1 April to 31 August). Attaching a condition to this effect will reduce the potential impact on the SPA to acceptable levels and will ensure that the development complies with Structure Plan policies SPNE4, SPNE5 and SPNE7 and Local Plan policy LPNE10 . If this is not attached as a condition SNH, a statutory consultee, object to the application.

There is also potential for archaeological remains to be found within the site given the history of the area. The Shetland Archaeologist has asked for a condition to be attached to any permission to ensure that no ground works proceed until a programme of archaeological works has been undertaken to an agreed specification that must include a combination evaluation excavation/watching brief. This will ensure that the development complies with Structure Plan policy SPBE1 and Local Plan policy LPNE10.

With regard to the possibility of military remains the Council's Environmental Health Service has advised that excavation in this area should proceed with caution and an advisory will be attached to any permission that informs the developer of the potential for military remains in this area.

The development site when completed should be landscaped and the pipe work and boreholes will be underground so there will be no lasting impact on the setting of the listed building. To connect to the ground source heating to the building it is to serve will require the formation of a temporary opening in the boundary wall around the lighthouse buildings, with the wall being reinstated to match the original. A condition will be attached that requires further details of this aspect of the development to ensure that impact on the wall is minimised and that the reinstatement proposed is acceptable, in compliance with Structure Plan policy SPBE1 and Local Plan policy LPBE6.

Due to the nature of the development and subject to appropriate controlling conditions that limit the timing of the works, ensure a suitable programme of archaeological works, limit impact on the boundary wall and ensure landscaping of the area, the proposed development will have minimal impact on the adjacent Special Protection Area at the cliffs at Sumburgh, potential archaeological remains will be recorded or safeguarded and there will be minimal landscape or visual impact. The proposal therefore complies with Shetland Structure Plan (2000) GDS1, GDS4, SPNE1, SPNE4, SPBE1, SPBE2 and Shetland Local Plan (2004) LPNE10, LPBE6.

8. Policy and Delegated Authority

As the application is for a proposed development falling within the category of Local Development and the Council has an interest in the proposal, 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.

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.

Notification to Scottish Ministers

Not required.

9. Recommendation

Grant subject to conditions.

Reasons for Council's decision:

(1.) Subject to appropriate controlling conditions that limit the timing of the works, ensure a suitable programme of archaeological works, limit impact on the boundary wall and ensure appropriate reinstatement of the area, the proposed development will have minimal impact on the adjacent Special Protection Area at the cliffs at Sumburgh, potential archaeological remains will be recorded or safeguarded and there will be minimal landscape or visual impact. The proposal therefore complies with Shetland Structure Plan (2000) GDS1, GDS4, SPNE1, SPNE4, SPBE1, SPBE2 and Shetland Local Plan (2004) LPNE10, LPBE6.

10. List of approved plans:

- Proposed Plan 1303 P001 Rev A 06.09.2011

Conditions:

(1.) The development hereby permitted shall not be carried out other than wholly in accordance with the approved 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.

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.) No construction works in connection with the development hereby approved shall take place during the bird breeding season (1 April to 31 August inclusive) unless otherwise approved in writing by the Planning Authority.

Reason: In order to ensure that there is no adverse impact on the adjacent Special Protection Area designated for its aggregation of sea birds, and in compliance with Shetland Structure Plan (2000) policy GDS4, SPNE1, SPNE4, SPBE1 and SPBE2 and Shetland Local Plan (2004) LPNE10 and LPBE6.

(5.) The development shall not commence until a scheme identifying a programme and implementation of archaeological works has been submitted to, and approved in writing by, the Planning Authority. The

scheme shall include a combination of evaluation excavation and a watching brief. Following written approval the scheme shall be implemented prior to the commencement of any development on the site.

Reason: In order to establish and protect any known archaeological and historical features within, or adjacent to, the area of development which are of significant historical importance to Shetland and in compliance with Shetland Structure Plan (2000) Policy SPBE2, Shetland Local Plan (2004) Policy LPNE10.

(6.) The development shall not commence until details of the temporary opening and the reinstatement in the boundary wall around Sumburgh Lighthouse have been submitted to and approved in writing by the Planning Authority.

Reason: In order to ensure that there is no adverse impact on the listed structure in compliance with Shetland Structure Plan (2000) SPBE1 and SPBE2 and Shetland Local Plan (2004) LPNE10 and LPBE6.

(7.) 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 seasons following the completion of the development, which run from 1st May to 15th August for the sowing of grass seeds mixtures, and between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) . 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.

(8.) If any top soil, spoil or waste materials arising from any excavation of the site carried out as part of the development hereby permitted, 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.

Notes to Applicant:

Notice 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.

Military Remains

As it is possible that there are military remains in the area of the proposed development, the ground works should be carried out with caution.

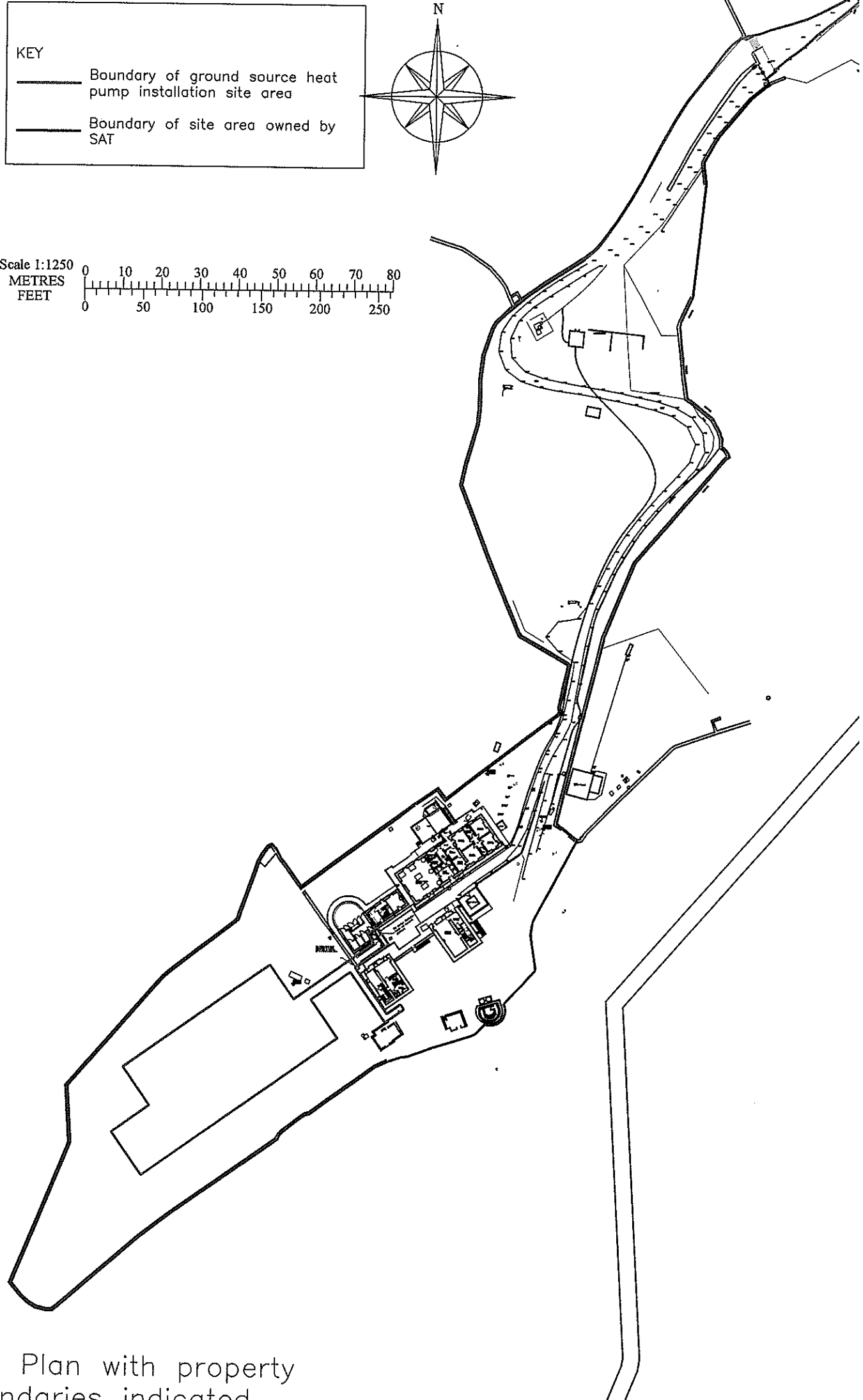
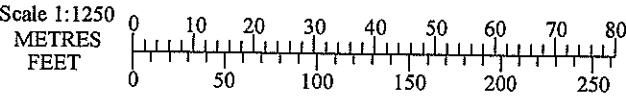
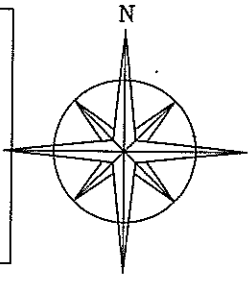
11. **Further Notifications Required**
None.
12. **Background Information Considered**
None.
13. **Attachments**
None.

2011/282_Report_of_Handling.doc
Officer: Janet Barclay Smith
Date:15/11/2011

KEY

— Boundary of ground source heat pump installation site area

— Boundary of site area owned by SAT



Site Plan with property boundaries indicated

