

MINUTE

‘Public’

Planning Committee
Council Chamber, Town Hall, Lerwick
Tuesday 16 April 2013 at 10am

Present:

F Robertson	S Coutts
B Fox	D Ratter
D Sandison	

Apologies:

M Bell	P Campbell
A Manson	G Robinson

In Attendance (Officers):

I McDiarmid, Executive Manager - Planning
J Holden, Team Leader - Development Management
C Gair, Traffic Engineer
D Stewart, Planning Officer - Development Management
L Adamson, Committee Officer

Also Present

G Cleaver

Chair

Mr F Robertson, Chair of the Planning Committee, presided.

Circular

The circular calling the meeting was held as read.

The Executive Manager – Planning advised that since the last Planning Committee on 5 March 2013, 25 Planning Applications had been determined under delegated authority and 19 Building Warrants had been completed. He added that compared to this time last year the number of decisions made remain much the same, however there has been an increase in the number applications received which could relate to the Scottish Government’s recent announcement on the increase in fees for planning applications.

Declarations of Interest

In regard to Item 1, “2013/052/VCON: Erect temporary meteorological mast (renewal of permission 2009/355/PCD) Mid Kame, Voe, Shetland, by SSE Renewables”, Mr Fox advised that when the mast was initially applied for he had made representation of objection in his then position as Chairman of Sustainable Shetland. That being the case, Mr Fox said that in this instance, the public perception will most likely be that his position as a member of the Planning Committee may be prejudicial and he would therefore take no part and will leave the Chamber.

Mr Ratter advised of an interest in Item 1, “2013/052/VCON: Erect temporary meteorological mast (renewal of permission 2009/355/PCD) Mid Kame, Voe, Shetland, by SSE Renewables”, as a Trustee of Shetland Charitable Trust who are an investor in Viking Energy. Mr Ratter advised that he had no financial or related interest and would therefore take part.

The Committee confirmed the minutes of the meeting held on 5 March 2013 on the motion of Mr Robertson.

(Mr Fox and Mr Cleaver left the meeting).

09/13 **2013/052/VCON: Erect temporary meteorological mast (renewal of permission 2009/355/PCD) Mid Kame, Voe, Shetland by SSE Renewables**

The Committee considered a report by the Planning Officer [RECORD Appendix 1 (PL-05-13-F)]. The proposed site was illustrated by a PowerPoint display of photographs and key information.

In introducing the application, the Planning Officer (D Stewart) read from a prepared paper as follows” This proposal is by Scottish and Southern Energy renewables to retain an existing 70m high met mast on site at Mid Kame in Voe. Temporary planning permission was granted to construct the mast on site in April 2010 for a period of three years and planning consent for this development expires at the end of the month. The current proposal seeks to extend the period of use for a further five years, until 2018, in order to obtain accurate wind datum to serve the Viking windfarm development.

The existing mast is located to the west of the Petta Water loch and to the north of Sandwater.

Both Scottish Natural Heritage (SNH) and the RSPB were consulted on the proposed development. SNH declined to offer advice or comment on the proposal and to date the RSPB have not responded. As such, it was considered appropriate to review their comments to the initial planning application (reference number 2009/355/PCD). To summarise, SNH considered that the mast was ‘unlikely to have a significant impact on birds – particularly on red throated divers due to a low level of diver flight activity’ and given that there are ‘no other vulnerable breeding birds in the vicinity’.

The RSPB considered that the mast at Mid Kame in Voe would be more benign in terms of its impact on wildlife provided that any planning consent was conditioned to ensure that guy wires be marked with bird deflector tags (to avert collision) and to ensure that no construction works take place on site during the breeding season (between 1 April and 31 August).

Four letters of objection have been received in relation to the proposed development which related to the use of the term ‘temporary’ which they consider to be an unknown length of time and that the plans submitted do not accurately depict the location of the mast on site.

In response to the objections received, the applicant confirmed via email that ‘the mast is not designed or required to remain on site for the entire 25 year duration of the wind farm ... it is a temporary feature and is required to provide continuity of data’. As such, SSE intend to utilise the met mast until the windfarm is constructed at which point, the permanent met masts will take over and provide the necessary data.

Amended site and location plans were submitted by the applicant on 20 March 2013 and placed on line for public view at this point. The revised plans indicate the position of the met mast on site in conjunction with a proposed access route for future decommissioning works.

It is considered that the retention of this mast on site will have no adverse impact on the natural heritage in the area. Although the construction of the mast has altered the

landscape character, the fact that it is a temporary structure means that any visual impact will also be temporary and minimal as it is viewed from a distance. Given that the proposal complies with Shetland Structure Plan and Shetland Local Plan policies, I recommend that the application be approved for a further period of five years subject to the conditions outlined on the schedule appended to the report. This will ensure that best practice is used to minimise environmental damage prior to and throughout future decommissioning and to ensure aftercare via appropriate restoration and reinstatement works.”

The Chair referred to the 4 letters of objection that had been received in response to the application, and invited Mr J Mackenzie, Sustainable Shetland, in his address to the Committee to encapsulate the concerns of all 4 objectors.

Mr Mackenzie confirmed that in his address he was representing Sustainable Shetland, which has a membership of approximately 850 people, and the other persons who lodged similar objections to the application had agreed that he would speak on their behalf. Mr Mackenzie read from a prepared paper as follows:

“I note that my objection, that the meteorological mast was, as indicated in my interpretation of the planning application, to all intents and purposes a permanent rather than temporary structure, has been rebutted by SSE, which states, according to the report before you that “for clarification purposes.....we would hope that this would take us through to the construction phase of the Windfarm where the permanent met masts would take over and provide the necessary data (para 4.7 of the report).

Paragraph 4.8 states this clarification is considered to answer the objectors’ concerns, and that the proposed access route for future decommissioning works, which is considered to be acceptable.

This route follows the ridge of the Mid Kame to its southern end where it joins the Sandwater road.

The original planning approval in 2010 stated that ‘it is recommended that as far as possible the actual route taken (for construction) is kept to the west of the Mid Kame summit, i.e. close to the N-S orientated fence-line indicated on the 1:25000 OS map’.

In the event contractors were observed accessing the mast site from the A970 close to Petta Water and an occupied red throated diver breeding site on two occasions on 28 May and 3 June 2010. This was reported to SNH, the police, the press, and presumably the SIC.

It is therefore of great concern to me that conditions and recommendations made by the planning authority may be ignored again to the detriment of wildlife.

Furthermore, I do not understand why the proposed access route is considered to be acceptable, given that it differs from the original access route recommended, and that it traverses significant areas of intact and recovering blanket bog on the summit....unless by 2018 the windfarm is under construction and the track from the eleven turbines proposed for the Mid Kame to Sandwater is practically complete, in which case it could be used.

In this case, the mast, according to SSE, would be replaced by a ‘permanent’ structure. There is no indication that this would be on the same precise site; indeed the Addendum map for the windfarm indicates a site at the south end of the Kame.

If the windfarm is under construction as approved, there is no way that the list of conditions (1-3) will be adhered to. The site will either be supplanted by another mast, or a turbine base or 6 metre wide track.

Therefore Shetland Local Plan (2004) Policy LPNE10 will NOT be complied with.

It is also unlikely, in this case that, a 'subsequent application for full planning permission' will require to be granted as the 'permanent met mast' is part of the Windfarm, which has already been approved. (Condition (2)). This also renders paragraph 4.4 invalid.

Finally paragraph 4.9 states that 'given that the mast is a temporary structure on site, the visual impact on the surrounding landscape is not considered to be significant'. Considering that it is intended to construct eleven 145m high wind turbines on the Mid Kame, and that both the SIC Chief Planning Officer and SNH considered that the visual impact of these to be too severe, I cannot pretend that this mast is anything other in reality than part of a windfarm that contravenes SIC policies.

I therefore object on these grounds to the granting of temporary planning permission".

The Chair invited the representative of the applicant to address the Committee.

Mr D Thomson, representing the applicant, advised that the report covers the 'what', and his remarks would focus on the 'why'. Mr Thomson said that there are several wind data masts across the site to gather wind data in advance of the windfarm. The masts have been in position for several years and they would like to extend the temporary permission for this mast and for some others.

Mr Thomson said that the proposed windfarm is likely to be constructed, if it ever comes, in 2018/19, so it is quite a period before the wind turbines would be up and running. He said that the wind data is quite valuable, to assess the different kinds of turbines, their performance, and for financing.

Mr Thomson advised that the masts have been refurbished in the last couple of years, and that the bird tags were replaced last October to keep the masts in a useable and consent compliant condition.

In regards to the question of temporary or otherwise, Mr Thomson confirmed that the masts were temporary as they would be no use after the windfarm was up. He added that the permission for the windfarm granted by the Scottish Government includes free standing met masts, and therefore this mast and the others will be no use during the operation of the project so they will come down at some point.

Mr Sandison sought clarification on the position of the existing mast; whether it is in the correct position in relation to the planning conditions and whether it was part of the proposal that it would be moved. Mr Mackenzie said that the particular concerns related to the mast at Scallafield, Weisdale, however he advised that the objections lodged by the 4 objectors covered all the data masts. He said that in this case, the site of the existing mast would be on a turbine site.

In response to a question from the Chair, the Planning Officer confirmed that she was content that the conditions relative to approval of the previous planning permission, and to this application, can be complied with. The Planning Officer referred to

condition (4) “the guy wires of the mast shall be maintained with bird defector tags”, and she highlighted the advice from the representative of the applicant that the bird tags had been replaced last October. In regards to condition 3, she advised that a construction method statement has been requested for future decommissioning, 6 months period to the expiry of consent, if granted. This would require written approval with the Planning Authority at that point to ensure that any reinstatement and restoration works are carried out to an appropriate level.

In response to a question, the Planning Officer advised that during the consultation process SNH and the RSPB raised no concerns relating to the access route, and the Planning Service consider the proposals acceptable.

Mr Ratter moved that the application be approved, subject to the conditions as listed in the report. Mr Coutts seconded.

(Mr Fox and Mr Cleaver returned to the meeting).

10/13 **Applications for Planning Permission for Local Developments where Determination cannot be taken by Appointed Person under Approved Scheme of Delegation:**

The Committee considered a report by the Team Leader – Development Management [RECORD Appendix 2].

- **2013/007/PPF - Site a mobile catering unit, Belmont Ferry Terminal, Unst, Shetland, ZE2 9DW by Jeffrey Coleman**

The Committee approved the application on the motion of Mr Coutts, seconded by Mr Sandison.

- **2013/042/PPF - Change of use from Class 4 (office) to Class 9 (houses) to form one residential dwellinghouse, 64 St Olaf Street, Lerwick, Shetland, ZE1 0EN by Matthew Sawkins and Shanie Hawkins**

The Committee approved the application on the motion of Mr Sandison, seconded by Mr Fox.

11/13 **Applications for Consent to Display Advertisements where Determination cannot be taken by Appointed Person under Approved Scheme of Delegations:**

The Committee considered a report by the Team Leader – Development Management [RECORD Appendix 3].

- **2012/297/ADV - Erect signboard, Bressay Ferry Terminal, Bressay, Shetland, ZE2 9EL by Bressay Primary School**

The Committee approved the application on the motion of Mr Fox, seconded by Mr Robertson.

- **2013/081/ADV - Erect permanent interpretive board, Gunnista, Bressay, Shetland, ZE2 9EP by Bressay Primary School**

The Committee approved the application on the motion of Mr Fox, seconded by Mr Robertson.

The Team Leader confirmed that these were the final applications to Committee in relation to Bressay Primary School’s shipwreck trail project.

The meeting concluded at 10.30am.

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Chair