

**Planning Committee****10 December 2013**

2013-262-PPF Erect two polytunnels. Behind the garages at Ingaville Road, Scalloway, Shetland, ZE1 0UD by Mr S Graham, on behalf of North Atlantic Re-Training Enterprise (NARE).

PL-23-13-F

**Report Presented by Planning Officer –
Development Management, Planning**

**Development Services Department/
Planning Service**

1.0 Summary

- 1.1 This report concerns an application for planning permission to erect two polytunnels to the rear of the garages at Ingaville Road, Scalloway. The polytunnels are intended for use as a community enterprise by a voluntary group (North Atlantic Re-training Enterprise) to grow flowers, fruit and vegetables, whilst promoting the conservation of the environment and providing an opportunity for retraining in the Scalloway community.
- 1.2 The application is presented to Committee for a decision following a hearing, as this is a Council interest application, being located on land which is owned by the Council, to which representations have been submitted.

2.0 Decision Required

- 2.1 The Planning Committee is asked to determine the application. It is recommended that the application be approved subject to conditions.

3.0 Determination

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

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

- 3.2 There are statutory development plan policies against which this application has to be assessed against. Those policies of significance

are listed below. Unless material considerations indicate otherwise, the determining issue to be considered is whether the proposal complies with development plan policies.

Statutory Development Plan Policies:

Shetland Islands Council Structure Plan (2000) Policies

GDS1 – Sustainable Development
GDS3 – Existing Settlements
GDS4 – Natural and Built Environment
GDS5 – Social Inclusion
SPNE1 – Design
SPTP7 – Car Parking Standards
SPCSF3 – Services

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

LPNE10 – Development and the Environment
LPBE13 – Design
LPIND4 – Business in Existing Settlements
LPTP12 – Car Parking Standards and Guidelines
LPCFS4 – Community Facilities

Shetland Islands Council Interim Planning Policy Guidance

LDP1 – All Development: General
LDP2 – All Development: Layout and Design
LDP3 – All Development: Location
SPG1 – Layout and Design

Shetland Islands Council Local Development Plan (2012)

GP1 – Sustainable Development
GP3 – Layout and Design
HE6 – Trees and Woodlands
ED1 – Support for Business and Industry
ED2 – Commercial and Business Developments
TRANS3 – Access and Parking Standards

3.3 Safeguarding

Zone1 – Housing
HSE – Scord Quarry
Land Capability for Agriculture – 4.2
Area of Best Fit – Scalloway
Tingwall Airport – Wind Turbine Consultation
Sumburgh Scatsta – 30km Radius

4.0 Report

- 4.1 The main issues raised by this application relate to the compatibility of the proposed use with the surrounding residential and garage uses.
- 4.2 The application for the erection of two polytunnels is made on behalf of the North Atlantic Re-training Enterprise (NARE). The supporting information submitted with the planning application states that NARE is a newly formed voluntary group, with the polytunnel project being an integral part of their development plans. The scheme is to provide

training and support to clients. Participants in the scheme would be on site during Wednesdays, Thursdays, and Fridays each week between 09.00 and 15.00. Members of the public would be allowed to visit during these times to purchase flowers and vegetables etc. The number of participants attending the site at any one time would be a maximum of 8, being 2 support workers with 3 clients each. The clients would be dropped off and picked up each day. It is expected that the number of public visitors would be 4/5 per day, with the majority being local and walking to the site. The supporting information states that produce will be organically grown, and rainwater will be harvested. The applicant states that participants are able to use the bathroom facilities at 7, Ingaville Road.

- 4.3 Under Council Planning Policy new community developments are encouraged to be within existing settlements that have basic services that enhance their viability and vitality. However, new development should conserve and, where possible, improve the quality of life and the environment, by appropriate location. New development will also be assessed in terms of its accessibility and the positive contribution it makes to the social wellbeing of the whole community. The Council seeks to enhance, support and protect services, including education and community facilities, especially those that contribute to the social and economic development of communities, in locations that are the most accessible to users.
- 4.4 Applications for planning permission to use land for education or other community facilities will normally be permitted provided the proposal:
- Relates sympathetically to the scale and existing level of activity in the locality;
 - Does not conflict with the surrounding development and land uses;
 - Adheres to the Council's car parking, access and road safety requirements;
 - Is connected to existing water, drainage and other necessary infrastructure as required, and;
 - Does not conflict with any other Structure Plan or Local Plan policy.
- 4.5 The development of business uses in existing settlements will normally be permitted provided that in residential locations the proposed development would not erode the residential character of the area, or adversely effect local residents, through an increase in traffic levels, noise, fumes or hours of operation, and that the design, scale and siting of the new development respects the character and appearance of the surrounding area.
- 4.6 Proposals are assessed against their likely impacts on amenity and the environment, effects on nearby residents and the buildings they occupy, visual amenity, and transport considerations. In respect of visual amenity, the site is currently adjacent to a number of private garages with the area subject to the proposal currently used as parking or laydown space for various items. Furthermore there are a number of shed and store structures of varying types in the immediate proximity of the proposal being within the garden grounds of neighbouring property. The existing level of amenity presented by the established structures

and use of the site is one of a functional nature, albeit within the wider residential area. It is considered that the erection of two polytunnels would not overly impact upon the general amenity of the site.

- 4.7 In respect of parking and access standards, the Roads Service has confirmed that there is adequate public parking provision within 45m of the proposal. Therefore it is not necessary in this instance to provide parking on site, or to define an area, as was originally highlighted near to the garage access. Utilising the existing on street public parking will ensure that the garages remain accessible and that no parking or access issues are created as a result of the proposal. The supporting information states that most participants would be dropped off at the site, and that public visitors would likely be local and therefore walk to the site.
- 4.8 In respect of environmental and amenity considerations, a neighbouring objector cites the use of pesticides and an increase in pollen with associated health issues as a concern. It should be noted that, in general, the planning system should focus on whether the development itself is an acceptable use of the land, rather than control the process or substances involved; it should consider only the aspects of operations enforceable under planning control to minimise impacts on the environment and local communities. In this instance, and notwithstanding the assertion in the applicant's supporting statement that organic growing principles will apply, and that no pesticides are to be used, the proposed use of the site as a small scale horticultural facility, within an area of substantial and mature garden grounds, is considered to be no more intensive, or likely to emit any odours etc, than could reasonably be expected to be developed or occur in the immediate area of mature gardens.
- 4.9 It is considered that the proposal, being for a use 3 days per week between 09.00 and 15.00, with a maximum of 8 participants at any one time, is of a low intensity. The proposed use would not compromise the access and use of the domestic garages, and would be compatible with surrounding residential uses. The open garden areas to the rear of the nearby residential property are not screened by high fencing or other substantial boundary treatments, therefore an open plan character exists, which does not provide for a high level of private amenity.
- 4.10 The polytunnels are proposed on grassed surfaces; however, as there are a number of mature trees near to the proposal, the planning authority should ensure that, through the development management process, adequate provision is made for the preservation of trees. In this respect as the polytunnels are not to be sited on the position of existing trees, nor within the likely root area, furthermore the current access is to be utilised. Therefore there is no risk of damage to the established trees around the site.
- 4.11 The location of the polytunnels, being to the west of the immediate neighbour, should not overly impact upon daylight and sunlight. The arrangement of properties, garden grounds, trees, and garaging is such that two polytunnel structures would not significantly alter the existing levels of light to the surrounding property. Views are not

material to the planning assessment, and given the existing outlook, being laydown for trailers and boats, the proposal would not significantly alter this. Therefore residential amenity remains protected.

- 4.12 It is proposed to apply conditions to restrict the use and access to the polytunnels to three days per week as defined in the supporting statement in order to control the level of intensity of use near to a residential dwelling. Any deviation from this will require the written approval of the planning authority.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery on Corporate Priorities – A decision made on the planning application that accords with the Shetland Islands Council Development Plan will contribute directly to the Single Outcome Agreement through the outcome that we live in well designed sustainable places.

- 5.2 Community/Stakeholder Issues –

Scalloway Community Council was consulted during the processing of the application. There was no response at the time of report preparation.

Roads Services were consulted on the application. The submission indicates that the parking for the development is to be on Ingaville Road. Parking provision for this development would be 2 to 3 spaces. However, this needs to be away from the nearby corner, and kept clear of the doors to the existing garages in order to allow sufficient manoeuvring space for access to the garages. This means that most of the parking area noted by the blue line as indicated is not suitable. However, the Roads Service consider that there will be a sufficient spaces within a 45m walking distance of the proposed development.

Representations were received from 6 Portarthur, Scalloway, and 1 Ingaville Road, Scalloway.

The representations were submitted as objecting to the proposal. The material planning matters raised in the objections cite a loss of light; the compatibility of the proposed use adjacent to residential property particularly in respect of site management (use of pesticides, and production of pollen); the lack of staff or visitor welfare facilities; and an increase in traffic and parking demand with road safety issues, as areas for concern.

- 5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the Council owns the land which is subject to the proposal and objections have been received, the decision to determine the application is delegated to the Planning Committee as a hearing under the Council's Planning Scheme of Delegations that has been approved by the Scottish Ministers.

- 5.4 Risk Management – If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of consent contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to provide clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.

6.0 Conclusions

- 6.1 On balance the proposed polytunnels and use of the site as a community enterprise is compatible with the existing use of the area, being residential and garage storage. The application of appropriate conditions would control the times of use and therefore intensity of use of the site to ensure that the residential amenity of neighbours is protected. The proposed development complies with the development plan and there are no other material considerations that would warrant the setting aside of adopted policy.
- 6.2 This development complies with Council policies listed in paragraph 3.2 and is therefore recommended for approval, subject to conditions, the schedule of which is appended to the report.

For further information please contact:

Matthew Taylor – Planning Officer – Development Management

Tel: 01595 743963 Email: matthew.taylor@shetland.gov.uk

29 November 2013

List of Appendices

- Schedule of recommended conditions
- Location Plan 2013/262/PPF – 04
- Site Plan 2013/262/PPF – 05
- Supporting Information 2013/262/PPF – 06
- Representations from:
L Davidson. 1 Ingaville Road, Scalloway.
N W Thomson. 6 Portarthur, Scalloway.

Background documents:

- [Shetland Structure Plan \(2000\)](#)
- [Shetland Local Plan \(2004\) \(as amended\)](#)
- [Interim Planning Policy Toward Sustainable Construction \(2009\)](#)
- Emerging Shetland Local Development Plan

Schedule of Conditions

Application Ref: 2013/262/PPF

Details of Approved Plans and Drawings:

- Location Plan (Drw Ref: 2013/262/PPF-04)
- Site Plan (Drw Ref: 2013/262/PPF-05)
- Supporting Information (Letter Ref: 2013/262/PPF-06)

Reasons for Council's decision:

The proposed polytunnels and use of the site as a community enterprise is compatible with the existing use of the area, being residential and garage storage. The application of appropriate conditions would control the times of use and therefore intensity of use of the site to ensure that the residential amenity of neighbours is protected. The proposed development complies with the development plan and there are no other material considerations that would warrant the setting aside of adopted policy. The development is therefore compliant with the aims of Shetland Islands Council Structure Plan (2000) Policies, Shetland Islands Council Local Plan (2004) Policies, and Interim Planning Policy Guidance 'Towards Sustainable Construction and Better Design in Shetland (December 2009).

Conditions:

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

- Location Plan (Drw Ref: 2013/262/PPF-04)
- Site Plan (Drw Ref: 2013/262/PPF-05)
- Supporting Information (Letter Ref: 2013/262/PPF-06)

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

(2) 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).

(3) The hereby approved polytunnel shall be maintained in a clean, tidy and safe condition to the reasonable satisfaction of the Planning Authority. Should the polytunnel cease to be used, for the growing of flowers, fruit and vegetables for a period longer than 6 months, it shall be removed from site to the reasonable satisfaction of the Planning Authority within 3 months of the cessation of the approved use.

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) Policies LP NE10 and LPBE13.

(4) Notwithstanding the approved plans, the polytunnels shall be no greater than 2.5m in height.

Reason: For the avoidance of doubt as to what is being authorised, as the impact of a larger polytunnel has not been assessed in terms of its possible impact on the surrounding natural and built environment, and in compliance with Shetland Structure Plan (2000) policies SP NE1 & SP GDS4 and also Shetland Local Plan (2004) policies LP NE10 & LP BE13.

Notes to Applicant:

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

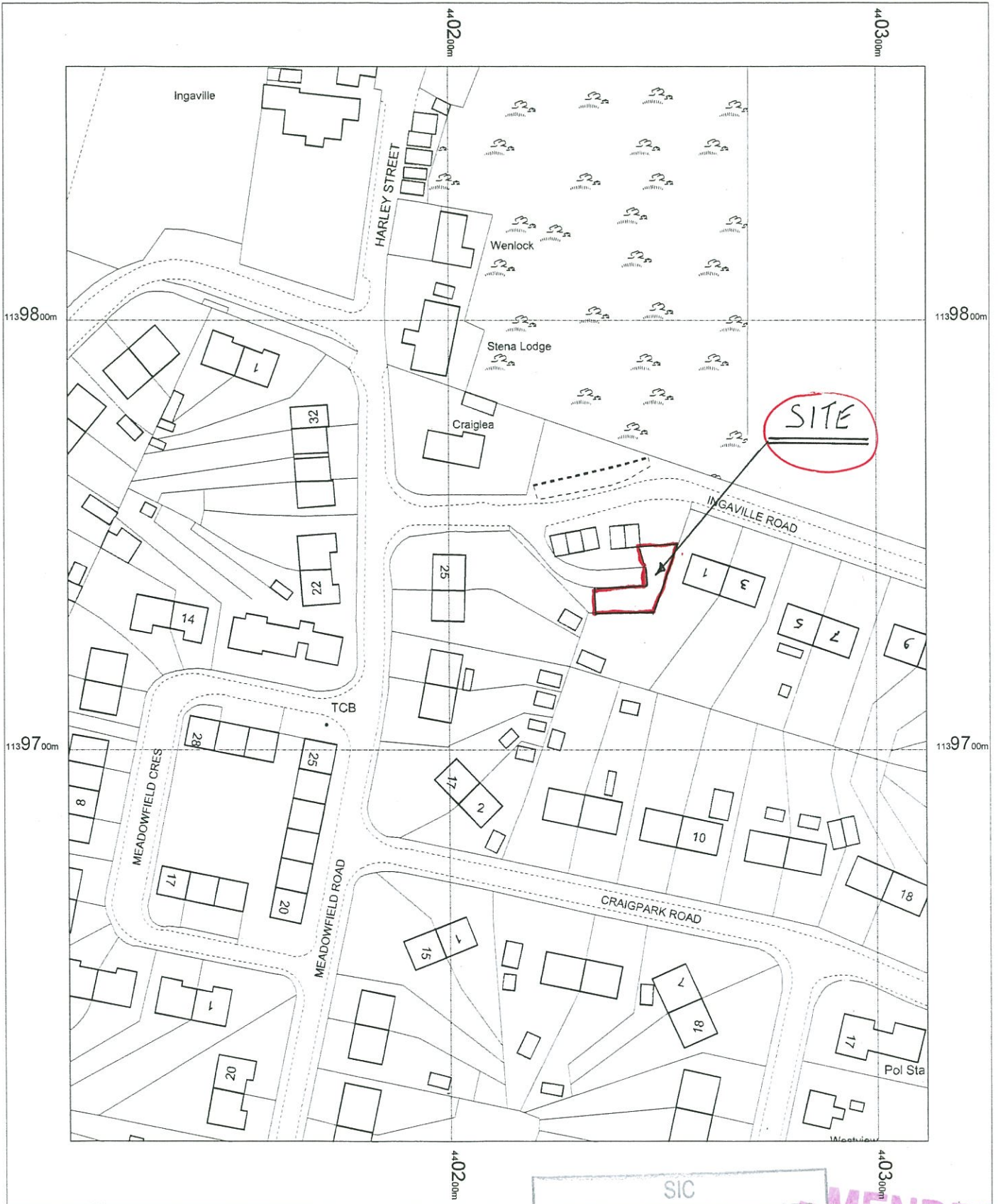
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006.

Notice of Completion of Development:

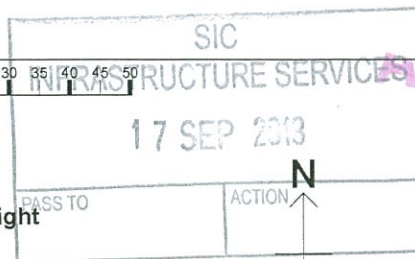
To ensure both that the development is carried out in accordance with the approved documents, and compliance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended). Upon the completion of the development hereby permitted, and as soon as practicable, the person carrying out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

Building Warrant

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



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RECOMMENDED
20 SEP 2013

Location Plan
1:1250

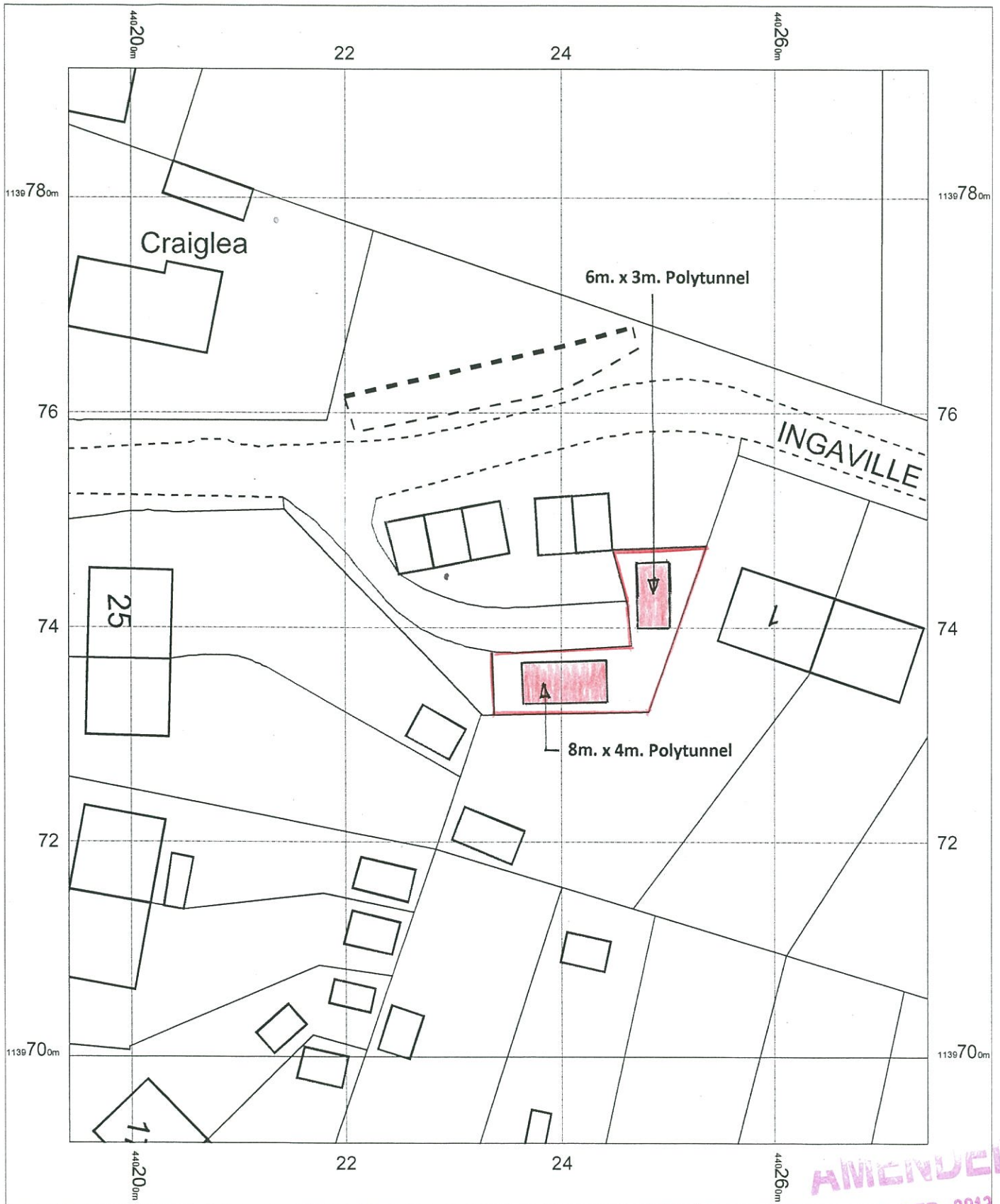
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SHETLAND
BUILDING
CONSULTANCY



Shetland Islands Council



AMENDED
20 SEP 2013

SITE PLAN
1:500

Ordnance Survey © Crown Copyright

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SHETLAND

BUILDING

CONSULTANCY

INFRASTRUCTURE SERVICES	
20 SEP 2013	
PASS TO	ACTION

N

Mapping
sourced from

Ordnance
Survey



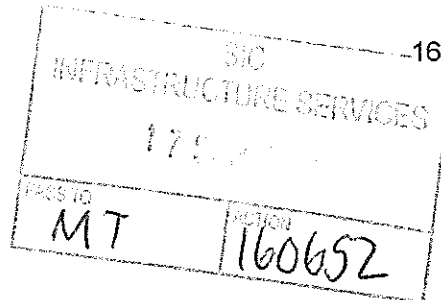
Shetland Islands Council

SHETLAND BUILDING CONSULTANCY

Merry Holm
Cauldhame
Trondra
Shetland
ZE1 0XL

Tel./Fax: 01595 880138
Mobile: 07810 302106
E-mail: [REDACTED]

20 SEP 2013

16th September 2013

Attn: Mr. Matthew Taylor,
SIC Planning,
Grantfield,
Lerwick,
ZE1 0NT.

Planning Application: PA/2013/262/PPF

Erect 2 polytunnels at rear of garages in Ingaville Road, Scalloway, ZE1 0UD.

Dear Matthew,

Mr. Stuart Graham, the applicant for the above Planning Application, has asked me to assist with the application.

In respect of your letter of the 5th September 2013,

- I enclose herewith 4 copies of both a 1:500 site plan and a 1:1250 location plan, with the proposed polytunnels (1 x 8m. x 4m. & 1 x 6m. x 3m.) indicated, to scale, on the site plans.
- Storage of tools/implements etc., will be within the polytunnels, or they will be stored at 7, Ingaville Road. Any materials for composting will be taken to 7, Ingaville Road, for disposal.
- Participants in the scheme will be on site on Wednesdays, Thursdays and Fridays each week between the hours of 09.00 and 15.00. Members of the public can visit between these times, to purchase vegetables/flowers etc.
- Participants would be dropped off at the beginning of the working day and would be picked up at the end of their working day.
- The number of participants, attending the site at any one time would be a maximum of 8, consisting of 2 support workers with 3 clients each.
- The number of members of the public visiting the site is more difficult to anticipate, but given the small scale of production proposed, an estimate of 4/5 a day, is considered reasonable, with the majority being local and walking to the site.

In addition to the above, I would add the following information:

- The vegetables and flowers that are to be grown will be organically produced, without the use of any pesticides.
- Rainwater will be collected from the polytunnels, into barrels for use in the irrigation of plants. Should additional water be required, this can be collected from the outside water tap at 7, Ingaville Road
- The GF disabled bathroom at 7, Ingaville Road, can be utilised by the participants.

- Working with the seeding of plants and with the taking of cuttings will greatly assist the participants hand and eye co-ordination.

I trust the above covers and clarifies the points raised. However should you require any clarification or additional information, please contact Mr. Stuart Graham, in the first instance.

Yours sincerely,

John Lucock

cc: Mr. Stuart Graham, 7, Ingaville Road, Scalloway, ZE1 0UD.

Leanne Davidson

Shetland Islands Council

1 Ingaville Road

Development Management

Scalloway

Development Services Department

Shetland

Grantfield

ZE1 0UD

Lerwick

Shetland

ZE1 0NT

18/08/2013

SIC INFRASTRUCTURE SERVICES 22 AUG 2013	
PASS TO	ACTION

Your Ref: Application No 2013/262/PPF

Dear Sir/Madam,

I have received your letter dated 02/08/13 regarding an application to erect 2 polytunnels behind Garages at Ingaville Road; I was extremely surprise when I looked at your plan on the back of the letter because half of my house is missing?! There was an extension built on the back of my house over 20 years ago which means that the proposed tunnels will be right outside my sitting room window.

I would appreciate greatly if you would send out a representative from the planning department to inspect the surrounding area to the proposed site and update your plans accurately.

We are objecting this application as my husband and I have various concerns regarding this proposal which I am sure you will see during an inspection.

Firstly my sitting-room window looks straight onto the site so the erection of large polytunnels will block our view and a large percentage of light into the room.

Also due to the nature of the proposed business some sort of pesticide control will have to be used to combat disease in the flowers, fruit & veg. In the summer my sitting-room windows are open and I have 2 dogs and 2 children who regularly play in my garden and sitting-room when the windows are open. My daughter and I are both asthmatic and the use of pesticides during the summer could cause harm to either my children or pets. Also if flowers are being grown this will bring extra pollen to the area that will affect both mine and my daughters breathing. We have over time spent time and money to remove all floral plants from my garden as this was a trigger for my asthma. Therefore I do not want flowers near my surroundings.

There are no toilet facilities in the area for any workers to the site and there are no public toilets in the area? All staff will need toilet facilities.

The proposed parking area will completely block the view of oncoming traffic for any vehicle exiting my driveway which was not shown on your plan. Ingaville Road is a residential Street where a lot of children play, an increase in traffic to this area would not be welcomed.

There are many open areas of land throughout Scalloway that would be more suited to the proposed business without disrupting families.

I also feel strongly that with this type of business right next to my sitting-room window would make our property unattractive to any buyers, I certainly would not have purchased the property if I had known this type of business would end up outside the sitting-room window but as your plan is not accurate I am sure you will realise this with an inspection. When we bought the property one of its buying features was the potential of, in the future building a Private Garage within our boundaries which would require access from the current access leading to the other private garages.

It states on the planning application that water would be carried to the site – How practical is this?

' A member of the public heard Mr Graham tell an employee of the Shetland Islands Council that he had received permission to have access of our outside water tap, This has not been and will not be given to Mr Graham or any of his employees!'

What I do not understand is why Mr Graham has chosen the site on our doorstep, not only are there more suitable places for the proposed business elsewhere but Mr Graham's back garden is of greater size than the site he has leased from the SIC. Why not erect the polytunnels there? Is it because he does not want to look at it outside his window or on his back doorstep? This is exactly what it is going to do to my family.

Many Thanks

Kind Regards



Leanne Davidson

6 Portarthur

Scalloway

SHELLAND

14/8/13

ZELOW

Dear Sir/Madam

I am Replying to your letter Dated
21/8/13 concerning a Planning application
to erect 2 Polytunnels at Private
Garages, Ingaville Rd, Scalloway.

I am Rejecting this application on the
fact that I want have much access

to my bottom garage to work there
as it is only small road to the back.

also to the fact that this is Private
Garages and not an industrial site

as we believe that this is for
industrial purpose only therefore it

would turn this into an industrial
site. Scalloway already has an

industrial site at Eastvale which
should be kept from Private Property

Yours Sincerely

[Redacted Signature]

**Planning Committee****10 December 2013**

2013/295/PPF: To erect and install 1 no. 5kw wind turbine on a 15m high mast, adjacent to Mangaster, Sullom, by Mr B Manson, Mangaster, Sullom, Shetland.

PL-20-13-F

**Report Presented by Planning Officer –
Development Management, Planning**

**Development Services Department/
Planning Service**

1.0 Summary

- 1.1 This report concerns an application for planning permission to erect and install 1 no. 5kw wind turbine on a 15m high mast upon a site adjacent to Mangaster in Sullom.
- 1.2 The application is presented to Committee for a decision following a hearing, as the area of land to be developed is owned by the Council and as a representation has been submitted.

2.0 Decision Required

- 2.1 The Planning Committee is asked to determine the application. It is recommended that the application be approved subject to conditions.

3.0 Determination

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

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

- 3.2 There are statutory development plan policies against which this application has to be assessed against. Those policies of significance are listed below. Unless material considerations indicate otherwise, the determining issue to be considered is whether the proposal complies with development plan policies.

Statutory Development Plan Policies:

Shetland Islands Council Structure Plan (2000) Policies

GDS4 - General Development Policy Natural and Built Environment
SPNE1 - Design
SPENG 3 – Renewable Energy Sources
SPENG4 – Shetland Energy Plan

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

LPNE10 - Development and the Environment
LPBE13 – Design
LPENG6 – Energy Proposals
LPENG7 – Control of Potential Nuisance from Energy Generators
LPENG9 – Domestic Scale Aerogenerators

Shetland Islands Council Interim Planning Policy Guidance

SPG6 – Housing Dev Domestic Wind Turbines

Shetland Islands Council Local Development Plan

GP1 – Sustainable Development
GP2 – General Requirements for all Development
GP3 – All Development: Layout and Design

3.3 Safeguarding

Scatsta 13km Zone – Scatsta 13km Zone: 13km Consultation Zone
Bird Strike Zone

30km Radius Scatsta – 30km Sumburgh Scatsta: 2

Health and Safety Executive – Code: HSE089
Site Name: Haggrister Quarry Mavis Grind
Type: Active
HSE Ref:

Land Capability Agriculture – code: 6.3

Scatsta Safeguard – Height: 45m

Shetland Local Landscape Designations – Shetland Local Landscape
Designations: Nibon and Mangaster

Zone 2 Modified – Zone 2: Housing Zone 2

4.0 Report

- 4.1 The proposed turbine will be located 156 metres to the west of the dwellinghouse and garage (point of connection) it seeks to serve, and approximately 160 metres to the northwest of the nearest non-associated residential property. The site proposed for development is rural in nature and characterised by extensive open fields.
- 4.2 One letter of objection has been received to the proposed development in respect of unknown health impacts that turbines may pose to people, pets, wildlife, livestock and other life forms; unacceptable cost to the

economy due to increasing electricity bills required to support such developments and the negative impacts that turbines have upon tourism.

- 4.3 It is considered that this objection relates to commercial wind farm developments in general and does not raise any specific issues relating directly to the site proposed for development.
- 4.4 Shetland Local Plan Policy LPENG6 stipulates that domestic scale aerogenerators:
- a) do not have an unacceptable adverse affect on local residents or occupiers of neighbouring land;
 - b) are appropriately designed and located, and not sited on the skyline if other suitable locations are available;
 - c) are located as close to the associated dwellinghouse as is safely and technically possible; and
 - d) do not conflict with any other Structure Plan or Local Plan policies.
- 4.5 The Council's guidance on renewable energy technologies for householders recommends that the minimum separation distance to avoid shadow flicker for neighbouring properties is 10 times the blade diameter of the proposed turbine. Given that the blade diameter is approximately 5.5 metres in length, the distance required to remove the risk of shadow flicker occurring for other residential properties would need to be a minimum of 55 metres away.
- 4.6 Although the Council's Environmental Health have not responded to a consultation request on noise levels, these have been checked and verified in accordance with their current guidance and it is considered that the distance between the turbine and the nearby residential properties mean that noise levels will be less than the 35db(A) limit specified.
- 4.7 As the position of the turbine on site is sufficiently remote from all adjoining neighbouring properties, it is considered that residential amenities will be safeguarded from unacceptable noise levels and shadow flicker.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery on Corporate Priorities – A decision made on the planning application that accords with the Council's Development Plan will contribute directly to the Single Outcome Agreement through the outcome that we live in well designed sustainable places.

5.2 Community/Stakeholder Issues –

Northmaven Community Council was consulted during the processing of the application. They are pleased to support this planning application.

Scatsta Airport were consulted on the application and have no objection to the proposed development, however they note that the site is of very close proximity to a yellow safeguarding area and consideration must be given if there is any relocation/deviation from the grid reference supplied.

A **representation** was received from 1 objector and a copy of this representation is attached in full in the appendices to this report. The main points of the objection relate to unknown health impacts that turbines may pose to people, pets, wildlife, livestock and other lifeforms; unacceptable cost to the economy due to increasing electricity bills required to support such developments and the negative impacts that turbines have on tourism.

5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the Council owns the site, and a representation has been made, the decision to determine the application is delegated to the Planning Committee as a hearing, under the Council's Planning Scheme of Delegations that has been approved by the Scottish Ministers.

5.4 Risk Management – If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of consent contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to provide clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.

6.0 **Conclusions**

6.1 On balance the proposed wind turbine for renewable energy purposes is appropriate in terms of its location, scale and design and provided that the exterior of the turbine is finished in a light grey colour (including the blades), it is considered that there will be no significant adverse impact upon the natural and built environment. The proposed development will have no adverse impact upon the amenities of neighbouring properties in respect of shadow flicker or noise due to the separation distances involved.

6.2 This development complies with Council policies listed in paragraph 3.2 and is therefore recommended for approval, subject to conditions, the schedule of which is appended to the report.

For further information please contact:
Dawn Carla Stewart – Planning Officer – Development Management
Tel: 01595 744817 Email: dawn.stewart@shetland.gov.uk
29 November 2013

List of Appendices

- Schedule of recommended conditions
- Location Plan
- Site Plan
- Turbine Elevation
- Foundation Plan
- Representations from:
Mr A Vivers, Arniefoul, Glamis, Forfar

Background documents:

- [Shetland Structure Plan \(2000\)](#)
- [Shetland Local Plan \(2004\) \(as amended\)](#)
- [Interim Planning Policy Toward Sustainable Construction \(2009\)](#)
- Emerging Shetland Local Development Plan

Development: Erect and install 1 no. 5kw wind turbine on a 15m mast

Location: Adjacent Mangaster, Sullom, Shetland

By: Mr Bill Manson

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 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).

(3.) This permission shall relate solely to the erection of an Evance Iskra R9000 (5kw) wind turbine on a monopole no greater than the following dimensions:

Height to Hub of 15000mm

Blade Diameter 5500mm

Foundation base not to project above ground surface

Notwithstanding the provisions of the Town and Country (General Permitted Development (Scotland) Order 1992 or any subsequent replacement or amendment Order, no other type or larger wind turbine shall be erected on the site hereby approved without planning permission being granted on an application made to the Planning Authority.

Reason: To protect the existing residential amenity of the occupiers of neighbouring properties as the impact of a different wind turbine has not been assessed, in compliance with Shetland Islands Council's Local Plan Interim Planning Policy (2009) SPG6 Domestic Wind Turbines.

(4.) Notwithstanding the submitted plans, the exterior finish of the wind turbine hereby approved (including the blades) shall be of a light colour (light grey) and must not contain any product or other advertisement, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of visual amenity and to ensure compliance with Shetland Islands Council's Local Plan Interim Planning Policy (2009) SPG6 Domestic Wind Turbines.

(5.) In the event that the wind turbine affects radio, television and/or telephone devices and/or reception of these devices in the vicinity of the development site, the wind turbine shall be disconnected until the problem has been investigated and resolved.

Reason: For the avoidance of doubt and in order to protect the existing residential amenity of the occupiers of the neighbouring properties as the impact of the development on telecommunications equipment has not been formally assessed and in compliance with Shetland Local Plan (2004) Policy LPNE10.

(6.) Within six months of the wind turbine ceasing to be operational, the turbine and all associated plant and equipment shall be removed from the site and the site reinstated to its pre-development condition, unless otherwise agreed in writing by the Planning Authority.

Reason: In order to ensure that when the turbine ceases to be operational that the site is restored to its pre-development condition in the interests of visual amenity and in compliance with Shetland Islands Council's Local Plan Interim Planning Policy (2009) SPG6 Domestic Wind Turbines.

(7.) The power cable shall be laid underground, and measures shall be taken to safeguard turfs removed for the power cable laying; these shall be replaced during site reinstatement works or the site shall be reinstated by a means otherwise agreed in writing by the Planning Authority prior to the commencement

of development.

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.

Notes to Applicant:

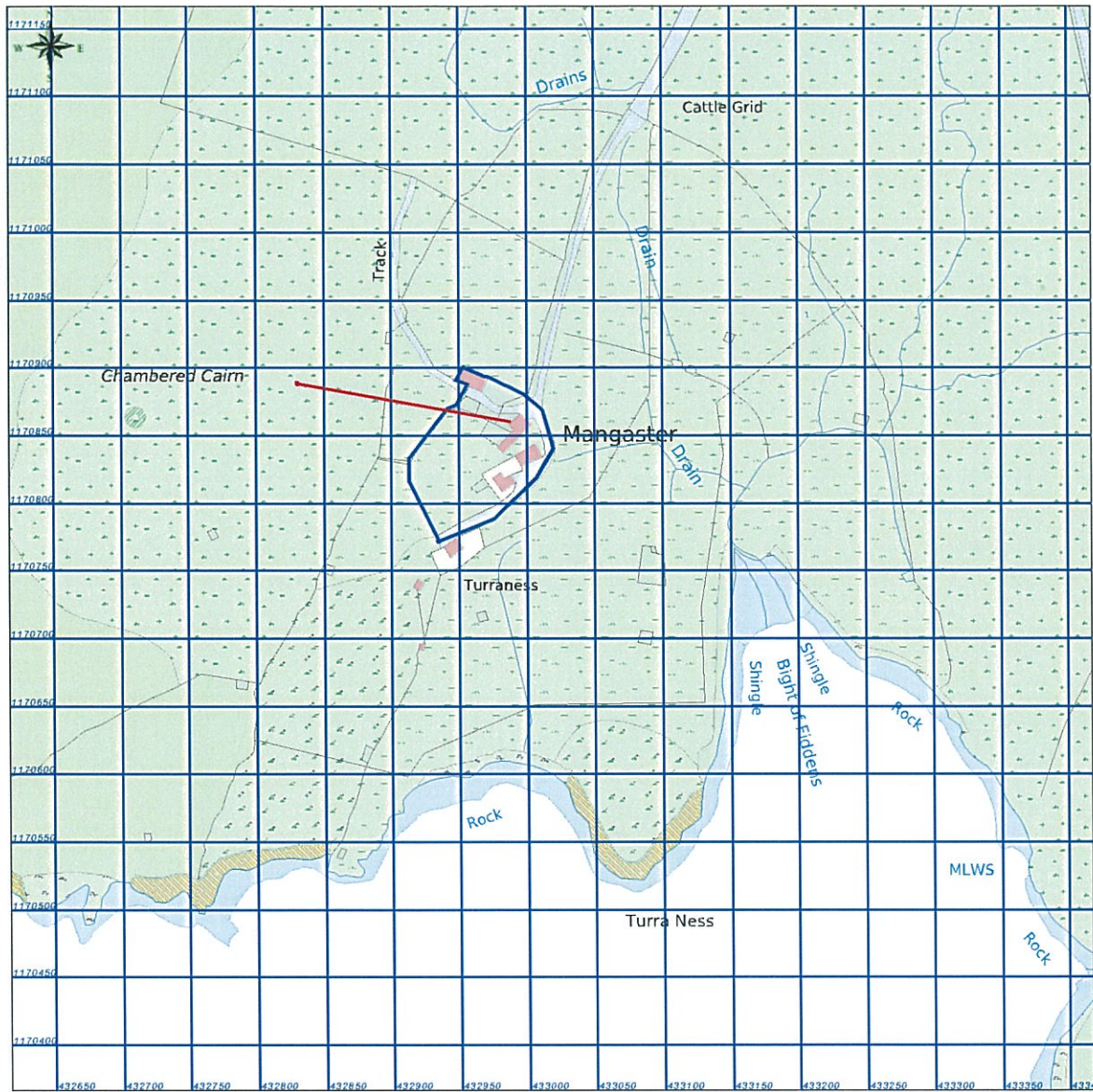
Commencement of Development

The development hereby permitted must be commenced within 3 years of the date of this permission in order 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.

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.

Mangaster location plan

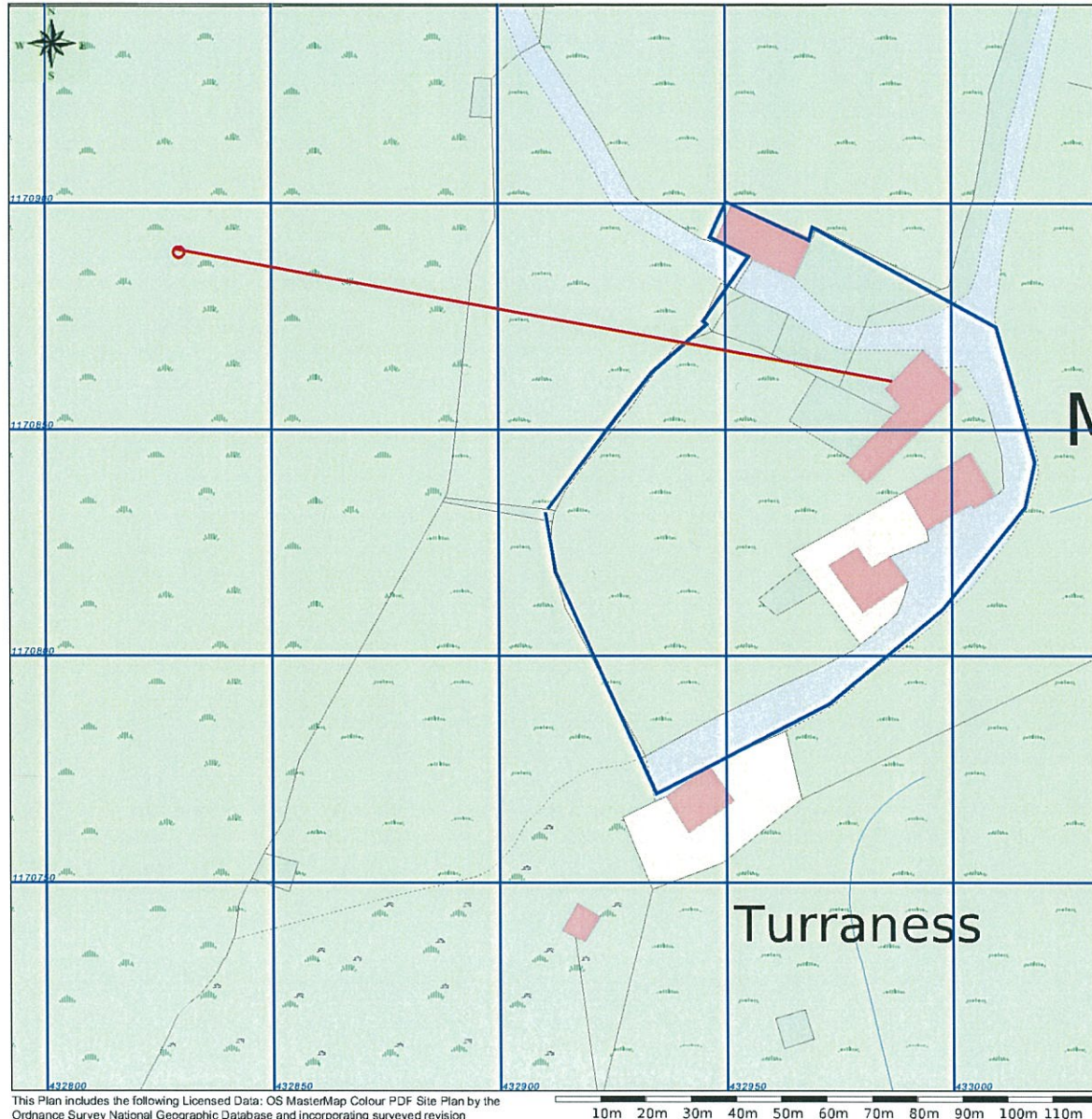


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Scale: 1:2500, paper size: A2

1. Blue boundary shows land owned by the applicant
2. Red line shows path of cable from turbine (situated on common grazing land) to applicants garage

Mangaster site plan



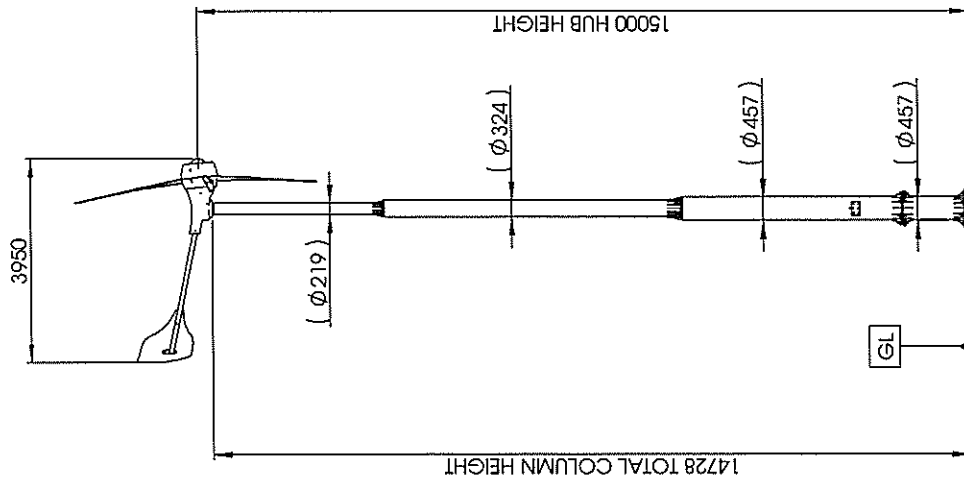
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10m 20m 30m 40m 50m 60m 70m 80m 90m 100m 110m

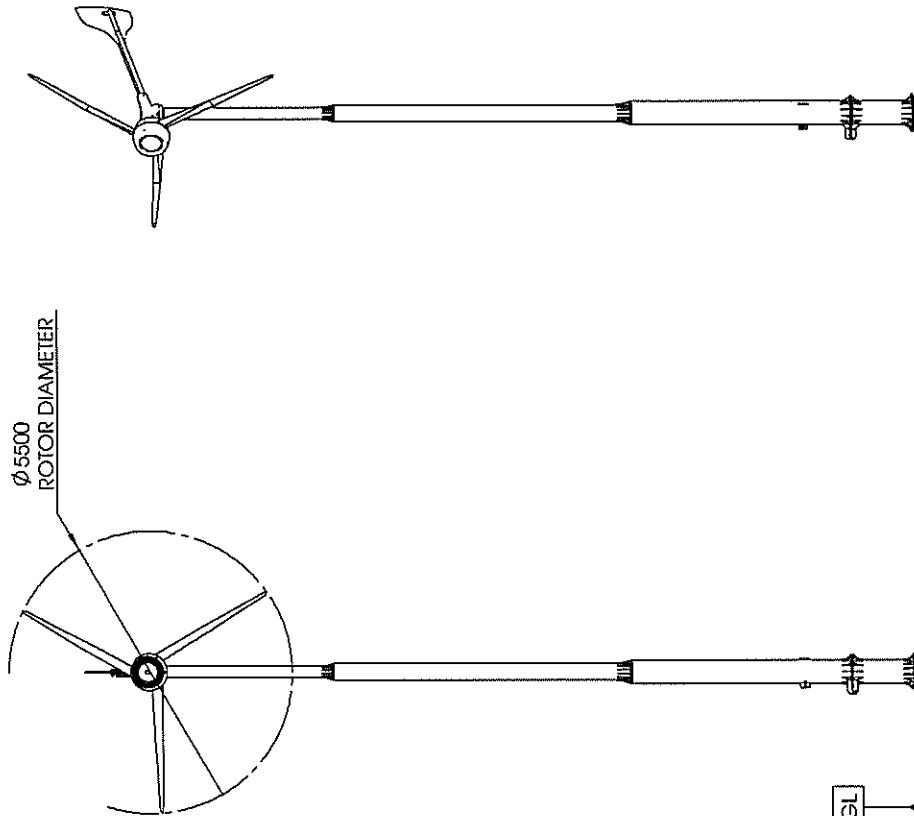
Scale: 1:750, paper size: A2

1. Blue boundary shows land owned by the applicant
2. Red line shows path of cable from turbine (situated on common grazing land) to applicants garage
3. Cable Path - 3 metre turbine base to house

1 2 3 4 5 6 7



Ø 5500
ROTOR DIAMETER



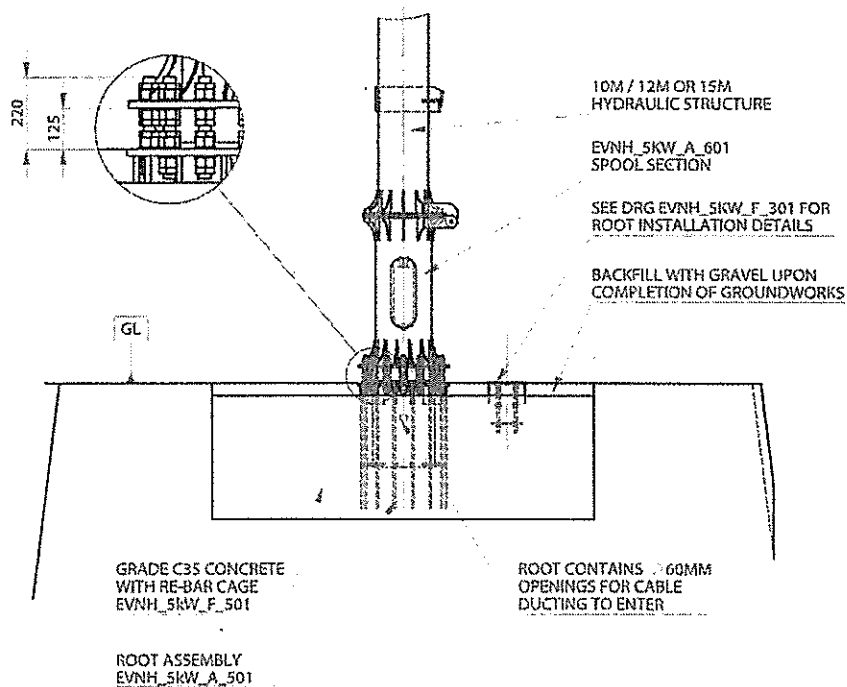
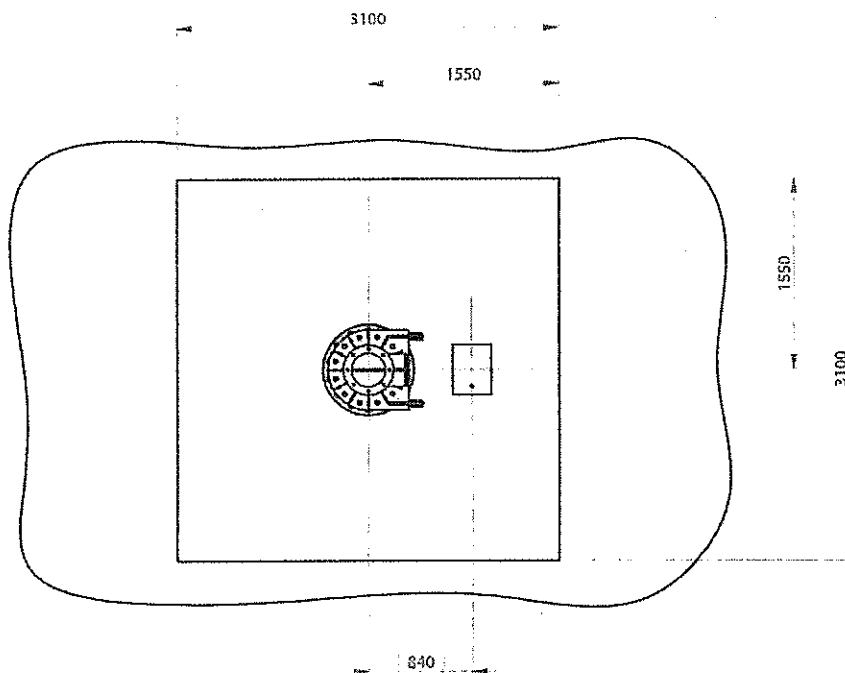
NOTE: TOWER FINISH - GALVANISED STEEL

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MATERIAL SPEC					FINISH SPEC				
OVERALL TURBINE LENGTH ADDED					23/04/2010				
INITIAL RELEASE FOR PLANNING SUBMISSION					02/03/2010				
AMENDMENTS					DATE				
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REVISIONS									
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				NOTES: 1. ALL DIMENSIONS ARE IN MILLIMETRES WITH LEVELS SHOWN IN METRES. 2. ALL DIMENSIONS NOT TO EXCEED TO BE WITHIN $\pm 0.50\text{mm}$. 3. STEELWORK TO BE TO BS 7000 OR BS EN 10113-1, GRADE S275 (UNLESS OTHERWISE SPECIFIED, AS FABRICATED IN ACCORDANCE WITH BS 5950). 4. ALL WORKS TO BE GRADE R4.5 SPUN GALVANIZED TO BS 5971. 5. ALL STEELWORK TO BE PACKED AND NOT DIP GALVANIZED IN ACCORDANCE WITH BS EN 15014-1 BARENESS OTHERWISE SPECIFIED. 6. REMOVE ALL BURRS AND SHARP EDGES.		MATERIAL: FINISH: MASS (Kg):		 hutchinson engineering TEL: +44 (0)151 422 9990 FAX: +44 (0)151 420 5100 www.hutchinsonengineering.co.uk  ISO 9001 Registered		EVERITE ROAD, WIDNES, CHESHIRE, WA8 8PT		CLIENT: EVANCE PROJECT: EVANCE SKW - 10M / 12M / 15M HYDRAULIC STRUCTURE TITLE: PAD FOUNDATION ARRANGEMENT		A3
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Application Comments for 2013/295/PPF

Application Summary

Application Number: 2013/295/PPF

Address: Adjacent Mangaster Sullom Shetland ZE2 9RE

Proposal: Erect and install 1 no. 5kw wind turbine on a 15m mast

Case Officer: Mr John Holden

Customer Details

Name: Mr andrew viviers

Address: arniefoul, glamis, forfar dd8 1ud

Comment Details

Commenter Type: Member of Public

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I write to object to this wind factory application.

In August 2013, the United Nations Economic Commission Europe (UNECE) declared that the UK government's National Renewable Energy Action Plan (NREAP) violates the laws that transpose the Aarhus Convention into the UK legal framework, in that it is not abiding by Article 7 of the Convention. In particular the public have not been given full access to information on the established unacceptable negative impacts on people and the environment, nor have the public been given decision-making powers over their approval.

For this reason alone there should be a moratorium on all wind turbine applications.

Further to the above, the term Wind Farm is a disingenuous spin on the words farm and farming. My dictionary describes farming as: the husbandry or cultivation of animals, plants, fungi and other life forms, for food, fibre, bio-fuel and other products, in order to sustain human life.

Wind turbine applications often state that the turbine(s) are required for farming diversification. This is obviously incorrect. What it is, is an industrialisation and sterilisation of huge areas of farmland.

When two or more turbines are gathered together, it should be called a wind factory.

Firstly, wind turbines are certainly not life forms, and therefore it can not be a farm nor farming. And secondly, there is no conclusive evidence that they sustain human life, or the lives of any other life form (except perhaps a few carrion feeders until they are killed by the impact of a blade or suffer internal haemorrhaging and death).

In fact the opposite is probably true.

For example, there is mounting evidence that the end result of wind turbine manufacture and use is an increase in CO2 emissions. Furthermore, there is mounting evidence that wind turbine use is harmful to humans, livestock, and other life forms.

Of the millions and millions of bats that are killed each year by wind turbines, it is estimated that 90% drown in their own blood when their lung capillaries rupture as a result of the pressure changes near turning blades. Only around 10% are killed by the impact of a blade.

(Small turbines are also lethal to bats and birds as they are usually sited near buildings that provide roosting and nesting sites.)

There is also growing concern over the stress, internal haemorrhaging, birth defects and still births, of livestock and pets that are kept near wind turbines. These same harmful affects are no doubt occurring to our wild life, and other life forms.

Humans are reported to suffer depression, dizziness and insomnia and I am sure that internal haemorrhaging, birth defects and still births will follow as the years go by.

I understand that in recent years there has been an acknowledged and unexplained increase in cases of insomnia, dizziness and headaches in Dundee. There have been two large wind turbines operating in Dundee since 2006.

The harm is caused by emissions of both ground hugging Infrasound, and Low Frequency Noise. These are accumulative (ie. the longer the exposure, the worse the symptoms), have a range of around 10km, and are mostly at vibrations below the human hearing range.

From my own observations, hares, which live and breed on open ground, would appear to be one of the first terrestrial animals to succumb to this internal haemorrhaging and death out to a distance of at least 5km.

With regard to the effect of off-shore wind factories on marine life, we can be sure that it is considerable. Water is an excellent conductor of sound vibrations, and fish have the ability to detect minute pressure changes (0.5%), and in some cases down to less than 1mb (millibar). Standard atmospheric pressure at sea level is about 1,013 mb.

Recently, the cities of Kolding and Sønderborg in Denmark decided to not erect further wind turbines (in their 500 km²+ jurisdictions) until the uncertainty about the health impacts on neighbours is settled.

Mr Mauri Johansson (Specialist in Community and Occupational Medicine) recently stated that: "During the last 12 months, several smaller municipalities had done the same, in spite of strong pressure from government. They are not satisfied with the noise regulations, and demand that genuinely independent studies be done concerning the effects of wind turbines on health.

Last year, retired Danish High Court judge Peter Roerdam stated that wind power is an industry which has thoroughly corrupted the political system Further, Mr Mauri Johansson has this year added that: It is clear the institutional political corruption, and the lack of professional ethics on the

part of wind industry acousticians and public health researchers, who ignore or deny the existence of the sleep and health problems and the consequent serious long term damage to health, is not limited to Denmark.

Indeed, in 1987 a report, led by N.D.Kelley from the Solar Energy Research Institute in Colorado, found impulsive infrasound caused health problems. This report has been ignored for 25 years. Wind electricity is one of the most expensive forms of electricity to be produced. Each turn of a blade adds to our electricity charges. This is as a result of their abysmal efficiencies. It has been calculated that the average turbine only produces between 15 - 28% of its rated capacity over a year, and the kilowatts of electricity produced per square kilometre, or cubic kilometre, of a wind factory is equally abysmal.

The way these huge costs are arbitrarily added to our electricity bills, and the profits kept by a select few, is worse than the illegal chain letter scam.

I say worse because one has to actually opt in to be scammed by a chain letter. This is not the case with wind energy. However, it would be a simple matter to contact all electricity users and ask them if they wish to pay for wind electricity - and if so, could they tick the opt in to be scammed` box. The cost of wind electricity could then be proportioned fairly between those willing and able to pay for it.

I understand that thousands of dirty diesel generators are being prepared all over Britain to provide emergency back-up when wind power fails - in order to prevent the National Grid collapsing.

Under this hugely costly scheme, the National Grid is set to pay up to 12 times the normal wholesale market rate for the electricity they generate. Currently the wholesale price for electricity is around £50 per megawatt hour (MWh) but diesel-generator owners will be paid £600 per MWh. These generator owners will also be paid enormous sums for just having them available to be switched on.

Any suggestions that:

1. because there are already turbines or pylons in the area, then it is somehow OK to compound the problem with these turbines is ludicrous! You do not solve a problem by creating an even bigger problem.
2. because there is already a commercial business in the area and therefore it is somehow OK to compound the problem with these turbines is similarly ludicrous. Why enhance an eye sore with an even larger eye sore?
3. if we have to have wind factories, then this is as good a place as any to have one is again ludicrous. We are meant to be living in a democracy and nobody should have to have anything; particularly when it is against the wish of the majority of the population. There are probably now as many, if not more, opinion polls against wind turbines as there are for them. One thing is certain

though, those against are growing rapidly as more and more people realise the true nature and cost, both financially and environmentally, of wind turbines, be they individual or factory units.

4. the county has somehow missed out on tens of millions of pounds worth of investment money by the rejection of several wind factory applications is, once again, ludicrous. Very little of that supposed investment would ever benefit the county, as is proven time and again, where the local business to gain the most is probably the fencing contractor!

5. communities would somehow gain from the so-called Community Fund, or community bribe as more and more people are calling it, is ludicrous - although there is an argument that this is merely another disingenuous misleading spin. The value of the bribe is often only equivalent to the concessions and exemptions a landowner receives for having a wind factory on his land, and therefore the net gain to local county and therefore community, is probably zero.

6. jobs would be increased by this application is misleading, if not ludicrous. The majority of the workforce in the construction, erection and maintenance of turbines comes from abroad, and if the American example is anything to go by, any UK jobs come at a cost of \$12m per job. There is also the valid argument that they are not green jobs anyway, since they cause harm to humans and the environment, and raise CO2 emissions.

7. it is somehow OK to empty properties and effectively sterilise huge areas of Scotland so that wind factories can be built is outrageous and is reminiscent of the Highland Clearances. Scotland has much to be proud of in its history with our willingness to fight for, and support, freedom and democracy. This renewable energy policy is certainly not something to be proud of.

8. there is a silent majority in favour of wind turbines - that harm their neighbours and cause great financial hardship through the exorbitant increases to our electricity bills, is yet again, ludicrous. The silent majority are silent because they have not been told about the harm (to humans, environmentally and financially) that wind turbines and wind factories cause. This comment is supported by the UNEC decision mentioned above.

Finally, any arrangement which pays millions of pounds to wind factories to NOT produce electricity is beyond belief. If this was applied to every business, I dread to think where the money would come from to pay for all the surplus production and services.

Should Scotland gain its independence, one wonders if the electricity users of the rest of Great Britain will continue to be prepared to pay the exorbitant price for Scottish wind power, even if it is later sold back to them at a ridiculously reduced price. If not, and if these costs are placed solely on Scottish electricity users, it will cause great hardship, financial difficulty, fuel poverty and bankruptcy to many people and businesses in Scotland, and Scotland will swiftly follow in the footsteps of countries like Spain and others who have fallen for the wind power scam. (Spain is a particularly cautionary tale. By failing to control the cost of guaranteed subsidies, Spanish

electricity users have been saddled with 126bn of obligations to renewable-energy developers.)

In theory would take about 1,500 wind turbines of around 100m tall spread over 20km² to produce the same electricity as a 1,000 megawatt (1GW) power station even then the wind farm could not provide a steady supply. Wind varies considerably, and thus the power station is still required or maybe we need to cover over 100sq km with turbines to possibly provide something near the power from one power station!

In Denmark there are over 6000 turbines for 5.4m people, yet wind power only counts for less than 19% of their electricity requirements, has not resulted in the closure of any power stations, and they have one of the highest electricity prices in Europe.

Germany has the most expensive electricity in Europe and it is estimated that up to 800,000 German households have had their power cut off because they couldn't pay the country's rising electricity bills.

In the UK there are around 5 million households that are struggling to pay their ever rising electricity bills (mainly as a result of these wind factories).

German CO₂ emissions have been rising for two years in a row as coal is experiencing a renaissance, and they are building 20 new coal-fired power stations to provide power when there is no wind or sun usually in the winter when the power is most needed.

CO₂ emissions in the EU as a whole are likely to rise because of increased coal burning at power stations.

There are very few good wind turbines. By good I mean ones which comply with a few simple, common-sense criteria such as:

- a) where the electricity produced helps to supplement the power requirements of the landowner without taking money from every other electricity user in the country to do so;
- b) where they do not cause continuous harm to humans and other life forms;
- c) where the CO₂ emissions caused by the construction, erection and maintenance of the turbines is accurately assessed and the result (either increased or decreased), is justified;
- d) where the loss of revenue to other local businesses caused by the location of the turbines is justified.

If one applies these few criteria to wind factories, then there are no good wind factories, either onshore or offshore (the financial cost and CO₂ emissions caused by offshore factories are considerably greater than onshore factories).

If we are to have renewable energy providers for our national requirements, then we should be considering systems that guarantee to provide a steady supply of power at more than 30% efficiency, do no harm, and help save the environment. Wind power can never achieve this.

On a more personal level, we run a holiday cottage business, and many of our visitors have stated that, with regret, they will not return if Angus over-run with turbines. This will greatly affect our livelihood and many other businesses in the area which rely on tourism. I am sure this growing dislike and rejection of turbines applies to other areas of the country.

I urge you not to follow the disastrous example of Aberdeenshire and other areas, by allowing the country to be invaded by these turbines.

Let common-sense prevail, reject this application, and help save the country for future generations.

**Planning Committee****10 December 2013**

2013-332-PPF Erect and install two 5Kw wind turbines on 15m high towers on 3m square bases. Midfield and Askalong, Ollaberry, Shetland, ZE2 9RU by Mr J Stephen, Rackwick, Ollaberry, Shetland

PL-21-13-F

**Report Presented by Planning Officer –
Development Management, Planning**

**Development Services Department/
Planning Service**

1.0 Summary

- 1.1 This report concerns an application for planning permission to erect two 5Kw wind turbines with connection to Midfield and Askalong, being domestic properties at Ollaberry. The turbines specified are Evance R9000's which are proposed to be erected on two single towers with a height of 15m to hub, and with rotor blade diameters of 5.5m. The turbines and towers are proposed to be finished in a dark squirrel grey colour (RAL 7000). The proposal is submitted concurrently with a further proposal for a single turbine of the same dimensions nearby but which is to serve a further domestic property down the hill. Each turbine (1 of 3) is intended to serve a separate residential dwelling.
- 1.2 The application is presented to the Committee for a decision following a hearing, as this is a Council interest application to which a representation has been submitted.

2.0 Decision Required

- 2.1 The Planning Committee is asked to determine the application. It is recommended that the application be approved subject to conditions.

3.0 Determination

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

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

- 3.2 There are statutory development plan policies against which this application has to be assessed against. Those policies of significance are listed below. Unless material considerations indicate otherwise, the determining issue to be considered is whether the proposal complies with development plan policies.

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

SPENG3 - Renewable Energy Sources

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

LPNE10 - Development and the Environment

LPENG6 - Energy Proposals

LPENG9 - Domestic Scale Aerogenerators

Shetland Islands Council Interim Planning Policy Guidance

SPG6 – Domestic Wind Turbines

Shetland Islands Council Local Development Plan

GP1 - Sustainable Development

GP2 - General Requirements for All Development

GP3 - All Development: Layout and Design

RE1 - Renewable Energy

- 3.3 **Safeguarding**
Scatsta Airport

4.0 Report

- 4.1 The main issues raised by this application relate to the extent of any landscape and visual impacts, residential and general amenity, road safety, and environmental impacts.
- 4.2 **Landscape character and visual amenity.** The area is of a crofting and coastal landscape character. Whilst the area is sparsely developed it accommodates a number of new residential properties along with established crofts containing agricultural and domestic buildings. On the approach to the area, the Sullom Voe developments are prominently visible in the background. Whilst the very extensive Sullom Voe industrial area is seen in the same view, the general area still presents a quite rural character and landscape amenity. The turbines are located in an elevated position, but in close proximity to the building group containing two of the properties that the 3 turbines, of which this application concerns 2 of a group of 3, are proposed to serve. This close association is sufficient to prevent any encroachment on undeveloped land, thereby reducing the landscape impact, and providing a logical visual association and limited change.
- 4.3 **Cumulative impacts.** The proposed turbines are located in close association with a third turbine being applied for by the same family. The grouping of the turbines serves to limit the spread of any

landscape or visual impact. A cumulative noise assessment is provided, giving predicted noise levels for multiple turbines, which was considered as part of the assessment. There are no other wind turbine development proposals in the immediate area.

- 4.4 **Compatibility** with existing land uses and potential sterilisation of land for other developments. The existing land use is as grazing land, the siting of 3 wind turbines, 2 of which are the subject of this application, would not compromise the use of the land for crofting. In respect of the potential sterilisation of land for housing, there is considered to be sufficient land in the general proximity of the area which has the potential for residential development.
- 4.5 **Noise impacts.** The turbines subject to this proposal, and the additional turbine subject to a separate proposal (2013/346/PPF), are intended to serve 3 separate residential dwellings which are in the ownership of the same family. The supporting information asserts that the family are set to benefit from the proposal, and as such are willing to accept noise levels which are greater than the 35dB limit ordinarily recommended for sensitive receptors. It is normal practice to allow higher noise levels to properties with a financial benefit from a wind turbine proposal. The nearest non-associated sensitive receptor (residential dwelling) is located a sufficient distance to achieve a noise reading of less than 35dB. Furthermore, the Council's Environmental Health Service were consulted and they do not object to the proposal. It is considered that there are no unacceptable noise impacts.
- 4.6 Notwithstanding the ownership and benefit interests of the properties related to the proposal for the wind turbines planning permission relates to the use of the land rather than the user. Therefore, there is a possibility that in the future, one or more of the properties may be sold or tenanted out to someone without a financial interest in any of the turbines. In order to protect the Council from any claim of noise nuisance that may arise as a result of any change to the current ownerships and occupations, then a Section 75 legal agreement should be entered into before any planning permission is issued.
- 4.7 **Shadow Flicker.** The proposed turbines are located a distance which is in excess of 10 times the blade diameter (10 x 5.5m) from the nearest sensitive receptors.
- 4.8 **Electromagnetic Interference.** It is not anticipated that there would be electromagnetic disturbance as a result of the small scale of the development being located up-hill from the nearest neighbouring property, however it is normal to attach a condition controlling this.
- 4.9 **Road safety.** The site of the proposal is a significant distance up hill from the public highway. It is considered that there would be no driver distraction or risk to road users from turbine topple over or damage.
- 4.10 **Representation** objecting to the proposal. One letter of objection has been received to the proposed development in respect of unknown health impacts that turbines may pose to people, pets, wildlife, livestock and other life forms; unacceptable cost to the economy due to increasing electricity bills required to support such developments and

the negative impacts that turbines have upon tourism. It is considered that the objection relates more specifically to commercial wind turbine developments. The objection does not make reference to the specific circumstances relating to this proposal. Those material planning matters that are pertinent to the assessment of this proposal have been considered as part of the assessment.

5.0 Implications (of Decision)

Strategic

5.1 Delivery on Corporate Priorities – A decision made on the planning application that accords with the Council's Development Plan will contribute directly to the Single Outcome Agreement through the outcome that we live in well designed sustainable places.

5.2 Community/Stakeholder Issues –

The Environmental Health Service was consulted on the application. Due to the small size of the proposed turbines, and the distance to the nearest sensitive receptors, Environmental Health has no objections.

Serco (Scatsta Airport) was consulted on the application. They have no objections to the project.

A **representation** was received from Mr A Vivers, Arniefoul, Glamis, Forfar. The representation was an objection on the basis of unknown health impacts, financial concerns, and the impact upon tourism. A copy of the representation is attached in full as an Appendix to this report.

5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the Council owns land which is subject to the proposal and an objection is received, the decision to determine the application is delegated to the Planning Committee as a hearing under the Council's Planning Scheme of Delegations that has been approved by the Scottish Ministers.

5.4 Risk Management – If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of consent contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to provide clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.

6.0 Conclusions

6.1 The proposal is for two small scale renewable energy wind turbines. There are no known constraints preventing this development and the proposal complies with the relevant provisions of the Council's

Development Plan. Therefore by virtue of scale, location, distance from sensitive receptors, and existing land use, there are no unacceptable detrimental impacts upon neighbouring land uses, or the natural and built environment. The proposal complies with Shetland Islands Council's Structure Plan (2000) policies GDS1, GDS4 and SPENG3; Local Plan (2004) policies LPNE10, LPENG6, LPENG7 and LPENG9; Interim Planning Policy Guidance Policy SPG6 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

- 6.2 This development complies with Council policies listed in paragraph 3.2 and is therefore recommended for approval, subject to conditions, the schedule of which is appended to the report, and following the entering into of a legal agreement to control property ownership and occupation.

For further information please contact:

Matthew Taylor – Planning Officer – Development Management

Tel: 01595 743963 Email: matthew.taylor@shetland.gov.uk

29 November 2013

List of Appendices

- Schedule of recommended conditions
- Location Plan – 2013/332/PPF-01
- Site Plan – 2013/332/PPF-02
- Elevation Plan – 0140-AD-00281
- Foundation Arrangement – EVNH_5KW_F_004
- Representations from: Mr A Vivers, Forfar.

Background documents:

- [Shetland Structure Plan \(2000\)](#)
- [Shetland Local Plan \(2004\) \(as amended\)](#)
- [Interim Planning Policy Toward Sustainable Construction \(2009\)](#)
- Emerging Shetland Local Development Plan

(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 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).

(3.) Notwithstanding the approved plans this permission shall relate solely to the erection of two Evance R9000 wind turbines, each one of which shall be no greater than the following dimensions:

(a) 5KW output each

(b) 15-metre base to hub centre

(c) 5.5-metre blade diameter

(d) Foundation bases not to project above the ground surface.

Notwithstanding the provisions of the Town and Country (General Permitted Development (Scotland) Order 1992 or any subsequent replacement or amendment Order, no larger wind turbine shall be erected on the site hereby approved without planning permission being granted on an application made to the Planning Authority or any amendment to the make or specification of the hereby approved turbines, without prior written approval from the Planning Authority.

Reason: To protect the existing residential amenity of the occupiers of the adjacent properties as the impact of larger wind turbines has not been

assessed and that the assessment has been made against the hereby approved Kingspan KW6 wind turbine, in compliance with Shetland Islands Council's Structure Plan (2000) policies GDS4, SPENG3, Local Plan (2004) policies LPNE10, LPENG6, LPENG7, LPENG9 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

(4.) Notwithstanding the submitted plans, the exterior finish of the wind turbines hereby approved (including the blades) shall be grey in colour (RAL 7000).

Reason: In the interests of visual amenity and to ensure compliance with Shetland Islands Council's Structure Plan (2000) policies GDS4, SPENG3, Local Plan (2004) policies LPNE10, LPENG6, LPENG7, LPENG9 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

(5.) In the event that the wind turbines affect radio, television and/or telephone devices and/or reception of these devices in the vicinity of the development site, the wind turbines shall be disconnected until the problem has been investigated and resolved.

Reason: For the avoidance of doubt and in order to protect the existing residential amenity of the occupiers of the neighbouring properties as the impact of the development on telecommunications equipment has not been formally assessed and in compliance with Shetland Islands Council's Structure Plan (2000) policies GDS4, SPENG3, Local Plan (2004) policies LPNE10, LPENG6, LPENG7, LPENG9 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

(6.) Within six months of a wind turbine ceasing to be operational, the turbine concerned and all associated plant and equipment shall be removed from the site and the site reinstated to its pre-development condition.

Reason: In order to ensure that when the turbine ceases to be operational its site is restored to its pre-development condition in the interests of visual amenity and in compliance with Shetland Islands Council's Structure Plan (2000) policies GDS4, SPENG3, Local Plan (2004) policies LPNE10, LPENG6, LPENG7, LPENG9 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

(7.) The power cable shall be laid underground, and measures shall be taken to safeguard turfs removed for the power cable laying; these shall be replaced during site re-instatement works or the site shall be reinstated by a means otherwise agreed in writing by the Planning Authority.

Reason: To ensure the reinstatement of land disturbed by the construction of the development in compliance with Shetland Islands Council's Structure Plan (2000) policies GDS4, SPENG3, Local Plan (2004) policies LPNE10, LPENG6, LPENG7, LPENG9 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

Notes to Applicant.

Commencement of Development – To ensure compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section

20 of the Planning etc. (Scotland) Act 2006, the development hereby permitted shall be commenced within three years of the date of this permission.

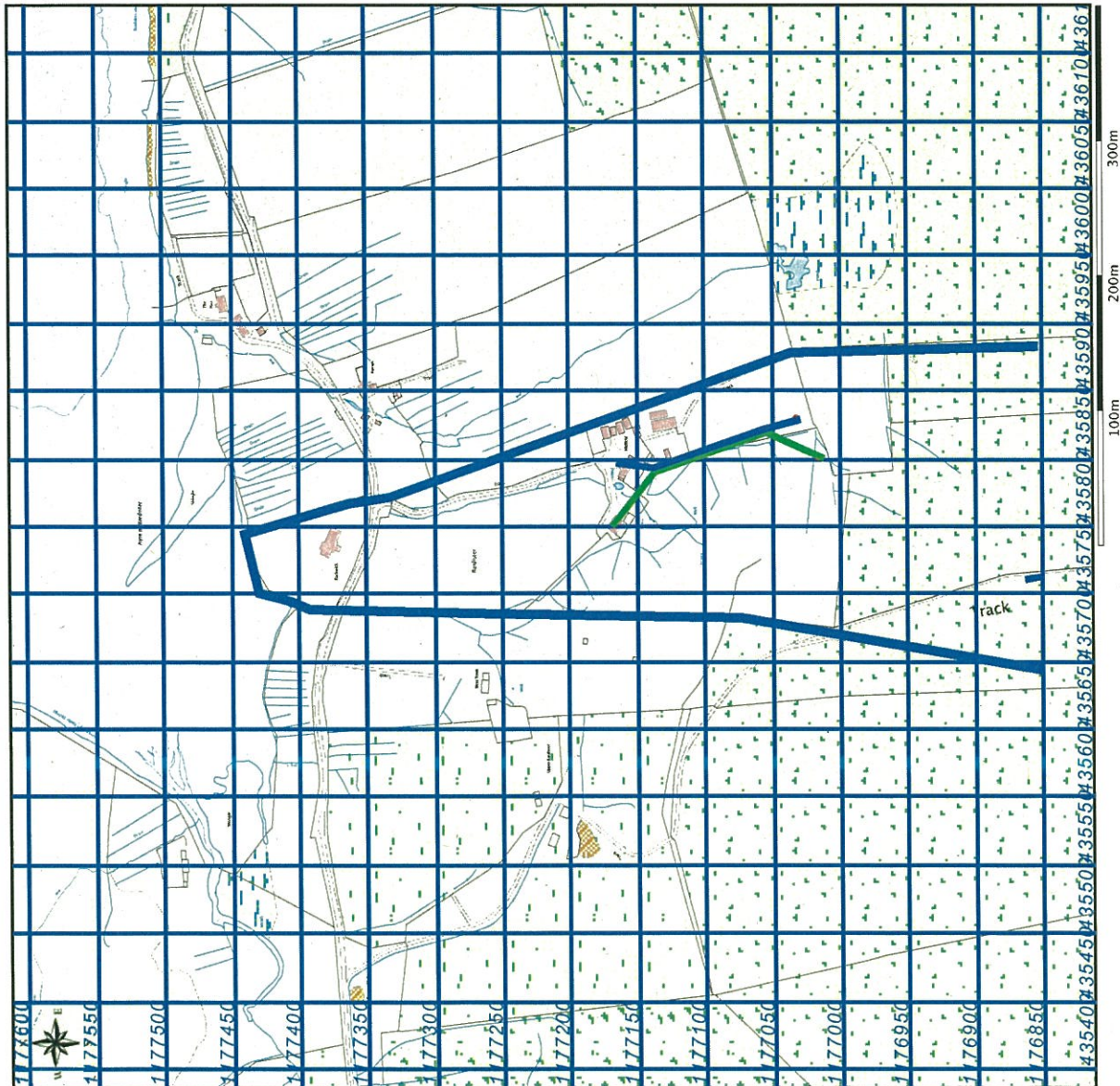
Notice of Completion of Development – To ensure both that the development is carried out in accordance with the approved documents, and compliance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended). Upon the completion of the development hereby permitted, and as soon as practicable, the person carrying out the development shall provide the Planning Authority with a written notice of that completion.

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

Midfield and Asksalong Location Plan

2013/332/PDF-01

Blue line Boundary
Red Circles Turbine Positions
Green Line Cable Track to Asksalong
Blue Line Cable track to Midfield



Scale: 1:5000, paper size: A4

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- 1 OCT 2013	
PASS TO	ACTION

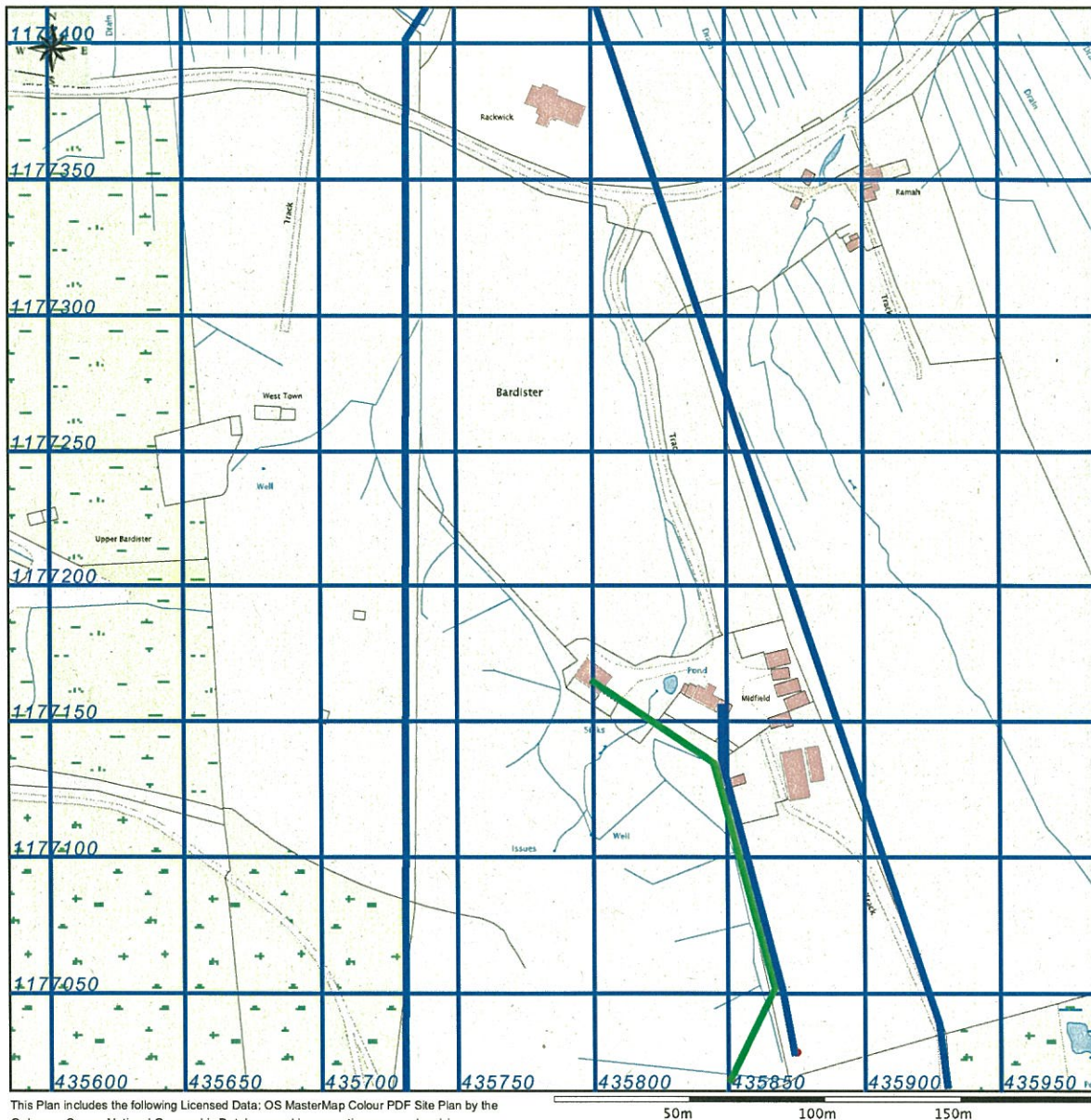
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Prepared by: James Robertson, 30-09-2013

Midfield and Askalong Site Plan

2013/332/PAT-02



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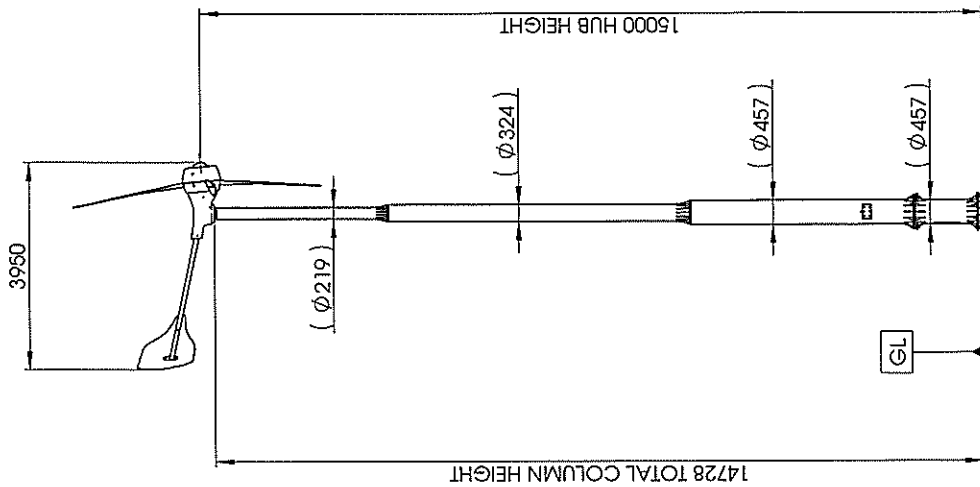
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Blue Line - Property Boundary
 Red Circle - Turbine Positions
 Green Line - Cable Path to Askalong
 Blue Line - Cable path to Midfield
 Askalong and Midfield Cables in same trench for most of the length

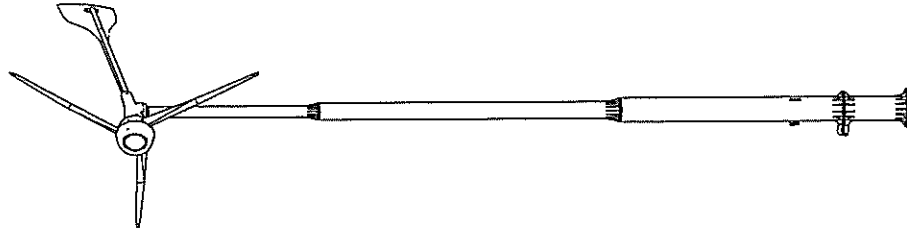
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ROTOR DIAMETER

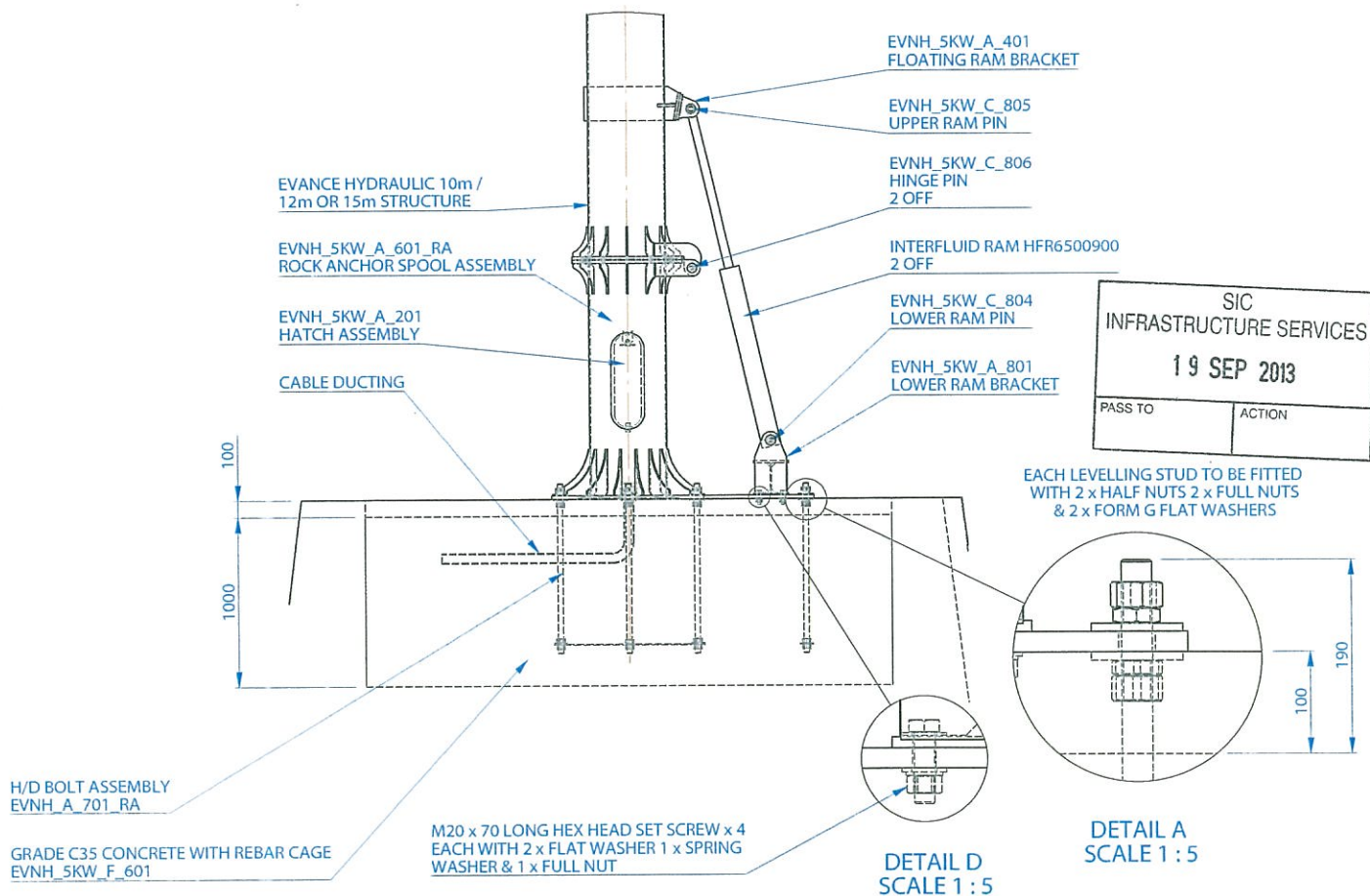
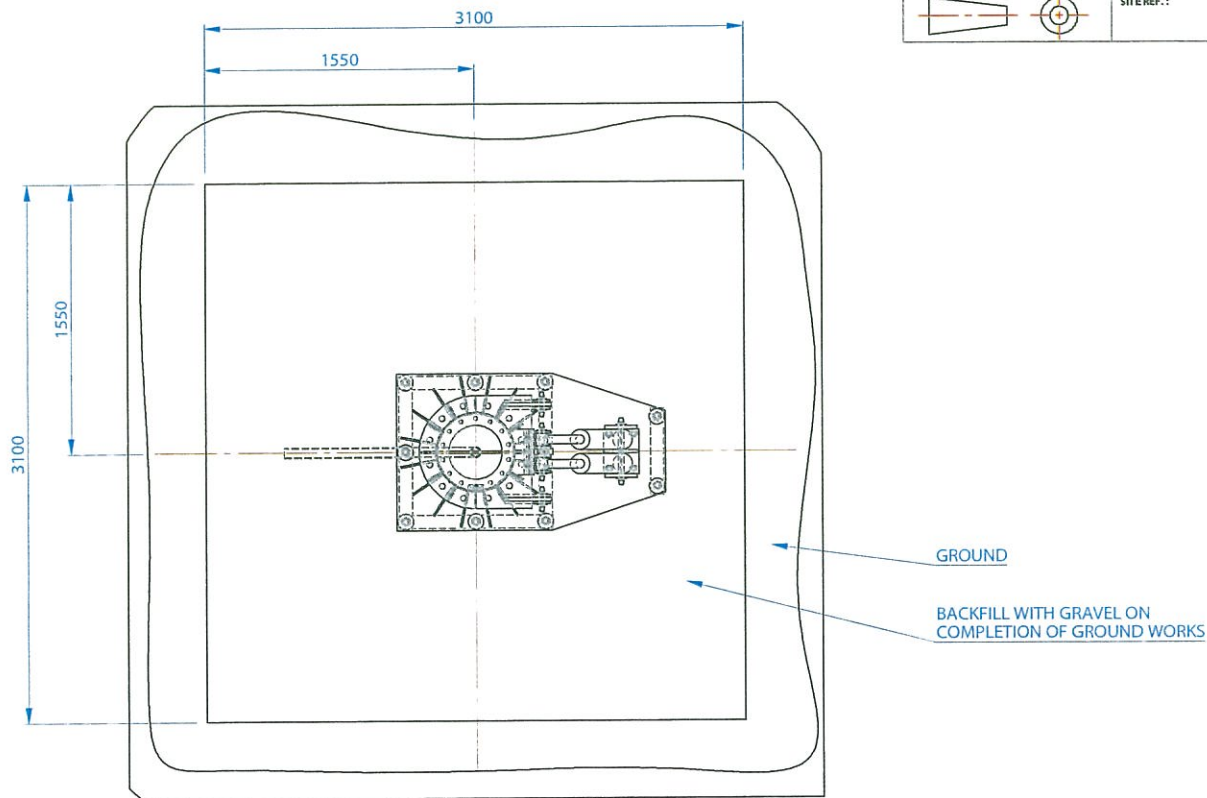


ISOMETRIC VIEW



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NOTE: TOWER FINISH - GALVANISED STEEL

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			NOTES:			MATERIAL:			 hutchinson engineering			CLIENT: EVANCE			A3
			1. ALL DIMENSIONS ARE IN MILLIMETRES WITH LEVELS SHOWN IN METRES.			SEE DETAILS			TEL: +44 (0)151 422 9990			PROJECT: 5KW HYDRAULIC H/D BOLT ASSY WITH ROCK ANCHOR			
			2. ALL DIMENSIONS NOT TOLERANCED TO BE WITHIN ±0.50mm.			FINISH:			FAX: +44 (0)151 420 5100			TITLE: H/D BOLT PAD BASE ARRANGEMENT TO SUIT EVANCE 5KW HYDRAULIC 10M 12M & 15M STRUCTURES WITH ROCK ANCHOR BASE ASSY			
			3. STEELWORK TO BE TO BS 7668 OR BS EN 10113-1, GRADE S275 (UNLESS OTHERWISE SPECIFIED), & FABRICATED IN ACCORDANCE WITH BS 5950.			MASS (Kg.):			www.hutchinsonengineering.co.uk			DRAWN: A.P.H.			A
			4. ALL BOLTS TO BE GRADE 8.8 SPUN GALVANISED TO BS 3692.						EVERITE ROAD, WIDNES, CHESHIRE, WA8 8PT			APPD: I.J.B.			
			5. ALL STEELWORK TO BE PICKLED AND HOT DIP GALVANISED IN ACCORDANCE WITH BS EN ISO 1461 (UNLESS OTHERWISE SPECIFIED).									CHKD: I.J.B.			
			6. REMOVE ALL BURRS AND SHARP EDGES.									SCALE: 1:30			
												DATE: 09/06/2010			
												REVISION			
												EVNH_5kW_F_004			

Summers Claire@Infrastructure Svs

From: [REDACTED]
Sent: 20 October 2013 14:47
To: Summers Claire@Infrastructure Svs
Subject: Application Comments for 2013/332/PPF

Planning Application comments has been made. A summary of the comments is provided below.

Comments were submitted at 2:29 PM on 20 Oct 2013 from Mr andrew vivers.

Application Summary

Address: Rackwick Ollaberry Shetland ZE2 9RU
Proposal: Erect and install two 5kw wind turbines on 15m high towers on 3M square bases
Case Officer: Mrs Claire Summers
[Click for further information](#)

Customer Details

Name: Mr andrew vivers
Email: [REDACTED]
Address: arniefoul, glamis, forfar dd8 1ud

Comments Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application

Reasons for comment:

Comments: I write to object to this application. In August 2013, the United Nations Economic Commission Europe (UNECE) declared that the UK government's National Renewable Energy Action Plan (NREAP) violates the laws that transpose the Aarhus Convention into the UK legal framework, in that it is not abiding by Article 7 of the Convention. In particular the public have not been given full access to information on the established unacceptable negative impacts on people and the environment, nor have the public been given decision-making powers over their approval. For this reason alone there should be an immediate moratorium on all wind turbine applications and decisions. Also, a recent ruling by Lady Clark of Calton has deemed that unless applicants have the relevant OFGEM licence (or DECC exemption), their application is incompetent (unlawful), and planning consent should not be given. Lady Clark argues that this applies to almost all turbines. Further to the above, the term 'Wind Farm' is a disingenuous spin on the words 'farm' and 'farming'. My dictionary describes 'farming' as: "the husbandry or cultivation of animals, plants, fungi and other life forms, for food, fibre, bio-fuel and other products, in order to sustain human life." Wind turbine applications often state that the turbine(s) are required for farming diversification. This is obviously incorrect. What it is, is an

industrialisation and sterilisation of huge areas of land and sea. When two or more turbines are gathered together, it should be called a wind factory. Firstly, wind turbines are certainly not life forms, and therefore it can not be a farm nor farming. And secondly, there is no conclusive evidence that they sustain human life, or the lives of any other life form (except perhaps a few carrion feeders – until they are killed by the impact of a blade or suffer internal haemorrhaging and death). In fact the opposite is probably true. For example, there is mounting evidence that the end result of wind turbine manufacture and use is an increase in CO2 emissions. Furthermore, there is mounting evidence that wind turbine use is harmful to humans, livestock, and other life forms. In the last 12 months approximately 100 million birds and bats were killed world wide by wind turbines. It is estimated that 90% of the bats drown in their own blood when their lung capillaries rupture as a result of the pressure changes near turning blades. Only around 10% of bats are killed by the impact of a blade. (Small turbines are also lethal to bats and birds as they are usually sited near buildings that provide roosting and nesting sites.) There is also growing concern over the stress, internal haemorrhaging, birth defects and still births, of livestock and pets that are kept near wind turbines. These same harmful affects are no doubt occurring to our wild life, and other life forms. Humans are reported to suffer depression, dizziness and insomnia and I am sure that internal haemorrhaging, birth defects and still births will follow as the years go by. I understand that in recent years there has been an acknowledged and unexplained increase in cases of insomnia, dizziness and headaches in Dundee. There have been two large wind turbines operating in Dundee since 2006. The harm is caused by emissions of both ground hugging Infrasound, and Low Frequency Noise. These are accumulative (ie. the longer the exposure, the worse the symptoms), have a range of around 10km, and are mostly at vibrations below the human hearing range. The use of sound (including Infrasound) is a known military interrogation aid and weapon. From my own observations, hares, which live and breed on open ground, would appear to be one of the first terrestrial animals to succumb to this internal haemorrhaging and death out to a distance of at least 5km. With regard to the effect of off-shore wind factories on marine life, we can be sure that it is considerable. Water is an excellent conductor of sound vibrations, and fish have the ability to detect minute pressure changes (0.5%), and in some cases down to less than 1mb (millibar). Standard atmospheric pressure at sea level is about 1,013 mb. Also, I fail to see how the quarrying and transport of huge quantities of granite and other stone in order to stabilise offshore turbines, can possibly reduce CO2 emissions. Recently, the cities of Kolding and Sønderborg in Denmark decided to not erect further wind turbines (in their 500 km2+ jurisdictions) until the uncertainty about the health impacts on neighbours is settled. Mr Mauri Johansson (Specialist in Community and Occupational Medicine) recently stated that: "During the last 12 months, several smaller municipalities had done the same, in spite of strong pressure from government. They are not satisfied with the noise regulations, and demand that genuinely independent studies be done concerning the effects of wind turbines on health. Last year, retired Danish High Court judge Peter Roerdam stated that wind power is "an industry which has thoroughly

corrupted the political system" Further, Mr Mauri Johansson has this year added that: "It is clear the institutional political corruption, and the lack of professional ethics on the part of wind industry acousticians and public health researchers, who ignore or deny the existence of the sleep and health problems and the consequent serious long term damage to health, is not limited to Denmark." Indeed, in 1987 a report, led by N.D.Kelley from the Solar Energy Research Institute in Colorado, found 'impulsive infrasound' caused health problems. This report has been ignored for 25 years. Wind electricity is one of the most expensive forms of electricity to be produced. Each turn of a blade adds to our electricity charges. This is as a result of their abysmal efficiencies. It has been calculated that the average turbine only produces between 15 - 28% of its rated capacity over a year, and the kilowatts of electricity produced per square kilometre, or cubic kilometre, of a wind factory is equally abysmal. The way these huge costs (Renewables Obligation [RO], Feed In Tariffs [FIT], extra pylon and infrastructure construction, and other 'upgrades') are arbitrarily added to our electricity bills, and the profits kept by a select few, is worse than the illegal chain letter scam. I say worse because one has to actually "opt in" to be scammed by a chain letter. This is not the case with wind energy. However, it would be a simple matter to contact all electricity users and ask them if they wish to pay for wind electricity - and if so, could they tick the 'opt in to be scammed' box. The cost of wind electricity could then be proportioned fairly between those willing and able to pay for it. Even small turbines increase our electricity prices, since turbines up to 6KW can be very easily connected to the grid to export electricity and receive an income (through FITs for example). I understand that thousands of diesel generators are being prepared all over Britain to provide emergency back-up when wind power fails - in order to prevent the National Grid collapsing. Under this hugely costly scheme, the National Grid is set to pay up to 12 times the normal wholesale market rate for the electricity they generate. Currently the wholesale price for electricity is around £50 per megawatt hour (MWh) but diesel-generator owners will be paid £600 per MWh. These generator owners will also be paid enormous sums for just having them available to be switched on. Any suggestions that: 1. "because there are already turbines or pylons in the area, then it is somehow OK to compound the problem with these turbines" is ludicrous! You do not solve a problem by creating an even bigger problem. 2. "because there is already a commercial business in the area and therefore it is somehow OK to compound the problem with these turbines" is similarly ludicrous. Why enhance an eye sore with an even larger eye sore? 3. "if we have to have wind factories, then this is as good a place as any to have one" is again ludicrous. We are meant to be living in a democracy and nobody should have to have anything; particularly when it is against the wish of the majority of the population. There are probably now as many, if not more, opinion polls against wind turbines as there are for them. One thing is certain though, those against are growing rapidly as more and more people realise the true nature and cost, both financially and environmentally, of wind turbines, be they individual or factory units. 4. the county has somehow missed out on 'tens of millions of pounds worth of investment money' by the rejection of several wind factory applications is, once again, ludicrous. Very little of that supposed investment

would ever benefit the county, as is proven time and again, where the local business to gain the most is probably the fencing contractor! 5. communities would somehow gain from the so-called Community Fund, or "community bribe" as more and more people are calling it, isludicrous - although there is an argument that this is merely another disingenuous misleading spin. The value of the "bribe" is often only equivalent to the concessions and exemptions a landowner receives for having a wind factory on his land, and therefore the net gain to local county and therefore community, is probably zero. 6. jobs would be increased by this application is misleading, if not ludicrous. The majority of the workforce in the construction, erection and maintenance of turbines comes from abroad, and if the American example is anything to go by, any UK jobs come at a cost of \$12m per job. There is also the valid argument that they are not "green" jobs anyway, since they cause harm to humans and the environment, and raise CO2 emissions. 7. it is somehow 'OK' to empty properties and effectively sterilise huge areas of the Scotland so that wind factories can be built is outrageous and is reminiscent of the Highland Clearances. We have much to be proud of in our history with our determination to fight for, and support, freedom and democracy. This renewable energy policy is certainly not something to be proud of. 8. there is a silent majority in favour of wind turbines - that harm their neighbours and cause great financial hardship through the exorbitant increases to our electricity bills, is yet again, ludicrous. The silent majority are silent because they have not been told about the harm (to humans, environmentally and financially) that wind turbines and wind factories cause. This comment is supported by the UNEC decision mentioned above. Any arrangement which pays millions of pounds to wind factories to NOT produce electricity when the wind is blowing, is beyond belief. If this was applied to every business, I dread to think where the money would come from to pay for all the surplus production and services. Should Scotland gain its independence, one wonders if the electricity users of the rest of Great Britain will continue to be prepared to pay the exorbitant price for Scottish wind power, even if it is later sold back to them at a ridiculously reduced price. If not, and if these costs are placed solely on Scottish electricity users, it will cause great hardship, financial difficulty, fuel poverty and bankruptcy to many people and businesses in Scotland, and Scotland will swiftly follow in the footsteps of countries like Spain and others who have fallen for the wind power scam. (Spain is a particularly cautionary tale. By failing to control the cost of guaranteed subsidies, Spanish electricity users have been saddled with €126bn of obligations to renewable-energy developers.) In theory would take about 1,500 wind turbines of around 100m tall spread over 20km² to produce the same electricity as a 1,000 megawatt (1GW) power station – even then the wind farm could not provide a steady supply. Wind varies considerably, and thus the power station is still required – or maybe we need to cover over 100sq km with turbines to possibly provide something near the power from one power station. Another way of looking at it: if we are to achieve this energy policy, nearly 40% of rural Scotland will be covered with wind turbines (or more accurately, 40% of rural Scotland will be within 2km of a turbine). In Denmark there are over 6000 turbines for 5.4m people, yet wind power only counts for less than 19% of their electricity requirements, has not

resulted in the closure of any power stations, and they have one of the highest electricity prices in Europe. Germany has the most expensive electricity in Europe and it is estimated that up to 800,000 German households have had their power cut off because they couldn't pay the country's rising electricity bills. In the UK there are around 5 million households that are struggling to pay their ever rising electricity bills (mainly as a result of these wind factories). With the potential increase in wind turbines, it has been forecast that by 2017, the rapidly rising UK electricity prices will be almost double German prices. German CO2 emissions have been rising for two years in a row as coal is experiencing a renaissance, and they are building 20 new coal-fired power stations to provide power when there is no wind or sun – usually in the winter when the power is most needed. CO2 emissions in the EU as a whole are likely to rise because of increased coal burning at power stations. The import of vast amounts of wood, from countries such as America, to power biomass power stations can not possibly be good for the environment or help reduce CO2 emissions, and no doubt will cause further unnecessary price increases for our electricity. There are very few good wind turbines. By good I mean ones which comply with a few simple, common-sense criteria such as: a) where the electricity produced helps to supplement the power requirements of the landowner without taking money from every other electricity user in the country to do so; b) where they do not cause continuous harm to humans and other life forms; c) where the CO2 emissions caused by the construction, erection and maintenance of the turbines is accurately assessed and the result (either increased or decreased), is justified; d) where the loss of revenue to other local businesses caused by the location of the turbines is justified. If one applies just these few criteria to wind factories, then there are no good wind factories, either onshore or offshore (the financial cost and CO2 emissions caused by offshore factories are considerably greater than onshore factories), and very few good turbines. If we are to have renewable energy providers for our national requirements, then we should be considering systems that guarantee to provide a steady supply of power at more than 30% efficiency, do no harm, and help save the environment. Wind power can never achieve this. On a more personal level, we run a holiday cottage business, and many of our visitors have stated that, with regret, they will not return if Angus over-run with turbines. This will greatly affect our livelihood and many other businesses in the area which rely on tourism. I am sure this growing dislike and rejection of turbines applies to other areas of the country. I urge you not to allow the country to be invaded by these turbines. Let common-sense prevail, reject this application, and help save the country for future generations. I would like at this stage to add that: 1. The Scottish Natural Heritage (SNH) wind farm map for August 2013 <http://www.snh.gov.uk/docs/A1055080.pdf> is disgracefully and inherently inaccurate. It has no definition of what it is mapping (ie, what SNH consider a wind farm), and should not be used for any analysis, or indeed any other purpose. SNH state that "we seek to map all developments of more than 1 turbine – but we aren't consulted on all of these, so the map is a subset of the applications actually within the system." So, a single turbine over 100m high, or even a cluster of "single turbines" might not be shown – even if SNH

had been consulted! It is therefore a totally useless map – as most Councils will verify by a quick comparison with their own maps and/or Renewables Datasheets. If SNH use information such as this for their consultations, it suggests that their consultations and recommendations are of little value. 2. Paragraphs 4.15 to 4.21 of: <http://www.scotland.gov.uk/Publications/2009/07/03153034/7> states that there is a minimum notification of 21 days for individuals to make representations. This is a totally inadequate timescale to allow the public to raise suitable site/application specific representations. Most of us are in full time employment with busy family schedules, and it is difficult to find the time to: a. find out about turbine applications in the area – especially when the applicants only notify the minimum possible, and often not even the household(s) that is highlighted as being most affected according to their own proposal documentation. b. find, read and understand the application documentation. c. find, read and understand any planning legislation or regulations for wind turbines. d. prepare and submit a suitable site specific representation. It also does not allow for incidents when people may be away on holiday, or for work or health reasons. 3. Similarly, the 20m boundary notification is totally inadequate since: a. a turbine could be built that could potentially topple onto a neighbouring property. b. neighbouring property could be at risk of ice or turbine blade throw. c. it does not allow for neighbour notification regarding the very real health risks to humans out to at least 2 km. d. it does not allow for neighbour notification regarding the known negative effects on property prices. e. it does not allow for neighbour notification regarding the known negative effects on local tourist and other businesses. A much more responsible solution for Councils would surely be to adopt a minimum of 3 to 4 months deadline for representations, and a direct notification (by post, not newspaper) of all “` Owner, Lessee or Occupier`” at the address of the neighbouring land” within a minimum of 2 to 3 km. This would at least bring us more in line with the UNECE decision quoted at the beginning of this objection. One hopes that Councils and Councillors are actively suggesting something along these lines to Scottish Government

**Planning Committee****10 December 2013**

2013-346-PPF Erect and install a 5Kw wind turbine on a 15m high tower on a 3m square base. Rackwick, Ollaberry, Shetland, ZE2 9RU by Mr J Stephen, Rackwick, Ollaberry, Shetland.

PL-22-13-F

**Report Presented by Planning Officer –
Development Management, Planning**

**Development Services Department/
Planning Service**

1.0 Summary

- 1.1 This report concerns an application for planning permission to erect a single 5Kw wind turbine with connection to Rackwick, a domestic property at Ollaberry. The turbine specified is an Evance R9000 and is proposed to be erected on a single tower with a height of 15m to hub, and with a rotor blade diameter of 5.5m. The turbine and tower are proposed to be finished in a dark squirrel grey colour (RAL 7000). The proposal is submitted concurrently with a further proposal for an additional 2 turbines of the same dimensions nearby. Each turbine (1 of 3) is intended to serve a separate residential dwelling.
- 1.2 The application is presented to the Committee for a decision following a hearing, as this is a Council interest application to which a representation has been submitted.

2.0 Decision Required

- 2.1 The Planning Committee is asked to determine the application. It is recommended that the application be approved subject to conditions.

3.0 Determination

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

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

- 3.2 There are statutory development plan policies against which this application has to be assessed against. Those policies of significance are listed below. Unless material considerations indicate otherwise, the determining issue to be considered is whether the proposal complies with development plan policies.

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

SPENG3 - Renewable Energy Sources

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

LPNE10 - Development and the Environment

LPENG6 - Energy Proposals

LPENG9 - Domestic Scale Aerogenerators

Shetland Islands Council Interim Planning Policy Guidance

SPG6 – Domestic Wind Turbines

Shetland Islands Council Local Development Plan

GP1 - Sustainable Development

GP2 - General Requirements for All Development

GP3 - All Development: Layout and Design

RE1 - Renewable Energy

- 3.3 **Safeguarding**
Scatsta Airport

4.0 Report

- 4.0 The main issues raised by this application relate to the extent of any landscape and visual impacts, residential and general amenity, road safety, and environmental impacts.
- 4.1 **Landscape character and visual amenity.** The area is of a crofting and coastal landscape character. Whilst the area is sparsely developed it accommodates a number of new residential properties along with established crofts containing agricultural and domestic buildings. On the approach to the area, the Sullom Voe developments are prominently visible in the background. Whilst the very extensive Sullom Voe industrial area is seen in the same view, the general area still presents a quite rural character and landscape amenity. The turbine, being one of a group of 3, is located in an elevated position, but in close proximity to the building group containing two of the properties that the 3 turbines are proposed to serve. Whilst the turbine subject to this application is located some distance from the property which it is intended to serve, being located down the hill, the close association of the turbine group with the existing buildings is sufficient to prevent any encroachment on undeveloped land, thereby reducing the landscape impact, and providing a logical visual association and limited change.
- 4.2 **Cumulative impacts.** The proposed turbine is located in close association with a further two turbines being applied for by the same

family. The grouping of the turbines serves to limit the spread of any landscape or visual impact. A cumulative noise assessment is provided, giving predicted noise levels for multiple turbines, which was considered as part of the assessment. There are no other wind turbine development proposals in the immediate area.

- 4.3 **Compatibility** with existing land uses and potential sterilisation of land for other developments. The existing land use is as grazing land, the siting of 3 wind turbines, 1 of which is the subject of this application, would not compromise the use of the land for crofting. In respect of the potential sterilisation of land for housing, there is considered to be sufficient land in the general proximity of the area which has the potential for residential development.
- 4.4 **Noise impacts.** The turbine which is the subject of this proposal, and the additional turbines subject to a separate proposal (2013/332/PPF), are intended to serve 3 separate residential dwellings which are in the ownership of the same family. The supporting information asserts that the family are set to benefit from the proposal, and as such are willing to accept noise levels which are greater than the 35dB limit ordinarily recommended for sensitive receptors. It is normal practice to allow higher noise levels to properties with a financial benefit from a wind turbine proposal. The nearest non-associated sensitive receptor (residential dwelling) is located a sufficient distance to achieve a noise reading of less than 35dB. Furthermore, the Council's Environmental Health Service were consulted and they do not object to the proposal. It is considered that there are no unacceptable noise impacts.
- 4.5 Notwithstanding the ownership and benefit interests of the properties in proximity to the proposal for the wind turbine planning permission relates to the use of the land rather than the user. Therefore, there is a possibility that in the future, one or more of the properties may be sold or tenanted out to someone without a financial interest in any of the turbines. In order to protect the Council from any claim of noise nuisance that may arise as a result of any change to the current ownerships and occupations, then a Section 75 legal agreement should be entered into before any planning permission is issued.
- 4.6 **Shadow Flicker.** The proposed turbine is located a distance which is in excess of 10 times the blade diameter (10 x 5.5m) from the nearest sensitive receptors.
- 4.7 **Electromagnetic Interference.** It is not anticipated that there would be electromagnetic disturbance as a result of the small scale of the development being located up-hill from the nearest neighbouring property, however it is normal to attach a condition controlling this.
- 4.8 **Road safety.** The site of the proposal is a significant distance up hill from the public highway. It is considered that there would be no driver distraction or risk to road users from turbine topple over or damage.
- 4.9 **Representation** objecting to the proposal. One letter of objection has been received to the proposed development in respect of unknown health impacts that turbines may pose to people, pets, wildlife, livestock and other life forms; unacceptable cost to the economy due to

increasing electricity bills required to support such developments and the negative impacts that turbines have upon tourism. It is considered that the objection relates more specifically to commercial wind turbine developments. The objection does not make reference to the specific circumstances relating to this proposal. Those material planning matters that are pertinent to the assessment of this proposal have been considered as part of the assessment.

5.0 Implications (of Decision)

Strategic

5.1 Delivery on Corporate Priorities – A decision made on the planning application that accords with the Council's Development Plan will contribute directly to the Single Outcome Agreement through the outcome that we live in well designed sustainable places.

5.2 Community/Stakeholder Issues –

The Environmental Health Service was consulted on the application. Due to the small size of the proposed turbines, and the distance to the nearest sensitive receptors, Environmental Health have no objections.

Serco (Scatsta Airport) was consulted on the application. They have no objections to the project.

A **representation** was received from Mr A Vivers, Arniefoul, Glamis, Forfar. The representation was an objection on the basis of unknown health impacts, financial concerns, and the impact upon tourism. A copy of the representation is attached in full as an Appendix to this report.

5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. As the Council owns land which is subject to the proposal and an objection is received, the decision to determine the application is delegated to the Planning Committee as a hearing under the Council's Planning Scheme of Delegations that has been approved by the Scottish Ministers.

5.4 Risk Management – If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of consent contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to provide clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.

6.0 Conclusions

6.1 The proposal is for a small scale renewable energy wind turbine. There are no known constraints preventing this development and that the

proposal complies with the relevant provisions of the Council's Development Plan. Therefore by virtue of scale, location, distance from sensitive receptors, and existing land use, there are no unacceptable detrimental impacts upon neighbouring land uses, or the natural and built environment. The proposal complies with Shetland Islands Council's Structure Plan (2000) policies GDS1, GDS4 and SPENG3; Local Plan (2004) policies LPNE10, LPENG6, LPENG7 and LPENG9; Interim Planning Policy Guidance Policy SPG6 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

- 6.2 This development complies with Council policies listed in paragraph 3.2 and is therefore recommended for approval, subject to conditions, the schedule of which is appended to the report, and following the entering into of a legal agreement to control property ownership and occupation.

For further information please contact:

Matthew Taylor – Planning Officer – Development Management

Tel: 01595 743963 Email: matthew.taylor@shetland.gov.uk

29 November 2013

List of Appendices

- Schedule of recommended conditions
- Location Plan – 2013/346/PPF-01
- Site Plan – 2013/346/PPF-02
- Elevation Plan – 0140-AD-00281
- Foundation Arrangement – EVNH_5KW_F_002
- Representations from: Mr A Vivers, Forfar.

Background documents:

- [Shetland Structure Plan \(2000\)](#)
- [Shetland Local Plan \(2004\) \(as amended\)](#)
- [Interim Planning Policy Toward Sustainable Construction \(2009\)](#)
- Emerging Shetland Local Development Plan

Planning Reference 2013/346/PPF

(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 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).

(3.) Notwithstanding the approved plans this permission shall relate solely to the erection of one Evance R9000 wind turbine no greater than the following dimensions:

(a) 5KW output

(b) 15-metre base to hub centre

(c) 5.5-metre blade diameter

(d) Foundation base not to project above the ground surface.

Notwithstanding the provisions of the Town and Country (General Permitted Development (Scotland) Order 1992 or any subsequent replacement or amendment Order, no larger wind turbine shall be erected on the site hereby approved without planning permission being granted on an application made to the Planning Authority or any amendment to the make or specification of the hereby approved turbine, without prior written approval from the Planning Authority.

Reason: To protect the existing residential amenity of the occupiers of the adjacent properties as the impact of larger wind turbines has not been

assessed and that the assessment has been made against the hereby approved Kingspan KW6 wind turbine, in compliance with Shetland Islands Council's Structure Plan (2000) policies GDS4, SPENG3, Local Plan (2004) policies LPNE10, LPENG6, LPENG7, LPENG9 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

(4.) Notwithstanding the submitted plans, the exterior finish of the wind turbine hereby approved (including the blades) shall be grey in colour (RAL 7000).

Reason: In the interests of visual amenity and to ensure compliance with Shetland Islands Council's Structure Plan (2000) policies GDS4, SPENG3, Local Plan (2004) policies LPNE10, LPENG6, LPENG7, LPENG9 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

(5.) In the event that the wind turbine affects radio, television and/or telephone devices and/or reception of these devices in the vicinity of the development site, the wind turbine shall be disconnected until the problem has been investigated and resolved.

Reason: For the avoidance of doubt and in order to protect the existing residential amenity of the occupiers of the neighbouring properties as the impact of the development on telecommunications equipment has not been formally assessed and in compliance with Shetland Islands Council's Structure Plan (2000) policies GDS4, SPENG3, Local Plan (2004) policies LPNE10, LPENG6, LPENG7, LPENG9 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

(6.) Within six months of a wind turbine ceasing to be operational, the turbine and all associated plant and equipment shall be removed from the site and the site reinstated to its pre-development condition.

Reason: In order to ensure that when the turbine ceases to be operational its site is restored to its pre-development condition in the interests of visual amenity and in compliance with Shetland Islands Council's Structure Plan (2000) policies GDS4, SPENG3, Local Plan (2004) policies LPNE10, LPENG6, LPENG7, LPENG9 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

(7.) The power cable shall be laid underground, and measures shall be taken to safeguard turfs removed for the power cable laying; these shall be replaced during site re-instatement works or the site shall be reinstated by a means otherwise agreed in writing by the Planning Authority.

Reason: To ensure the reinstatement of land disturbed by the construction of the development in compliance with Shetland Islands Council's Structure Plan (2000) policies GDS4, SPENG3, Local Plan (2004) policies LPNE10, LPENG6, LPENG7, LPENG9 and Shetland Local Development Plan (2012) Settled View policies GP1, GP2, GP3 and RE1.

Notes to Applicant

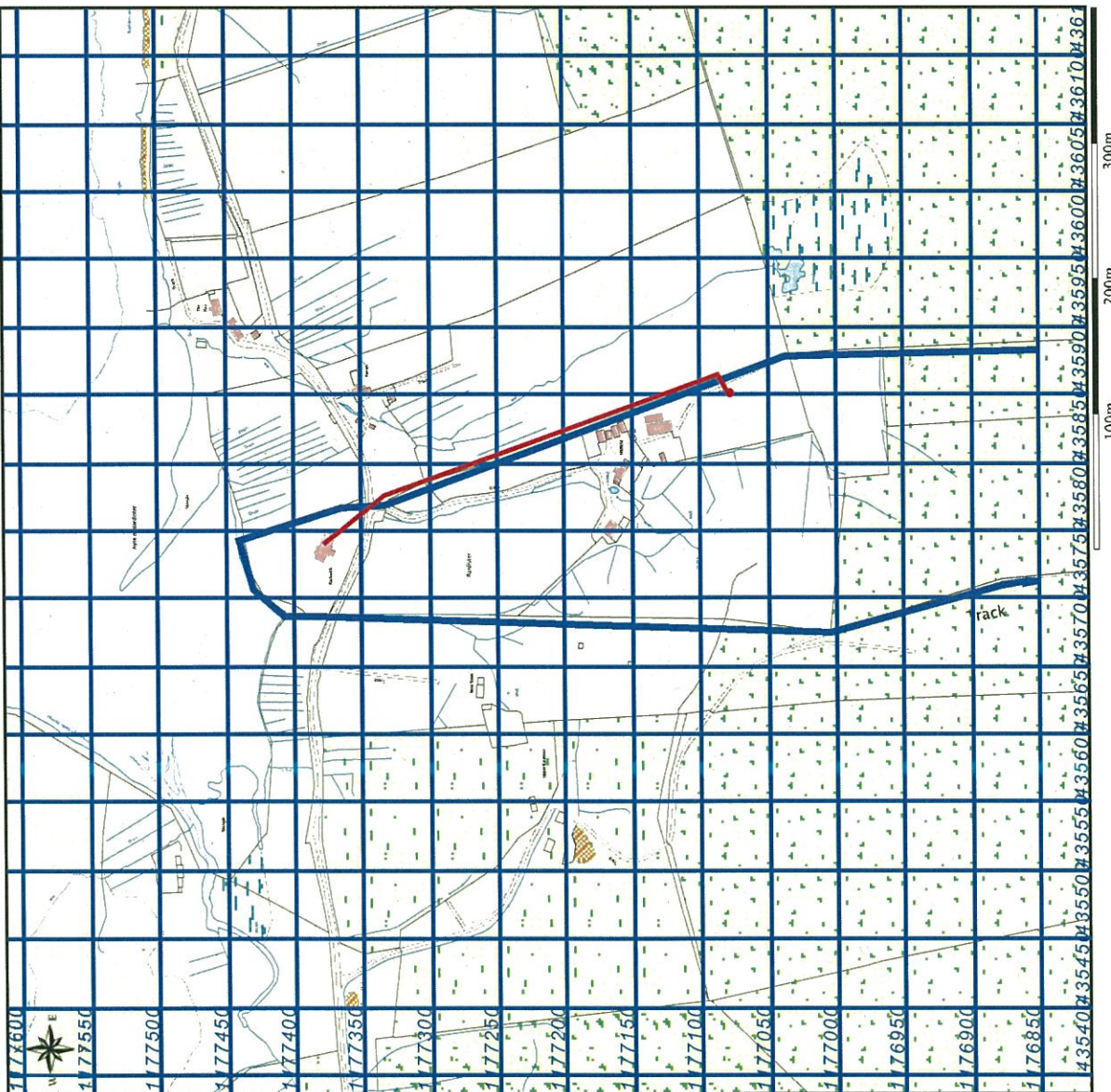
Commencement of Development – To ensure compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section

20 of the Planning etc. (Scotland) Act 2006, the development hereby permitted shall be commenced within three years of the date of this permission.

Notice of Completion of Development – To ensure both that the development is carried out in accordance with the approved documents, and compliance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended). Upon the completion of the development hereby permitted, and as soon as practicable, the person carrying out the development shall provide the Planning Authority with a written notice of that completion.

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

Rackwick Location Plan



Blue line Boundary
Red Circle Turbine Position
Red Line Cable Track

2013/346/P24-01

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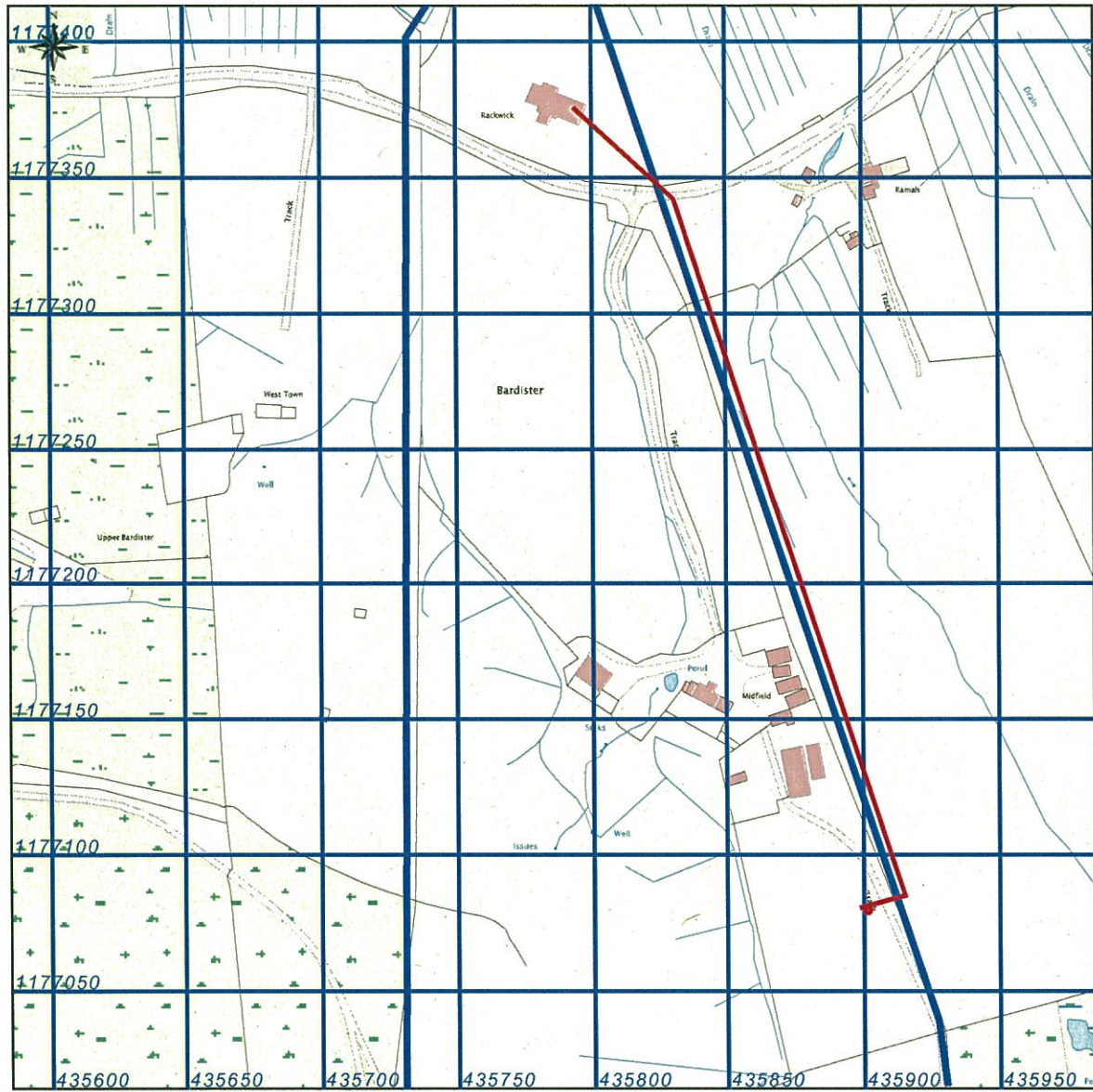
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plans ahead by **emapsite**

Prepared by: James Robertson, 30-09-2013

2013/346/PPF-02

Rackwick Site Plan



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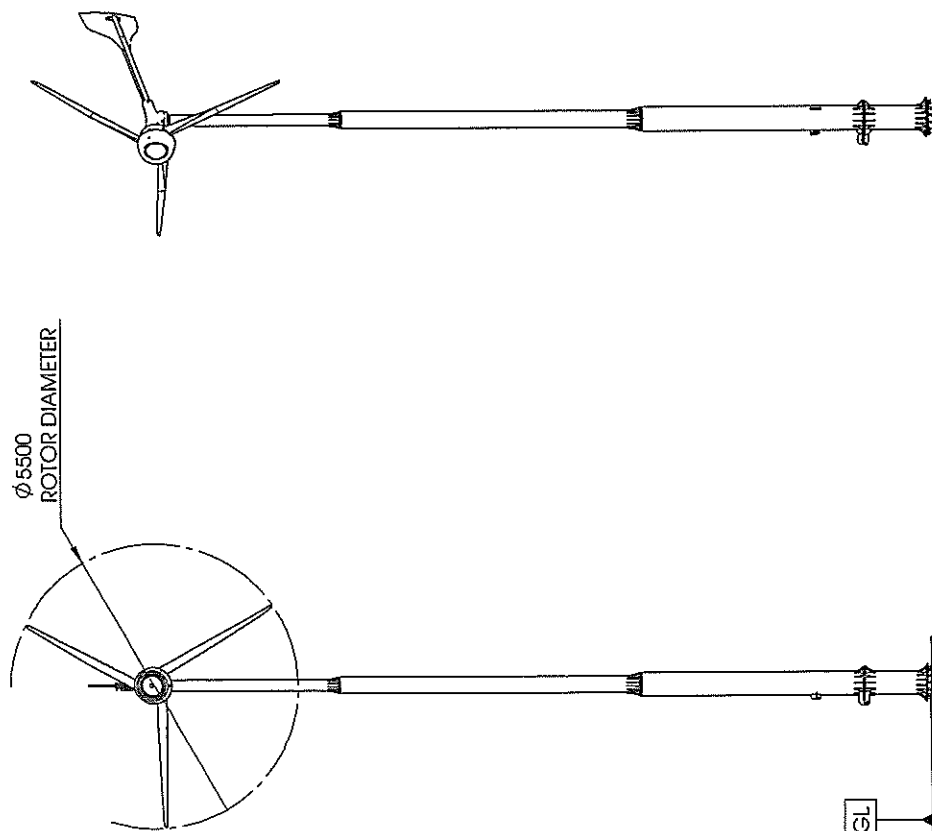
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Blue Line - Property Boundary
Red Circle - Turbine Position
Red Line - Cable Path

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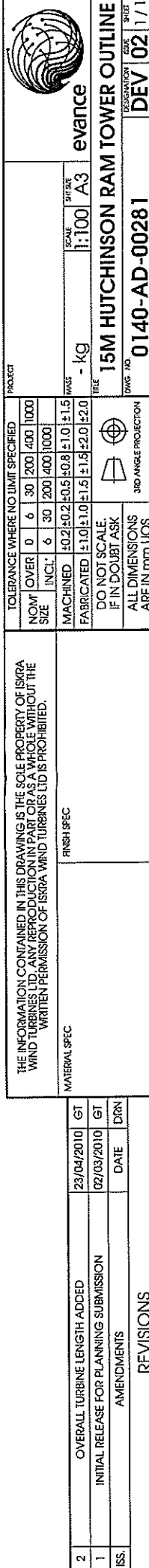
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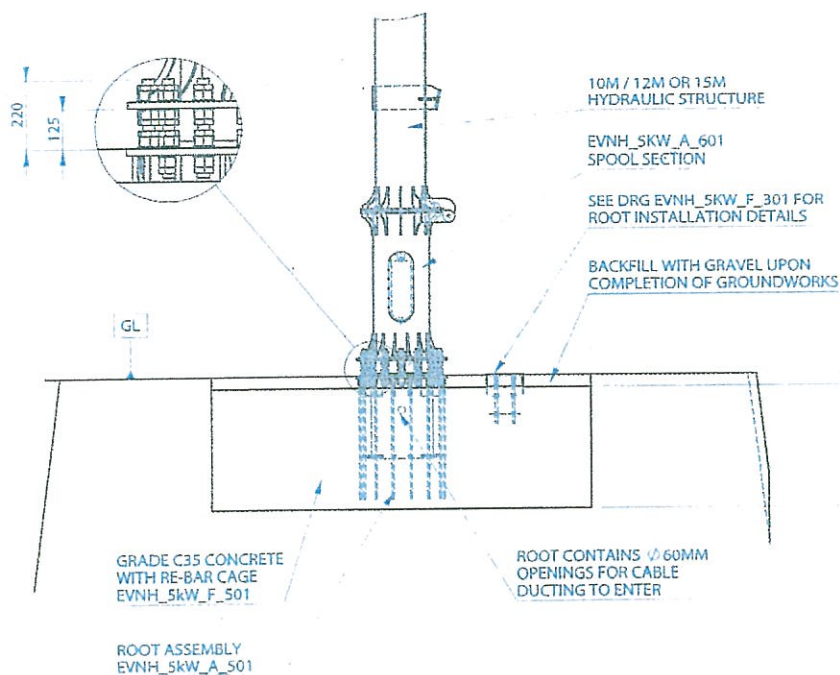
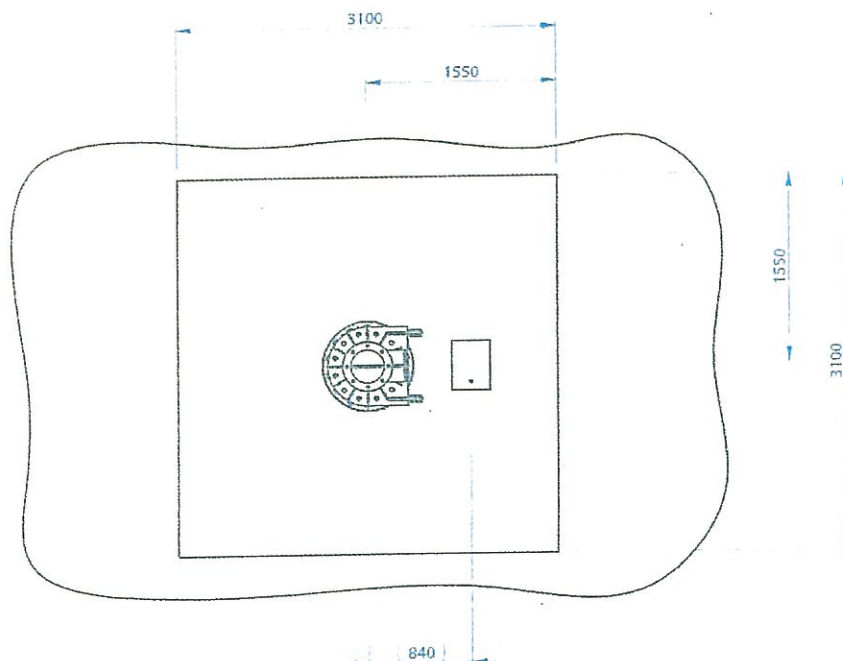
NOTE, TOWER FINISH - GALVANISED STEEL





SITE REF.:

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					NOTES:		MATERIAL:		 hutchinson engineering		CLIENT: EVANCE		A3				
					1. ALL DIMENSIONS ARE IN MILLIMETRES WITH LEVELS SHOWN IN METRES.				TEL. +44 (0)151 422 9990		PROJECT: EVANCE SKW - 10M / 12M / 15M HYDRAULIC STRUCTURE						
					2. ALL DIMENSIONS NOT TOLERANCED TO BE WITHIN 10.00mm.				FAX. +44 (0)151 420 5100		TITLE: PAD FOUNDATION ARRANGEMENT						
					3. STEELWORK TO BE TO BS 2665 GRB5 R11013-1, GRADE S275 UNLESS OTHERWISE SPECIFIED, & FABRICATED IN ACCORDANCE WITH BS 5950.		FINISH:		www.hutchinsonengineering.co.uk		DRAWN: A.P.H.		APPROV'D: L.J.B.	CH'D: L.J.B.	SCALE: 1:10	DATE: 14/01/2010	REVISED:
					4. ALL BOLTS TO BE GRADE A3 SPUN GALVANISED TO BS 2692.				 ISO 9001		EVENTE ROAD, WIDNES, CHESHIRE, WAB 8PT		DWG NO: EVNH_SKW_F_002				A
					5. ALL STEELWORK TO BE PICKLED AND HOT DIP GALVANISED IN ACCORDANCE WITH BS EN ISO 1461 UNLESS OTHERWISE SPECIFIED.		MASS (Kg.):										
					6. REMOVE ALL BURRS AND SHARP EDGES.												
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Summers Claire@Infrastructure Svs

From: [REDACTED]
Sent: 20 October 2013 14:46
To: Summers Claire@Infrastructure Svs
Subject: Application Comments for 2013/346/PPF

Planning Application comments has been made. A summary of the comments is provided below.

Comments were submitted at 2:28 PM on 20 Oct 2013 from Mr andrew vivers.

Application Summary

Address: Rackwick Ollaberry Shetland ZE2 9RU
Proposal: Erect and install a 5Kw wind turbine on a 15m high tower on a 3m square base
Case Officer: Mrs Claire Summers
[Click for further information](#)

Customer Details

Name: Mr andrew vivers
Email: [REDACTED]
Address: arniefoul, glamis, forfar dd8 1ud

Comments Details

Commenter Type: Member of Public
Stance: Customer objects to the Planning Application
Reasons for comment:

Comments: I write to object to this application. In August 2013, the United Nations Economic Commission Europe (UNECE) declared that the UK government's National Renewable Energy Action Plan (NREAP) violates the laws that transpose the Aarhus Convention into the UK legal framework, in that it is not abiding by Article 7 of the Convention. In particular the public have not been given full access to information on the established unacceptable negative impacts on people and the environment, nor have the public been given decision-making powers over their approval. For this reason alone there should be an immediate moratorium on all wind turbine applications and decisions. Also, a recent ruling by Lady Clark of Calton has deemed that unless applicants have the relevant OFGEM licence (or DECC exemption), their application is incompetent (unlawful), and planning consent should not be given. Lady Clark argues that this applies to almost all turbines. Further to the above, the term 'Wind Farm' is a disingenuous spin on the words 'farm' and 'farming'. My dictionary describes 'farming' as: "the husbandry or cultivation of animals, plants, fungi and other life forms, for food, fibre, bio-fuel and other products, in order to sustain human life." Wind turbine applications often state that the turbine(s) are required for farming diversification. This is obviously incorrect. What it is, is an

industrialisation and sterilisation of huge areas of land and sea. When two or more turbines are gathered together, it should be called a wind factory. Firstly, wind turbines are certainly not life forms, and therefore it can not be a farm nor farming. And secondly, there is no conclusive evidence that they sustain human life, or the lives of any other life form (except perhaps a few carrion feeders – until they are killed by the impact of a blade or suffer internal haemorrhaging and death). In fact the opposite is probably true. For example, there is mounting evidence that the end result of wind turbine manufacture and use is an increase in CO2 emissions. Furthermore, there is mounting evidence that wind turbine use is harmful to humans, livestock, and other life forms. In the last 12 months approximately 100 million birds and bats were killed world wide by wind turbines. It is estimated that 90% of the bats drown in their own blood when their lung capillaries rupture as a result of the pressure changes near turning blades. Only around 10% of bats are killed by the impact of a blade. (Small turbines are also lethal to bats and birds as they are usually sited near buildings that provide roosting and nesting sites.) There is also growing concern over the stress, internal haemorrhaging, birth defects and still births, of livestock and pets that are kept near wind turbines. These same harmful affects are no doubt occurring to our wild life, and other life forms. Humans are reported to suffer depression, dizziness and insomnia and I am sure that internal haemorrhaging, birth defects and still births will follow as the years go by. I understand that in recent years there has been an acknowledged and unexplained increase in cases of insomnia, dizziness and headaches in Dundee. There have been two large wind turbines operating in Dundee since 2006. The harm is caused by emissions of both ground hugging Infrasound, and Low Frequency Noise. These are accumulative (ie. the longer the exposure, the worse the symptoms), have a range of around 10km, and are mostly at vibrations below the human hearing range. The use of sound (including Infrasound) is a known military interrogation aid and weapon. From my own observations, hares, which live and breed on open ground, would appear to be one of the first terrestrial animals to succumb to this internal haemorrhaging and death out to a distance of at least 5km. With regard to the effect of off-shore wind factories on marine life, we can be sure that it is considerable. Water is an excellent conductor of sound vibrations, and fish have the ability to detect minute pressure changes (0.5%), and in some cases down to less than 1mb (millibar). Standard atmospheric pressure at sea level is about 1,013 mb. Also, I fail to see how the quarrying and transport of huge quantities of granite and other stone in order to stabilise offshore turbines, can possibly reduce CO2 emissions. Recently, the cities of Kolding and Sønderborg in Denmark decided to not erect further wind turbines (in their 500 km²+ jurisdictions) until the uncertainty about the health impacts on neighbours is settled. Mr Mauri Johansson (Specialist in Community and Occupational Medicine) recently stated that: "During the last 12 months, several smaller municipalities had done the same, in spite of strong pressure from government. They are not satisfied with the noise regulations, and demand that genuinely independent studies be done concerning the effects of wind turbines on health. Last year, retired Danish High Court judge Peter Roerdam stated that wind power is "an industry which has thoroughly

corrupted the political system" Further, Mr Mauri Johansson has this year added that: "It is clear the institutional political corruption, and the lack of professional ethics on the part of wind industry acousticians and public health researchers, who ignore or deny the existence of the sleep and health problems and the consequent serious long term damage to health, is not limited to Denmark." Indeed, in 1987 a report, led by N.D.Kelley from the Solar Energy Research Institute in Colorado, found 'impulsive infrasound' caused health problems. This report has been ignored for 25 years. Wind electricity is one of the most expensive forms of electricity to be produced. Each turn of a blade adds to our electricity charges. This is as a result of their abysmal efficiencies. It has been calculated that the average turbine only produces between 15 - 28% of its rated capacity over a year, and the kilowatts of electricity produced per square kilometre, or cubic kilometre, of a wind factory is equally abysmal. The way these huge costs (Renewables Obligation [RO], Feed In Tariffs [FIT], extra pylon and infrastructure construction, and other 'upgrades') are arbitrarily added to our electricity bills, and the profits kept by a select few, is worse than the illegal chain letter scam. I say worse because one has to actually "opt in" to be scammed by a chain letter. This is not the case with wind energy. However, it would be a simple matter to contact all electricity users and ask them if they wish to pay for wind electricity - and if so, could they tick the 'opt in to be scammed' box. The cost of wind electricity could then be proportioned fairly between those willing and able to pay for it. Even small turbines increase our electricity prices, since turbines up to 6KW can be very easily connected to the grid to export electricity and receive an income (through FITs for example). I understand that thousands of diesel generators are being prepared all over Britain to provide emergency back-up when wind power fails - in order to prevent the National Grid collapsing. Under this hugely costly scheme, the National Grid is set to pay up to 12 times the normal wholesale market rate for the electricity they generate. Currently the wholesale price for electricity is around £50 per megawatt hour (MWh) but diesel-generator owners will be paid £600 per MWh. These generator owners will also be paid enormous sums for just having them available to be switched on. Any suggestions that: 1. "because there are already turbines or pylons in the area, then it is somehow OK to compound the problem with these turbines" is ludicrous! You do not solve a problem by creating an even bigger problem. 2. "because there is already a commercial business in the area and therefore it is somehow OK to compound the problem with these turbines" is similarly ludicrous. Why enhance an eye sore with an even larger eye sore? 3. "if we have to have wind factories, then this is as good a place as any to have one" is again ludicrous. We are meant to be living in a democracy and nobody should have to have anything; particularly when it is against the wish of the majority of the population. There are probably now as many, if not more, opinion polls against wind turbines as there are for them. One thing is certain though, those against are growing rapidly as more and more people realise the true nature and cost, both financially and environmentally, of wind turbines, be they individual or factory units. 4. the county has somehow missed out on 'tens of millions of pounds worth of investment money' by the rejection of several wind factory applications is, once again, ludicrous. Very little of that supposed investment

would ever benefit the county, as is proven time and again, where the local business to gain the most is probably the fencing contractor! 5. communities would somehow gain from the so-called Community Fund, or "community bribe" as more and more people are calling it, isludicrous - although there is an argument that this is merely another disingenuous misleading spin. The value of the "bribe" is often only equivalent to the concessions and exemptions a landowner receives for having a wind factory on his land, and therefore the net gain to local county and therefore community, is probably zero. 6. jobs would be increased by this application is misleading, if not ludicrous. The majority of the workforce in the construction, erection and maintenance of turbines comes from abroad, and if the American example is anything to go by, any UK jobs come at a cost of \$12m per job. There is also the valid argument that they are not "green" jobs anyway, since they cause harm to humans and the environment, and raise CO2 emissions. 7. it is somehow 'OK' to empty properties and effectively sterilise huge areas of the Scotland so that wind factories can be built is outrageous and is reminiscent of the Highland Clearances. We have much to be proud of in our history with our determination to fight for, and support, freedom and democracy. This renewable energy policy is certainly not something to be proud of. 8. there is a silent majority in favour of wind turbines - that harm their neighbours and cause great financial hardship through the exorbitant increases to our electricity bills, is yet again, ludicrous. The silent majority are silent because they have not been told about the harm (to humans, environmentally and financially) that wind turbines and wind factories cause. This comment is supported by the UNEC decision mentioned above. Any arrangement which pays millions of pounds to wind factories to NOT produce electricity when the wind is blowing, is beyond belief. If this was applied to every business, I dread to think where the money would come from to pay for all the surplus production and services. Should Scotland gain its independence, one wonders if the electricity users of the rest of Great Britain will continue to be prepared to pay the exorbitant price for Scottish wind power, even if it is later sold back to them at a ridiculously reduced price. If not, and if these costs are placed solely on Scottish electricity users, it will cause great hardship, financial difficulty, fuel poverty and bankruptcy to many people and businesses in Scotland, and Scotland will swiftly follow in the footsteps of countries like Spain and others who have fallen for the wind power scam. (Spain is a particularly cautionary tale. By failing to control the cost of guaranteed subsidies, Spanish electricity users have been saddled with €126bn of obligations to renewable-energy developers.) In theory would take about 1,500 wind turbines of around 100m tall spread over 20km² to produce the same electricity as a 1,000 megawatt (1GW) power station - even then the wind farm could not provide a steady supply. Wind varies considerably, and thus the power station is still required - or maybe we need to cover over 100sq km with turbines to possibly provide something near the power from one power station. Another way of looking at it: if we are to achieve this energy policy, nearly 40% of rural Scotland will be covered with wind turbines (or more accurately, 40% of rural Scotland will be within 2km of a turbine). In Denmark there are over 6000 turbines for 5.4m people, yet wind power only counts for less than 19% of their electricity requirements, has not

resulted in the closure of any power stations, and they have one of the highest electricity prices in Europe. Germany has the most expensive electricity in Europe and it is estimated that up to 800,000 German households have had their power cut off because they couldn't pay the country's rising electricity bills. In the UK there are around 5 million households that are struggling to pay their ever rising electricity bills (mainly as a result of these wind factories). With the potential increase in wind turbines, it has been forecast that by 2017, the rapidly rising UK electricity prices will be almost double German prices. German CO2 emissions have been rising for two years in a row as coal is experiencing a renaissance, and they are building 20 new coal-fired power stations to provide power when there is no wind or sun – usually in the winter when the power is most needed. CO2 emissions in the EU as a whole are likely to rise because of increased coal burning at power stations. The import of vast amounts of wood, from countries such as America, to power biomass power stations can not possibly be good for the environment or help reduce CO2 emissions, and no doubt will cause further unnecessary price increases for our electricity. There are very few good wind turbines. By good I mean ones which comply with a few simple, common-sense criteria such as: a) where the electricity produced helps to supplement the power requirements of the landowner without taking money from every other electricity user in the country to do so; b) where they do not cause continuous harm to humans and other life forms; c) where the CO2 emissions caused by the construction, erection and maintenance of the turbines is accurately assessed and the result (either increased or decreased), is justified; d) where the loss of revenue to other local businesses caused by the location of the turbines is justified. If one applies just these few criteria to wind factories, then there are no good wind factories, either onshore or offshore (the financial cost and CO2 emissions caused by offshore factories are considerably greater than onshore factories), and very few good turbines. If we are to have renewable energy providers for our national requirements, then we should be considering systems that guarantee to provide a steady supply of power at more than 30% efficiency, do no harm, and help save the environment. Wind power can never achieve this. On a more personal level, we run a holiday cottage business, and many of our visitors have stated that, with regret, they will not return if Angus over-run with turbines. This will greatly affect our livelihood and many other businesses in the area which rely on tourism. I am sure this growing dislike and rejection of turbines applies to other areas of the country. I urge you not to allow the country to be invaded by these turbines. Let common-sense prevail, reject this application, and help save the country for future generations. I would like at this stage to add that: 1. The Scottish Natural Heritage (SNH) wind farm map for August 2013 <http://www.snh.gov.uk/docs/A1055080.pdf> is disgracefully and inherently inaccurate. It has no definition of what it is mapping (ie, what SNH consider a wind farm), and should not be used for any analysis, or indeed any other purpose. SNH state that "we seek to map all developments of more than 1 turbine – but we aren't consulted on all of these, so the map is a subset of the applications actually within the system." So, a single turbine over 100m high, or even a cluster of "single turbines" might not be shown – even if SNH

had been consulted! It is therefore a totally useless map – as most Councils will verify by a quick comparison with their own maps and/or Renewables Datasheets. If SNH use information such as this for their consultations, it suggests that their consultations and recommendations are of little value. 2.

Paragraphs 4.15 to 4.21 of:

<http://www.scotland.gov.uk/Publications/2009/07/03153034/7>

states that there is a minimum notification of 21 days for individuals to make representations. This is a totally inadequate timescale to allow the public to raise suitable site/application specific representations. Most of us are in full time employment with busy family schedules, and it is difficult to find the time to: a. find out about turbine applications in the area - especially when the applicants only notify the minimum possible, and often not even the household(s) that is highlighted as being most affected according to their own proposal documentation. b. find, read and understand the application documentation. c. find, read and understand any planning legislation or regulations for wind turbines. d. prepare and submit a suitable site specific representation. It also does not allow for incidents when people may be away on holiday, or for work or health reasons. 3. Similarly, the 20m boundary notification is totally inadequate since: a. a turbine could be built that could potentially topple onto a neighbouring property. b. neighbouring property could be at risk of ice or turbine blade throw. c. it does not allow for neighbour notification regarding the very real health risks to humans out to at least 2 km. d. it does not allow for neighbour notification regarding the known negative effects on property prices. e. it does not allow for neighbour notification regarding the known negative effects on local tourist and other businesses. A much more responsible solution for Councils would surely be to adopt a minimum of 3 to 4 months deadline for representations, and a direct notification (by post, not newspaper) of all “`Owner, Lessee or Occupier`” at the address of the neighbouring land” within a minimum of 2 to 3 km. This would at least bring us more in line with the UNECE decision quoted at the beginning of this objection. One hopes that Councils and Councillors are actively suggesting something along these lines to Scottish Government



REPORT

To: Planning Committee

10 December 2013

**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 of the last Council, 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 application for Local Development that is set out in the table below, where exceptions apply, has had a Report of Handling prepared by the officer detailing: the proposal; the assessment carried out; and

recommended conditions 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 relating to the application is appended to this report.

Planning Application Ref.	Development Proposed	Applicant	Officer Recommendation	Type of Exception
2013/372/PPF	To convert disused storage shed into a one bedroom dwelling, 5 Anderson Place, Lerwick, Shetland ZE1 0JE	Mr Peter Nield	Approve, with conditions	Planning authority is landowner of part of application site

- 1.6 In respect of the 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 the 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 the application concerned.

2. Recommendation

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

planning committee.doc J R Holden
Planning Committee: 10/12/2013

2013/372/PPF - To convert disused storage shed into a one bedroom dwelling, 5 Anderson Place, Lerwick, Shetland, ZE1 0JE by Mr Peter Nield

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 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).

(3) The area hatched in red on the attached location plan drawing number RGA909 (PL)01 SIC 01 does not form part of this permission.

Reason: To ensure that the amenity of neighbouring properties are protected in compliance with Policy LPNE10 of Shetland Local Plan 2004

Notes to Applicant:

Building Warrant

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

Commencement of Development

The development hereby permitted must be commenced within 3 years of the date of this permission in order 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.

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.

Principal Elevation

The "Street" elevation of the dwellinghouse hereby approved shall be considered to be the principal elevation in terms of The Town and Country Planning (General Permitted Development) (Scotland) Order 2011 as shown on drawing number RGA 909(PL)01.