

**Planning Committee****15 September 2014****2014-117-PPF Erect new High School and Halls of Residence****Report Number : PL-08-14-F****Report Presented by Planning Officer –
Development Management, Planning****Development Services
Department Planning Service****Summary**

- 1.1** The proposal is to erect a new High School and Halls of Residence, pupil accommodation, on land to the west of the Clickimin Centre Complex, Lerwick, that amounts to some 9.2 hectares (ha) in area in total. The proposal also involves the overall provision of car parking for 180 cars, separate cycle storage facilities, an access to the site from a new roundabout and entrance on the A970, a turning circle on the access road between the rugby pitch and the running track, a temporary access off North Lochside (which would be reinstated after construction), an upgrade of the paths around Clickimin Loch and the re-profiling and landscaping of the remaining grounds.
- 1.2** The application is being presented to Members as the proposal is defined as a Major Development under the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The proposal exceeds both of the relevant thresholds that apply in that it has a gross floor space exceeding 5,000 square metres and the area of the site exceeds 2 ha.
- 1.3** A formal Proposal of Notice of Application was submitted on 6 June 2013. A Pre-Application Consultation Report that summarises the pre-application consultation process and feedback from it has been submitted with the planning application. This also outlines the consultations that took place. The statutory consultation process took place generally between August 2013 and March 2014 and included exhibitions and information sessions at the Clickimin Centre, Islesburgh House, Anderson High School, Whalsay School, Aith, Sandwick, Mid Yell and Baltasound Junior High Schools.
- 1.4** An Environmental Impact Assessment (EIA) of the proposals was required to be carried out under Schedule 2 of the Environmental Impact Assessment (Scotland) Regulations 2011 because of the scale

of the proposals and the potential for significant effects on: the natural and built environment; people who live close to the proposed development site; and those who would work or study in the new High School. The EIA has resulted in the submission of an Environmental Statement (ES). A Design and Access Statement has also been submitted in support of the application.

- 1.5** The ES also includes a chapter which considers the selection of the site now proposed and the alternatives which were considered.

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.

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.

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
GDS3 - General Development Policy Existing Settlements
GDS5 - General Development Policy Social Inclusion
SPNE1 - Design SPNE8 - Biodiversity
SPBE1 - Built Heritage SPBE2 - Archaeological Remains
SPWD1 - Marine and Freshwater Resources
SPWD2 - Drainage Schemes
SPCSF1 - Education SPCSF2 - Public Open Space
SPTP6 - Road Networks SPTP7 - Car Parking Standards

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

LPNE10 - Development and the Environment
LPNE11 - Local Protection Areas
LPBE13 – Design
LPWD10 - Flooding LPWD12 - Surface Water Drainage Standards
LPWM12 - Contaminated Land
LPTP12 - Car Parking Standards and Guidelines
LPTP13 - Access to Public Places for Less Mobile
LPTP14 - Public Access and Rights of Way LPCFS4 - Community Facilities

Shetland Islands Council Local Development Plan (2012)

TRANS 3 - Access and Parking Standards

GP1 – Sustainable Development

GP2 - General Requirements for All Development

GP3 - All Development: Layout and Design

NH3 - Furthering the Conservation of Biodiversity

NH4 - Local Designations

NH5 - Soils

NH7 - Water Environment

HE1 - Historic Environment

HE4 - Archaeology

TRANS 3 - Access and Parking Standards

W3 - Closed Landfill Sites

W4 - Contaminated Land

WD1 - Flooding Avoidance

WD2 - Waste Water

WD3 - SuDs

CF1 - Community Facilities and Services (incl. Education)

CF2 - Open Space

Material Considerations

National Planning Framework 3

Scottish Planning Policy

Safeguarding

5m Contour Area - 5m Contour Area: 1

Burn Buffer - Name: No Name

Landfill - TBL Landfill: 2A1 - Lochside - Phase 1 Lerwick

Landfill - TBL Landfill: 2A1 - Lochside - Phase 2 Lerwick

Local Nature Conservation Sites - Local Nature Conservation Sites:
Contact Natural Heritage Officer

Land Capability Agriculture - code: 6.3

Land Capability Agriculture - code: 888

LPA Modified - Local Protection Area: Local Protection Area

LPA Modified - Local Protection Area: Local Protection Area

LPA Modified - Local Protection Area: Local Protection Area

Military Unclassified - Military Unclassified info.: ammo dump military b

Ministry Of Defence - MOD Area: Meteorological Station Lerwick
Details: Any new construction or extensions >150ft in height (45.7m)
above ground level

Tingwall 10km Safeguarding - Tingwall 10km Safeguarding: Wind
Turbine applications require consultation with Airport.

4.0 Report

The School and Halls of Residence Site

- 4.1 The site, an estimated 9.2 ha in area, is located to the west of the well established residential area of Lochside, Lerwick and separated by the main A970 road which runs along North Lochside. The south of the site is bounded by the Clickimin Loch and the west and north boundaries are set by the rough hillside that forms Staney Hill. The proposed development involves the erection of a large High School building, with associated Halls of Residence provided within a separate building, associated infrastructure including car parking and additional foot and cycle ways.
- 4.2 There are a number of key issues to be considered in the determination of this application, including;
- the principle of the development;
 - the site layout and design, and the landscape and visual impact;
 - the impact on the local residents from construction work;
 - the subsequent use of the building proposed;
 - impacts on the natural heritage, especially the Clickimin Loch;
 - technical issues in relation to transport, including cycling and walking links, drainage and flooding.
- 4.3 Shetland Islands Council identified in the Shetland Local Plan 2004 that a new Anderson High School may be built on the existing site, or at Staneyhill, adjacent to the Clickimin Sports Complex. Land was reserved for this purpose and identified on the Lerwick Proposals Map which forms part of the Local Plan. This land reservation has been carried forward in the Shetland Local Development Plan which is the settled view of the Council and is progressing towards adoption. While the Clickimin Caravan and Camping site sits where the High School building is proposed to be built, it was not included in this land reservation, but it lies adjacent to and is well related to the land that is reserved for educational use.
- 4.4 Where alternative approaches to development have been considered, the EIA Regulations 2011 require the applicant to include in the ES an outline of the main alternatives, and the main reasons for the choice made. Although the relevant Directive and the 2011 Regulations do not expressly require the applicant to study alternatives, the nature of certain developments and their location may make the consideration of alternative sites a material consideration. In such cases, the ES must record this consideration of alternative sites. More generally, consideration of alternatives (including alternative sites, choice of process, and the phasing of construction) is widely regarded as good practice, and resulting in a more robust application for planning permission. Ideally, EIA should start at the stage of site and process selection, so that the environmental merits of practicable alternatives can be properly considered. Where this is undertaken, the main alternatives considered must be outlined in the ES.

- 4.5 The EIA undertakes the process as described above and therefore a chapter, which details the process in which five alternative site options were considered, has been included in the ES accompanying the application.
- 4.6 The Planning Service does not make comment on the rationale that has been followed in reaching the final choice of the site for development of a new High School and Halls of Residence now proposed. It is sufficient for the planning process to understand that an assessment of alternatives was made.
- 4.7 Representations and two petitions have been received in regard to the application and include concerns with regard to the loss of the campsite which was operated by the Shetland Recreational Trust (SRT) as a commercial enterprise. These representations are outlined below, and include a concern that the private sector will not provide an alternative facility and that the school should be relocated to retain the site.
- 4.8 Structure Plan Policy SP CSF2 states that 'Development should not lead to the loss of public open spaces that contribute to the recreational amenity or environmental quality of the area, unless such spaces can conveniently be replaced in the locality'.
- 4.9 The Shetland Local Development Plan (2012) (pending adoption and as such being a material consideration) encourages proposals for the provision of community facilities, including educational use, where it can be shown that the unique and irreplaceable qualities of Shetland's landscape, settled areas and the amenities of local residents are protected from inappropriate development.
- 4.10 Whilst it is regrettable that a successful business enterprise has now closed, it is not considered that the ending of what was a commercial enterprise can be regarded to represent a loss of a public open space or community facility when considered against Development Plan policy. The use of the proposed site, which includes the campsite, as a school, is clearly a community facility, and as such is considered to fall in line with Shetland Local Plan Policy LP CFS4, as the proposal is for an educational use.

Design and Impacts on the Landscape

- 4.11 Development Plan policies seek to protect the environment, landscape character of areas where new development is proposed, and particularly relevant in terms of this proposal, the setting of Scheduled Ancient Monuments.
- 4.12 The design of the High School building, based on the Scottish Futures Trust 'super-block model', is rectangular with two pitched roofs, and the classrooms are arranged around a central atrium space which provides a series of spaces that can be used for dining, drama, assembly and leisure function events. The proposed four storey High School building is designed for 1,180 pupils and includes an Additional Support Needs (ASN) facility. The materials proposed for this building are masonry on

the lower levels and lighter timber rain screen cladding panels above in the upper levels. The edge trim of the building is proposed to be anodised aluminium. Mill finished aluminium is to be used on the roof. The accommodation block building (Halls of Residence) is proposed to be three storeys in height, and will also have a pitched roof, using the same palette of materials as the school.

- 4.13 The landscape setting of proposed site for development is one where there is a mix of open land, water and land which has been developed for residential and community facilities. Of particular concern, in terms of a potential key impact on the built heritage of the area, is the impact on the Clickimin Broch, which is a Scheduled Ancient Monument of national importance. Historic Scotland (HS) were consulted about the impact that the proposed High School and Halls of Residence will have on its setting.
- 4.14 HS have said that the relationship between the broch and the land to the north of the loch is an important element in this setting, enhancing our understanding and appreciation of the monument. The setting of the broch has been considerably impacted upon in recent years through development around the shores of Clickimin Loch. Key elements of the setting include the positioning of the broch jutting out into Clickimin Loch, the relationship to the loch, and the relationship to the wider landscape and hill ground, the latter now only really seen to the north of Clickimin Loch due to the expansion of Lerwick. HS are of the view that the setting of the broch can be best appreciated when viewing the broch from the south, looking along its causeway with the remnant of undeveloped hill ground forming the backdrop to the broch. The site of the proposed High School building lies within this last remaining section of undeveloped hill ground.
- 4.15 HS have commented that the further encroachment of built development into this area will constitute a significant alteration to the setting of the broch. While this impact remains significant in nature, following mitigation (in terms of the choice of external materials colours and finishes proposed) it is recognised by HS and the Planning Service that all realistic mitigation measures have been examined and taken up, particularly the use of bunding to both screen the frontal access road and help soften the massing of the High School building against the back-drop of Staney Hill. The use of timber cladding over portions of the building's elevations will also serve to soften the visual intrusion of the building. HS have therefore not raised an objection to the proposal.
- 4.16 In terms of the visual impact of the proposals on the surrounding area, residential properties on North Lochside will look directly towards the development site whilst those on Bruce Crescent will back onto it. The properties on South Road, South Lochside, and Westerloch are predominantly orientated to face the sea, and as such will have the main High School building in oblique views to the north. Whilst the Planning System does not protect an individual's views, the proposals must also however be considered in the wider context of potential impacts on the visual amenity and landscape character of the environment surrounding them as a whole.

- 4.17 Development Plan policies also require that the likely impacts, including the cumulative impacts on amenity as a whole, will be considered when assessing development proposals. The landscape character and visual amenity of an area is an important part of this assessment. The matter of any potential impact on the public view in this area is a material planning consideration. In assessing any development proposal it is for the decision maker to decide the weight which is attached to any material matter.
- 4.18 Scottish Planning Policy (June 2014) states that planning should support development that is designed to a high quality and which demonstrates the six qualities of a successful place. Places therefore should be distinctive, safe and pleasant, welcoming, adaptable, and resource efficient. By protecting and making efficient use of Scotland's existing resources and environmental assets, planning can help us to live within our environmental limits and to pass on healthy ecosystems to future generations. Planning can help to manage and improve the condition of our assets, supporting communities in realising their aspirations for their environment and facilitating their access to enjoyment of it. By enhancing our surroundings, planning can help make Scotland a uniquely attractive place to work, visit and invest and therefore support the generation of jobs, income and wider economic benefits.
- 4.19 Landscape in both the countryside and urban areas is constantly changing and the aim is to facilitate positive change whilst maintaining and enhancing distinctive character. Different landscapes will have a different capacity to accommodate new development, and the siting and design of development should be informed by local landscape character. The proposed four storey High School and the three storey Halls of Residence are large buildings in terms of their bulk and massing, which has been dictated in many regards by the constraints of the applicant's chosen site for the development. The choice of materials proposed will, it is considered, help to mitigate the impacts of the size of the buildings, using muted colours which will not result in there being a stark contrast to the bare hillside at Staney Hill.
- 4.20 The proposed development's intervention into the landscape of the area has to be considered in the context of the surrounding built up area, and while there will be an impact the result has to be balanced against the provision of a community facility. Therefore it is considered that when weighing up the potential visual impacts against the benefit of a new High School and Halls of Residence to the community that the benefit to the community as a whole outweighs the loss of the amenity views that are currently enjoyed by all, whether they be residents, those travelling through the area, users of the Clickimin Centre Complex, or visitors to the broch .

Impacts on Archaeology

- 4.21 The proposed site for the construction of the new High School and Halls of Residence is situated in an area which is rich in prehistoric archaeology and which development therefore needs careful and sensitive mitigation. Structure Plan Policy SPBE1 states that there will be a presumption against any development proposal that would

destroy or have any adverse effect on Shetland's built heritage resources.

- 4.22 The ES pre-application assessment has been carried out and a programme of evaluation has been undertaken (although not yet concluded). It is considered that this will lead to full excavation of some of the archaeological features that will be impacted on by the proposed development, prior to ground breaking works commencing on this development.
- 4.23 The ES has recommended eight archaeological mitigation measures and the Archaeology Service has assessed that each of these are appropriate conditions for the development, with the amendment to AC3 that "The results of all evaluation work will be submitted to the SIC and the Shetland Sites and Monuments Record."

Noise Impacts

- 4.24 A key issue to consider is the impact the proposal will have on the residents who live in close proximity to the site, and in particular those residents at North Lochside and Bruce Crescent, in terms of noise from the traffic movements it will generate.
- 4.25 Local Plan Policy LPNE10 seeks to take into account the effects on nearby residents and the buildings they occupy of any proposed development.
- 4.26 The ES includes a detailed assessment of the noise and vibration impacts that could arise during the construction and operational phases of the proposed development. Detailed surveys have been undertaken to inform the assessment work and to establish the prevailing ambient and background noise levels. As a result it has been identified that construction noise can be controlled to be within appropriate criteria for the majority of the time. It has been identified that there will be occasions where the noise impact could be considered significant, but that these will be temporary and short term in nature. The operation of the High School and Halls of Residence, including noise from development generated traffic, has been assessed within the ES as being minor in nature. The residential properties at Bruce Crescent and Burgess Street will it is assessed at times have the noise levels experienced by their occupiers increased to those that are considered major in nature during peak traffic times twice a day, at the opening and closing of school times. Even so, no mitigation measures in terms of acoustic screening has been proposed. This is because the employment of such measures would block the current open views which are enjoyed from the gardens of these houses. Letters of representation received from local residents have outlined that such measures were not desired for that very reason.
- 4.27 A new car park has been proposed by the applicant adjacent to and to the rear of residential properties at Bruce Crescent that back onto the site, with the intention that it will replace parking provision that will be lost as a result of the construction of the new roundabout on North Lochside that forms part of the proposal. There have been letters of representation received objecting to the construction of this parking

area from the residents whose gardens back onto the car park. In its response to consultation the Roads Service has advised that placing the parking elsewhere would cause other safety issues, and as such this is the preferred location for alternative provision. The Planning Service considers that there is no need to replace the parking provision that will be lost on North Lochside, especially if the alternative provision will be to the detriment of the amenity, especially in terms of noise, which is currently enjoyed by the residents at Bruce Crescent or would otherwise cause safety issues if constructed elsewhere. Additionally it is not considered that the proposed car parking is required for site specific provision. As a result it is recommended that this aspect of the development should not be approved and an appropriate condition has been recommended.

- 4.28 The Environmental Health Service has noted that with specific reference to dust and noise pollution, measures have been proposed to mitigate any potential problems/nuisance being caused during land development and building construction works. Should any complaint pertaining to either of these issues be received it has advised that they will be investigated in line with current council procedures and legislation, e.g. COPA (Control of Pollution Act 1974 - as amended) and EPA (Environmental Protection Act 1990).

Impacts on the Natural Heritage

- 4.29 The ES contains a chapter on Ecology and Nature Conservation which gives an assessment of the wildlife which uses or passes through the Clickimin Loch, which has been identified as being important for both its diversity of freshwater plants and for migrating and wintering wildfowl and otters which also frequent the loch. The loch is therefore an important contributor to the biodiversity of the area. It is also important recreationally as it is regularly stocked by the Shetland Anglers Association.
- 4.30 The loch is proposed as a Local Nature Conservation Site (approved for consultation as Supplementary Guidance as part of the Shetland Local Development Plan - the Council having resolved to adopt the LDP). Local Plan Policy LPNE13 currently requires that developments take into account the impacts on biodiversity.
- 4.31 The ES has identified that there may be some short term disturbance to natural heritage interests from construction and demolition activities (campsite facilities), but because of their short term nature they are not considered likely to have any long term effects. The ES also identifies mitigation measures proposed to protect the area during this phase of the development.
- 4.32 The development/improvement of the access routes around the loch that forms part of the proposal has the potential to impact upon water quality, and consequently the freshwater plants that form part of the notification of the site as a Local Nature Conservation Site in the Local Development Plan. The Planning Service has concerns that the re-routing of the path at the north end of the loch to a position significantly closer to the waterline may result in increased material entering the loch; this may reduce the effectiveness of the local environment to

react to changes as a result of the alterations to the path during the construction period and in the longer term. It is considered that further information/ assessment is required on the potential impacts of these works on water quality, and the prevention and mitigation of these impacts. While the applicant has stated that no significant effects once the school is in use are predicted since the area is well used at present and wildlife is likely to be habituated to some disturbance, no evidence has been submitted to support this assertion.

- 4.33 Therefore it is considered that a fully worked up Environmental Management Plan (EMP) will be necessary prior to any construction work taking place to cover various aspects of the construction phase, including avoiding activities that result in disturbance to wintering wildfowl during winter months (1 October - 31 March) and designing the external lighting scheme to minimise excessive lighting spill. As a result an appropriate condition has been recommended.
- 4.34 Presently there is an area of amenity plantings at the north end of the loch (i.e. between the loch and the existing campsite). These trees and shrubs provide a useful buffer to the Loch of Clickimin and provide an important habitat for biodiversity. The ES identifies that a draft landscape plan for the area is being worked on but this is not sufficient for the Planning Service to be able to confirm that the impact of the proposals on biodiversity interests is as yet to be appropriately mitigated. Further details in the form of a fully prepared landscape plan for the area will be required to ensure that the measures proposed are adequate and appropriate, and an appropriate condition to require this plan has been recommended.

Peat and Soils Management

- 4.35 The site has been assessed within the ES as not being within an area which is specifically designated for its geological interests and no locally important geological features or exposures would be directly affected. The proposals are located part in an area which has been disturbed by previous construction activities. The new access road to the High School that forms a part of the proposal will cut into the hillside and rock will be removed (some 5714 m³). Any opportunity to leave exposed rock found during construction as permanent features on the site will the applicant has stated be taken. This approach is welcomed by the Planning Service.
- 4.36 Some 11300 m³ of peat will be removed from beneath the footprint of the proposed new buildings, car parks and roads. To minimise the volume of peat removed the applicant has stated that it may be possible to retain the peat at the back of the excavations. The pseudo-fibrous peat might be suitable for re-use in the landscaping restoration of the site such as adjacent to the access road to integrate the new works with the surrounding landform, but it is unlikely that the catotelmic peat would be suitable because of its high water content and low tensile strength. Peat for suitable re-use would be identified during its excavation but is estimated to be approximately 35% of peat removed. Peat that could not be re-used would have to be disposed of off-site with all necessary licences and permissions in place. The ES has assessed that the character of the peatland has in part been

modified by drainage and grazing pressures, and the loss of this peat would not be considered significant.

Flooding and Drainage

- 4.37 The ES has concluded that the site area is at low risk of flooding, and this assessment is agreed with.
- 4.38 Development Plan Policy seeks to provide protection from flooding which may be caused by the construction of new developments. The main issue of concern in regard to drainage associated with the proposal is focused around the disposal of surface water from the site area, and the proposed continued use of the existing culvert within the site which provides for the catchment water which comes off the Staney Hill. Most relevant to the consideration of drainage is an application for planning permission in principle for a housing development at North Staney Hill (2014/197/PPP), which is currently being assessed and considered by the Planning Service before reporting. There exists a concern within the Planning Service that drainage infrastructure to serve this housing development proposal will also need to make use of the drainage culvert that will serve the High School and Halls of Residence under consideration in this proposal.
- 4.39 In terms of the existing drainage infrastructure, although a full condition survey has not been carried out, the existing culvert has established physical short comings. The construction detail along its length is unknown and the standard and condition of the site drainage connections and/or alterations which may have occurred in a piecemeal process over many years is also unknown. If the existing culvert is retained and used as is proposed, it would appear likely that higher future maintenance and repair costs would result, and also a greater possibility of flood risk from blockage or collapse. It is considered that a replacement culvert would give the opportunity to ensure that all the drainage under the proposed High School and Halls of Residence site was to a suitable standard; that all existing and proposed connections were made through accessible manholes; and that any flow constrictions were dealt with.
- 4.40 A revised Flood Risk Assessment incorporating the proposed ground levels for the site has yet to be submitted, but the assessment to date would suggest that the capacity of the existing culvert will mean that flood risk during extreme rainfall events would need to be managed by controlled surface flooding of some areas of land, and/or by controlled overland flows of excess water. These approaches are acceptable for these less common events but necessarily place greater limitations on site layout and level design, as well as potential restrictions on future expansion or re-purposing of parts of the proposed school campus itself as well as some areas of the Clickimin Centre car park lying adjacent to it. A new culvert would give an opportunity to provide enough capacity below ground to remove these limitations.
- 4.41 In this instance an upgrade to the current culvert and the proposed school drainage provision would be desirable from the point of future proofing the proposed High School and Halls of Residence site. It would also in the Planning Service's view be in the interests of

sustainable development and represent good planning in that adequate infrastructure would be put in place to cope with both the drainage requirements of the proposed school site and a proposed housing site (potentially between 300 up to possibly 400 houses according to the separate application) on land at North Staney Hill. The proposal for housing is in the Shetland Local Development Plan (the Council having resolved to adopt the LDP) identified as being in an Area of Best Fit for development and a Site with Development Potential.

Contaminated land

- 4.42 The application site is in proximity to and may partially overlap a former landfill site used up until the 1970s for household refuse and slaughterhouse remains. The ES evidences that a site investigation has been undertaken within the proposed development area to determine the extent of any potential contamination issues present within the application site, in particular within the vicinity of a former landfill which is present beneath the current rugby pitches. The landfill also encroaches into the proposed development area to the north of the rugby pitch playing fields where the access road and North Lochside Road replacement parking provision area are proposed. Soil samples were collected from all the trial pits at varying depths. The findings have identified elevated levels of lead, benzo(a)pyrene and phytotoxic metals beneath the proposed location of the proposed access road.
- 4.43 The ES outlines that the design of the works proposed near the old landfill ensures that the landfill will not be directly disturbed and indirect impacts will be avoided by measures in the detailed design. The proposed Halls of Residence building will be built to the west of the burn and no hydrological pathways will it is stated be set up which could increase pollution of soils, ground or surface water. Where the access road will cross the landfill, it is stated that no significant engineering works are proposed to ensure that the landfill is not disturbed and it is also proposed that the contaminated area within the main access road will be encapsulated and an impermeable layer included in the proposed replacement parking provision area.
- 4.44 The ES goes on to state that slight elevations of heavy metals were recorded as being in a mobile state within the soils near the landfill in proximity to the proposed Halls of Residence building, however it is considered that these concentrations are unlikely to pose a significant risk to groundwater or the wider environment because of the very low concentration levels and the proposed location of the Halls of Residence building which avoids impact in the landfill area. A 300mm capping layer of subsoil and topsoil is to be placed as a growing medium in any soft landscaping in this area.
- 4.45 The Environmental Health Service (EHS) has noted the results of the exploratory borehole logs undertaken to establish the potential level of contaminants in the area from the closed landfill site that borders the proposed development area. Potentially harmful compounds have been found in a number of the test pits/boreholes, and mitigating measures are proposed to be adopted by the development contractor. This proposed approach should be in addition to ongoing monitoring

undertaken during the construction phase of the development. EHS has recommended that further monitoring of receptors subsequent to the completion of the project be undertaken to ensure that the changes in ground loadings do not cause pollutants contained in the former landfill to become mobile and impact on receptors in the immediate area.

- 4.46 EHS has also noted concern regarding the military remains (former live firing range) to the west of the site of the proposed High School building. Although there has been no evidence to suggest the existence of residual contamination from the former use, it would be prudent to be wary of this area and for a developer to make precautions for dealing with any buried ordnance and surface soils contaminated with spent shot. EHS therefore has raised no objections regarding the granting of this application as long as the detailed mitigating measures proposed are adhered to and any changes to these are consulted on before implementation.

Cycling and Pedestrian Access

- 4.47 Upgrading to the footpath and cycle network around the Clickimin Loch has been identified as a desired requirement to promote walking and cycling to the proposed High School.
- 4.48 The Scottish Government has included within its new Scottish Planning Policy advice in the document "Cycling by Design" which encourages that cycling access should be considered at the earliest stage of planning new developments and, in accordance with planning guidance, the opportunities for personal travel by walking and cycling should be prioritised over other modes. The advice states that the location, size, land-use mix and layout of developments has a considerable impact on the levels of cycling in an area, and cycling (and walking) trips must be central to these considerations. Furthermore it states that developments should be permeable by bicycle, and all destinations within cycling distance should be accessible by carriageways that are safe and attractive to use, by off-carriageway facilities or by a combination of both.
- 4.49 The cycling and walking routes to the proposed High School and Halls of Residence should therefore be part of an integrated design. The proposed development will result in a change in the way that people interact with the area in which it will be situated, and this may lead to potential conflicts between people taking different routes, using different forms of transport, with different motivations, all interacting in the area in and adjacent to an 'Entrance Plaza' area in front of the proposed High School building. Cycling and pedestrian access provision is further complicated by the Right of Way which exists on the site, and the provision of the roads infrastructure. Achieving a safe layout which minimises conflicts, especially given the restricted space available, will require particularly careful design.
- 4.50 As such further information has been requested from the applicants during the Planning Service's handling of the application, who have responded that they consider that such details can be dealt by means of conditions attached to the planning consent. While the Planning

Service accepts that the imposition of conditions is an acceptable method to finalise design details it is considered that even with the imposition of an appropriate condition there can be no guarantee that the design details which come forward will resolve the potential conflicts that have been identified entirely, and as such it is appropriate that the Planning Committee is aware of this.

Public Right of Way

- 4.51 As part of the applicant's overall access strategy there is a proposal that the Public Right of Way which leads around Clickimin Loch and beyond to Staney Hill will be diverted as a result of the erection of the proposed new High School and Halls of Residence buildings.
- 4.52 There is currently a very broad range of users of the routes in the vicinity of the application site, through and to facilities in the area, including walkers, runners, dog walkers, families with children, cyclists, commuters, leisure complex users; it will also become a destination for pupils, staff and visitors/callers to the school. As presented the proposed routes and diversions will add significant distance to some routes, and introduce high levels of potential for conflict between members of the public using routes and school pupils, staff and visitors, particularly in the 'Entrance Plaza' and Coach Park areas.
- 4.53 It is considered that taken together, these factors may reduce, restrict and diminish the public's enjoyment of the routes as currently exist. Furthermore, the current layout in the 'Entrance Plaza' area and the proposals in respect of the adjacent Staney Hill could also make it more difficult for public use of the routes in terms of barriers and gradients. There is anecdotal evidence that the general public use these routes at all times of the day and night, and will continue to wish to do so unhindered.
- 4.54 The length of the diversion of the public right of way intended, adding some further 360 metres distance for the user, will not enhance convenience for the public, and there should be provision to protect the right of way during the construction phase. Such a diversion will require to be the subject of a diversion order which will be dealt with separately under the Planning Act. In terms of the length of the proposed diversion, the Planning Service recommends that to mitigate the impact of such an increase in walking distance for users not wishing to go through the proposed High School and Halls of Residence site, that an additional and alternative route should be provided which would link to the Staney Hill Road from the Clickimin path to the west of the proposed High School building. There is an informal route which is currently being used for this purpose. This could avoid some of the potential issues of conflict that have been identified with such a diversion.
- 4.55 The Planning Committee is also invited to note that should planning permission be granted for this proposal the applicant will still need to apply to have the affected core paths and public right of way diverted before any development affecting their routes can commence. The diversions of both these classifications of route would be carried out under Section 208 of The Town and Country Planning Act 1997 and

require any necessary orders to be advertised for representations or objections before being confirmed. Additionally the newly diverted routes will required to be constructed and available for use before the original route is removed from use. Due to the close interlace of access routes and the proposed development it will be necessary for the applicant to show how public access will be maintained and managed during the construction of the new High School and Halls of Residence and the associated infrastructure. Again the developer will be required to apply for any temporary diversion/closure orders as may be necessary (under the Road Traffic Regulations Act 1984 s14); and have the temporary diversions confirmed before any temporary path closures/diversions can come into effect.

Road Traffic Infrastructure

- 4.56 The Development Plan sets out a number of policies to guide the design of new proposals and set requirements for standards relating to transport. Council policy therefore seeks to ensure that all new developments are provided with a safe and convenient access for all road users. The Local Plan promotes developments that provide safe and convenient access to, and helps support, existing community services and facilities and takes into account the need to minimise the use of motor vehicles.
- 4.57 A Transport Assessment (TA) has been submitted in support of the application which acknowledges that relocating the existing Anderson High School at The Knab to the Clickimin site as proposed will position the school more centrally in relation to the residential population of Lerwick, which in turn increases the opportunity for pupils and staff to either walk or cycle to the new school. However, it is also acknowledged within the TA that due to the geography of Shetland that the bus and car will continue to form the most significant travel option for the majority of the proposed High School's users.
- 4.58 New roads infrastructure therefore will be provided, in the form of a new roundabout located at North Lochside, internal roads to provide access and car-parking provision for both the new High School building and the Halls of Residence is being proposed. The principle of the new roundabout and roads provision has been fully considered by the Roads Service and is considered acceptable and necessary to adequately and safely service the proposed development. It will however be necessary for the full construction details to be submitted to the planning authority for approval and to the Roads Service prior to the construction phase.
- 4.59 The Roads Service identified that there would appear to be an apparent shortfall in allocated car parking spaces for pick up and dropping off of pupils and staff, and this could lead to safety and convenience issues within the school site once developed as well as in the adjacent Clickimin Complex site and along the main A970 road Lochside. While the applicant has responded and addressed some mitigating factors which may lead to a reduction in the required numbers, the Roads Service considers that a suitable condition should be applied to any consent to require agreement of a suitable number of spaces. This will ensure that there are no safety and convenience

issues within the school site or along the main A970 road Lochside or at the Clickimin Complex site.

- 4.60 The TA has stated that the Clickimin Complex overflow parking spaces, located to the north of the running track, will in future only be accessible via the proposed High School and Halls of Residence site, and it has been suggested that to mitigate against this severance of facilities supplementary parking bays equal to the existing overflow total will be provided on the site of the existing helicopter emergency landing site.
- 4.61 The Planning Service does not consider that there is any requirement to provide additional car parking spaces as the current overspill spaces are not being lost to use, but will only be a little less convenient to use.
- 4.62 Should the formation of additional car parking spaces be required at the existing helicopter landing site a separate planning application will be required as this area has not been included within the application boundary of the current application site.

Final Consideration

- 4.63 It is considered that it is very important that any school complex that is provided is a welcoming place, which is safe to travel to, travel within and travel from without the potential for conflict which often arises where there are limited opportunities to plan from “the ground up”. The Planning Service considers that the application site gives rise to a once in a lifetime opportunity to “get it right”.
- 4.64 Therefore, while it is considered that the outstanding issues discussed above in relation to road traffic infrastructure, pedestrian and cycling routes, and access to public rights of way above can be adequately addressed individually by means of condition, these issues are inextricably linked so careful consideration will require to be given to the quality of further details submitted which seek the discharge of conditions which may be attached to a permission granted.
- 4.65 In regard to the drainage and SUDs system proposed for the site, it is considered that although the detail of the housing development proposals on the adjacent Staney Hill that is the subject of a separate application for planning permission in principle are unknown, there is likely to be little practical difficulty in sizing a culvert to provide enough capacity to accommodate both developments, if approved . The difference in the sizes of pipe that might be required is also assessed by the Planning Service to be small enough to give rise to no significant differences in terms of the space required for a subsurface corridor to accommodate the drainage system.
- 4.66 The Planning Service considers that the provision of enough SUDs infrastructure capacity within the adjacent proposed Staney Hill housing development site for the potential number of houses envisaged by that applicant, that would remove any requirement to upgrade the culvert capacity at the proposed school site, would potentially require works on a scale far beyond that required normally for a housing development. Missing the opportunity to install a larger

culvert as part of the proposed High School and Halls of Residence construction could result in either; i) making the proposed Staney Hill site uneconomic to develop for the large number of houses that its applicant envisages for it and has been assessed as being its development potential as part of the Shetland Local Development Plan process; or ii) requiring large scale excavation works to be carried out through the proposed new school's bus stances and 'Entrance Plaza' area, potentially even before the High School building has opened, if the full development potential of the adjacent Staney Hill site in an environmentally acceptable manner is to be realised

- 4.67 All relevant matters have been taken into account when assessing this proposal, and subject to the imposition of appropriate controlling conditions it is considered to accord with the policies contained within the Development Plan. While there is no doubt that the construction and operation of the proposed development will result in an impact on character of the area, both visually and in terms of travel interaction, these negative impacts are not considered to be so adverse to conclude that the development is contrary to Development Plan policies, and are outweighed by those policies which relate to the provision of community facilities.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery on Corporate Priorities – A decision made on the planning application that accords with the development plan would contribute directly to the Single Outcome Agreement through the outcome that we live in well designed, sustainable places.
- 5.2 Community/Stakeholder Issues – Standard consultations were sent during the processing of the application.
- 5.2.1 Lerwick Community Council advise that at its meeting there were no objections with regard to the application, provided that the use of metal cladding is kept to a minimum as noted in letter re TCIS/RS/L-1-3, dated 15 May 2014. Whilst acknowledging that the camp site was chosen as the preferred site during the optioneering stage, due to the relatively flat topography, uncontaminated ground and close proximity to the Clickimin Centre, the Community Council has stated that it has become increasingly evident that the site is not the correct choice with an increasing amount of earthworks required to service it, possibly actually more than would have been required to site the school further north in the lower Staney Hill.

The Community Council is of the view that the proposed location of the new school not only removes the much valued and well used camp site but now also requires for the emergency helicopter landing site to be relocated. It also sees that the proposed location also requires for the school to be oriented generally east-west resulting in the main elevation, which is predominately glass, facing south thus subject to significant solar gain.

The Community Council's representations also advise that it was noted that due to the limitations posed by the sub-standard access to the

Clickimin Centre and apparent constraint against its improvements, that the proposed new access road to the school requires doubling back, necessitating further earthworks and development of a bottleneck turning/drop-off point.

It also comments that there is no visibility of the extent of works to be carried out at Clickimin Centre, for the provision of PE, and as such a holistic view of the entire project cannot be made.

It is Lerwick Community Council's opinion that all developments, directly and indirectly associated with this project should be looked at together, in order to ensure that the best possible integrated solution is achieved for all stakeholders and not the piecemeal approach currently being presented to the Planning Service.

5.2.2 Scottish Water have not responded to the consultation at the time of report preparation.

5.2.3 SEPA has responded saying that as a result of significant pre-application engagement, which was very welcome and helped to address issues in relation to all our interests, it has no objection to the application if the planning conditions in Sections 2.2 (SUDS), 3.2 (reroute watercourse), 4.1 (foul drainage), 5.3 (peat management plan), 6.2 (mitigation measures), 6.3 (environmental management plan) and 7.3 (protection of wetlands) are attached to the consent. It asks that it be noted however that if any of these will not be applied, then its representation should be considered as an objection.

5.2.4 SNH are content for the proposal to continue as stated in the Planning Application, assuming that the mitigation measures mentioned in the Environmental Statement are followed. However it advises that a further otter survey should be conducted no more than one month prior to construction to ensure that a licence to disturb otters is not required. It would also greatly encourage further tree planting around the edge of Clickimin Loch, both for biodiversity value and to reduce possible runoff into the loch.

5.2.5 The Archaeology Service has advised that the proposed site for the construction of the new High School and Halls of Residence is situated in an area which is rich in prehistoric archaeology and so therefore needs careful and sensitive mitigation. It confirms that as stated in the Environmental Statement, pre-application assessment has been carried out and a programme of evaluation has been undertaken (although not yet concluded). It says that this will almost certainly lead to full excavation of some of the archaeological features which will be impacted on by the proposed development prior to ground breaking works commencing on this development.

Referring to Section 10.7 of the ES that proposes 8 archaeological mitigation measures, the Archaeology Service says that each of these are appropriate conditions for the development, with the amendment to AC3 that "The results of all evaluation work will be submitted to the SIC and the Shetland Sites and Monuments Record."

5.2.6 Shetland Islands Council – Roads Traffic in its consultation responses raised concerns regarding parking numbers and technical issues

Statutory Advertisements

The application was advertised in the Shetland Times on 30.05.2014

The application was advertised in the Shetland Times on 02.05.2014

The application was advertised in the Edinburgh Gazette on 02.05.2014

Representations

14 letters of representations, and two petitions, have been received from;

Eddie Sim, 10 Bruce Crescent, Lerwick

Davy & Ann Napier, 12 Bruce Crescent, Lerwick

Eleisha Fahy, Scottish Rights Of Way And Access Society,

Stuart Lawrence.

Shetland Wheelers, (With Support From Scottish Cycling)

Mr S M Lawrence, Seaview, Eshaness

Janice Pottinger, An Cala, Bridge End, Shetland

Iris Anderson

F J MacBeath, West Park, Bruntskerry, Shetland

Carina Mclatchie.

Mr Neville Davis, 25 Westerloch Drive, Lerwick

Mr & Mrs A McMillan, 13 South Lochside,
Lerwick

Mr A McMillan, 13 South Lochside,
Lerwick

Loretta Leask, 7 South Lochside,
Lerwick

The comments received can be summarised as follows;

Location of overspill car park and erection of wall.

Objection to the diversion of the public right of way.

The use of material finishes and overall design proposed.

Addition of a cycle link.

Loss of amenity in the Clickimin Loch and Westerloch Areas.

Loss of Community Facilities at the campsite and the Emergency Helicopter Landing Site

The School having to rely on the facilities at the Clickimin Sports Centre will inevitably mean a loss of facility to the general public.

A change in the character of the Westerloch Area will occur as Westerloch Drive will become the default shortcut to access the new school.

There will be an adverse impact on the Clickimin Broch - The 4 storey school building will be overbearing and resembles a large 'flat pack' tin shed.

The original plans to replace the existing school (at the Knab) would obviate the detrimental aspects of the current proposal.

Proposal is contrary to the Development Plan in relation to the removal of the campsite.

Loss of the campsite and impact on tourists and local users.

No consultation with interested parties (on removal of the campsite).

A compromise may have been reached.

No prospect of a private sector campsite.

A new fully functioning replacement campsite should be provided as a pre-requisite condition prior to the granting of this application.

The two matters are inextricably linked with similar funding streams.

Funding for the replacement campsite should be funded both by and through the High School project.

The (Council) Development Plans and Heritage Team make no mention of the caravan site whatsoever.

The Roads Department do not mention impact of caravans and motor-homes being absorbed into the caravan site and off the public roads quickly and with a minimum of fuss.

Move the AHS further north and keep the caravan site.

Reposition the site slightly to allow the established campsite as a going concern.

- 5.3 Policy and/or Delegated Authority – The application is for a development falling within the category of Major Development and is made by the Council. The decision to determine the application is therefore delegated to the Planning Committee under the 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 planning permission contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Furthermore, it provides 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 as planning authority. This could be on the basis that it is not possible to mount a reasonable defence of the planning authority's decision.

6.0 Conclusions

- 6.1 The planning application, supporting and further information, ES and Design and Access Statement comprise the environmental information considered when assessing the proposed development. Taking the comments received into account and having assessed the proposed development, against Shetland Structure Plan (2000), Shetland Local Plan (2004) and Shetland Local Development Plan (the Council having resolved to adopt the LDP) policies listed in paragraph 3.1, the proposal is found to be compliant with their aims.
- 6.2 Therefore, subject to the conditions listed in the schedule appended to the report this application is recommended for approval.

For further information please contact:

Richard MacNeill, Planning Officer – Development Management

Tel: 01595 744800 Email: Richard.macneill@shetland.gov.uk

Date Cleared: 5 September 2014

List of Appendices

- 1a. Location Plan
- 1b. Site Plan
- 2. Consultation Responses
- 3. Schedule of Recommended Planning Conditions

Background documents:

[Shetland Structure Plan \(2000\)](#)

[Shetland Local Plan \(2004\) \(as amended\)](#)

[Shetland Islands Council Local Development Plan \(Settled View\)](#)

[National Planning Framework 3](#)

[Scottish Planning Policy](#)

Appendix 1a

The use of this data by the recipient acts as an agreement of the following statements. Do not use this data if you do not agree with any of the following statements:-

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NOTE: Refer to TGP Landscape Architects drawing LO1 for details of external landscaping.

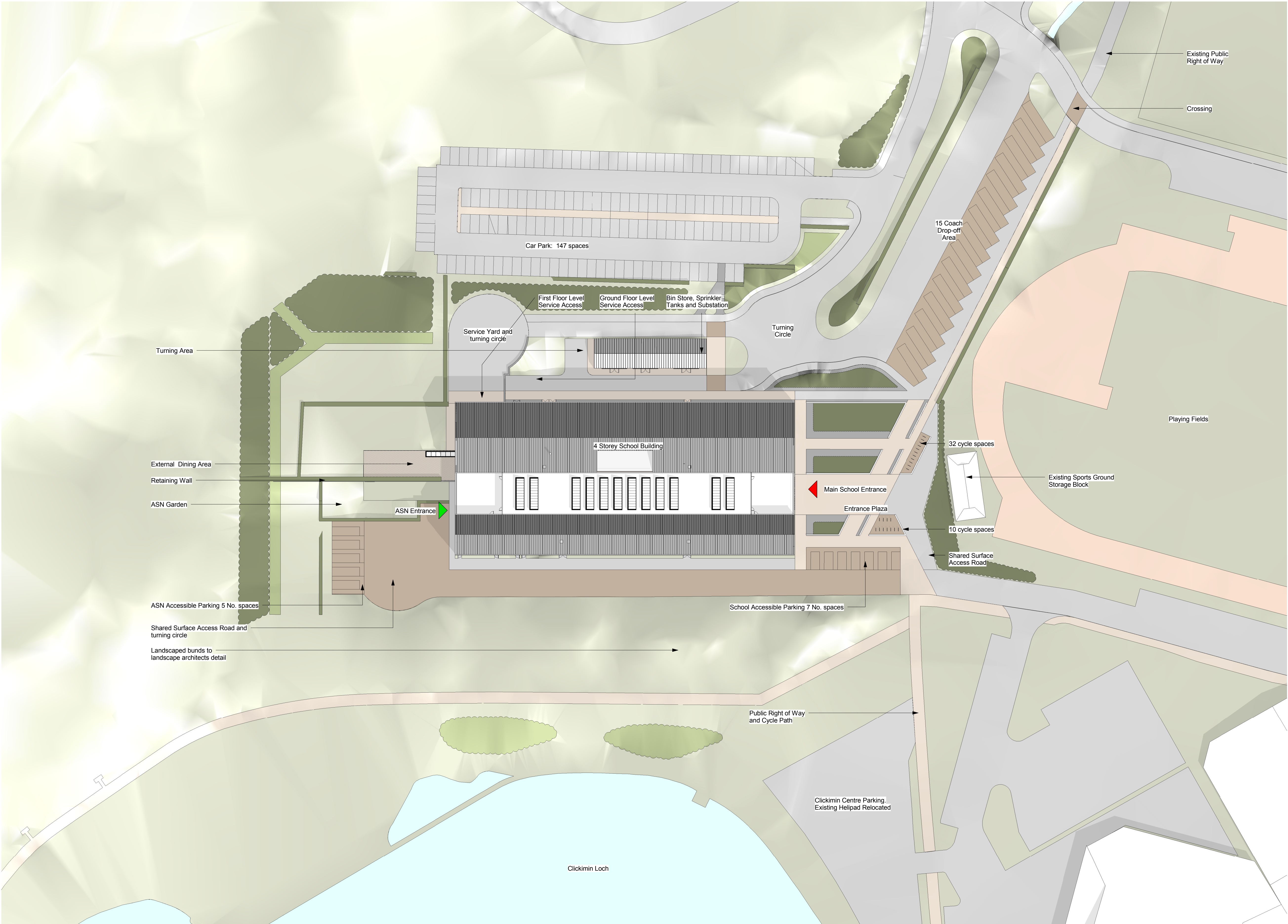
----- Planning Application Boundary



Proposed Location Plan with Project Boundary

1 : 1500

Revision	Date	Drawn By
03	24/04/2014	LBAI
Issued for Planning.		
Amendment		
Status		
Preliminary		
Project		
Anderson High School and Halls of Residence		
Lerwick, Shetland		
Drawing		
Proposed Location Plan with Project Boundary		
Project No.		
2647	Drawing No.	110-03-Rev03
Scale at A1	Drawn By	
As indicated	LBAI	



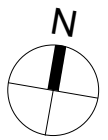
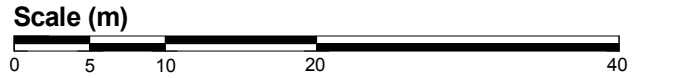
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NOTE: Refer to TGP Landscape Architects drawing LO1 for details of external landscaping.

AHS Proposed Site Plan

1 : 500

Revision	Date	Drawn By
05	24/04/2014	LBAI

Issued for Planning.

Amendment

Status
Preliminary

Project
**Anderson High School
and Halls of Residence
Lerwick, Shetland**

Drawing
AHS Proposed Site Plan

Project No.	Drawing No.
2647	110-02-Rev05
Scale at A1	Drawn By
As indicated	DCA

The Archaeology Service

The Archaeology Service was consulted on the 29 April 2014. Their comments dated 29 May 2014 can be summarised as follows:

Thank you for consulting us on this EIA. The proposed site for the construction of the new School and Halls of Residence is situated in an area which is rich in prehistoric archaeology and which therefore needs careful and sensitive mitigation. As you will be aware from the Environmental Statement, pre-application assessment has been carried out and a programme of evaluation has been undertaken (although not yet concluded). This will almost certainly lead to full excavation of some of the archaeological features which will be impacted on by the proposed development prior to ground breaking works commencing on this development.

Section 10.7 proposes 8 archaeological mitigation measures. Each of these are appropriate conditions for the development, with the amendment to AC3 that "The results of all evaluation work will be submitted to the SIC and the Shetland Sites and Monuments Record."

Section 10.9 sets out the reasons why this work should be undertaken.

Please note that the accepted spelling of Clickhimin Broch has an "h" in it.

Other than these minor changes, we are content with the content of the EIA.

Consulted on the 24 July 2014. Their comments dated 31 July 2014 can be summarised as follows:

Thank you for consulting us on this application. I presume that it will be covered by the ES relating to the Anderson High School project, in which case our advice remains the same as that in my email of 29 May 2014. However, the applicant should be aware that this area is additional to the previous red-line boundary and therefore has not yet been subject to a walkover survey and this would need to be done as part of the archaeological works which will be required. The reason is that we are aware that there are known WWII remains in the immediate vicinity and there may be additional remains which would be picked up in a walkover survey.

Environmental Health

Consulted on the 29 April 2014. Their comments dated 21 May 2014 can be summarised as follows:

I responded to Adam Barr (Acoustic Consultant from WSP UK) on 11/04/2014 regarding their noise and vibration methodology. My comments have been included in the document ENVIRONMENTAL STATEMENT: 12 NOISE and have no further comments from the noise and vibration issues. Please let me

know if you need further information.

Environmental Health was consulted on the 24 July 2014. Their comments dated 30 July 2014 can be summarised as follows:

The department recognises that significant planning and investigation has been undertaken within the proposed development area and that a number of potential issues have been identified that would require further management in order to prevent a nuisance or negative impact being created both during construction and final use of the new School and hostel buildings.

With specific reference to dust and noise pollution we recognise that measures have been proposed to mitigate any potential problems /nuisance being caused during land development and building construction works. It must be noted that should the department receive any complaint pertaining to either of these issues they will be investigated in line with current council procedures and legislation, e.g. COPA (Control of Pollution Act 1974 - as amended) and EPA (Environmental Protection Act 1990).

Further to the above the department have noted the results of the exploratory borehole logs undertaken to establish the potential level of contaminants in the area from the closed landfill sites that border the proposed development area. We recognise the conformation that potentially harmful compounds have been found in a number of the test pits / boreholes and the mitigating measures are proposed to be adopted by the development contractor. This proposed approach should be in addition to ongoing monitoring undertaken during the constructions phase of the development. The department would recommend that further monitoring of receptors subsequent to the completion of the project be undertaken to ensure that the changes in ground loadings do not cause pollutants contained in the former landfills to become mobile and impact on receptors in the immediate area.

Finally it was noted that there was little mention of the military remains (former live firing range) to the west of the main school site. Although there has been no evidence to suggest the existence of residual contamination from the former use, it would be prudent to be wary of this area and make precautions for dealing with any buried ordinance and surface soils contaminated with spent shot.

The department has no objections regarding the granting of this application as long as the detailed mitigating measures are adhered to and any changes to these are consulted on before implementation.

Historic Scotland

Consulted on the 29 April 2014. Their comments dated 28 May 2014 can be summarised as follows:

Thank you for your consultation of 30 April 2014 seeking our comments on the above application and its accompanying environmental assessment. The

following comments are based on our statutory historic environmental interests. That is scheduled monuments and their setting, category A listed buildings and their setting, gardens and designed landscapes and battlefields in their respective Inventories. You should also seek comments from your council's Conservation and Archaeology Service, if you have not already done so, who will also be able to advise on the potential for significant impacts on the historic environment and of potential impacts and mitigation for any sites of regional and local importance.

Historic Scotland offers no objection to the proposal. Our detailed consideration of the application and its accompanying environmental assessment are as follows:

Historic Scotland's View on the Application

Our primary focus in considering this application has been the potential impact of the proposals on the setting of the scheduled monument Clickimin Broch (Index no 90077). The monument is also a Property in Care of Scottish ministers. In recognising that the principle for an educational development in this area has been established within the context of the 2004 Shetland Local Plan and emerging Shetland Local Development Plan our main concern has been identifying ways in which the proposed school buildings can be placed into the setting of the Broch while attempting to mitigate the visual intrusion. In this regard we particularly welcome the manner in which discussions regarding potential mitigation have been undertaken with the applicant's consultants and architects to find ways in which this impact can be lessened.

The setting of the broch has been considerably impacted upon in recent years through development around the shores of Clickimin Loch; key elements of the setting include the positioning of the broch jutting out into Clickimin Loch and thus the relationship to the loch, and the relationship to the wider landscape and hill ground, the latter now only really seen to the north of Clickimin Loch due to the expansion of Lerwick. The setting of the broch can perhaps be best appreciated when viewing the broch from the south, looking along its causeway with the remnant of undeveloped hill ground forming the backdrop to the broch. The site of the proposed school lies within this last remaining section of undeveloped hill ground.

The relationship between the broch and the land to the north of the loch is an important element in this setting, enhancing our understanding and appreciation of the monument. The further encroachment of built development into this area would constitute a significant alteration to the setting of the broch. While this impact remains significant in nature, following mitigation we recognise that all realistic options have been examined and taken into account.

As the accompanying environmental assessment accepts, the required scale of the proposals are such that available mitigation through design, materials and landscaping cannot entirely remove the adverse impact on the setting of the broch. However, we are satisfied that the mitigation proposed through

materials, design and landscape bunding are sufficient for us not to offer an objection to the proposal.

Comments on the Environmental Statement

We welcome the assessment that has been undertaken for this proposal. The assessment accurately portrays the historic environment baseline and the methodology utilised to predict the impacts of the proposal on this resource is acceptable.

As the assessment notes, there will be a residual significant adverse impact on the setting of Clickimin Broch. Given the established principle of educational development on this site the options for mitigation are more limited. In lights of this we welcome the work that has been carried out through consultation in finding ways in which the impact of the development can be lessened. To this end we particularly welcome the use of bunding to both screen the frontal access road and help soften the massing of the building against the back-drop of Staney Hill. The use of timber cladding will also serve to soften the visual intrusion of the building.

With these considerations in mind we are content to agree with the assessment in that there will be a significant impact on the setting of the broch.

Roads Traffic

Replacement parking at the roundabout

The location of the replacement parking at the roundabout was thoroughly considered at the outline design stage for the roundabout. It was located in the currently proposed location for a number of reasons, namely:-

- it places the replacement parking spaces at the closest location to the properties being most affected by the loss of the parking layby on North Lochside due to the proposed road works.
- the proposed location minimises the visual impact of the car park by locating it in the hollow between the gardens and the new roundabout embankment. The proximity of the houses and planted garden boundaries will also act as good backdrop making the presence of parked vehicles less obvious.
- any similar parking provision on the other side of the access route would involve more obvious earthworks to achieve satisfactory levels and gradients.
- the access to the parking as proposed works better for entering and emerging traffic, particularly during busy periods.
- locating the car park on the other side of the road would require it's access to be crossed by pupils coming to and from the school via North Lochside, or the car park would have to be located much further away from its intended users houses.

Referring to the specific concerns raised by the objectors regarding safety and access I would comment as follows:-

- the access gates from the residents back gardens would not necessarily be lost by the proposals. The gates could easily be served off a footpath running around the car parking area. In fact the proximity of ample accessible parking could provide an enhancement to their properties.
- There are no safety concerns regarding the car park access in relation to the roundabout. The junction arrangement is the same as any tee-junction and has been located far enough back from the roundabout to allow a clear indication of intent by drivers using the car park. There would be no need to change lanes or travel unnecessarily around the roundabout. It should be noted that a car park entrance on the other side of the new access road (as suggested) would have to be located further away from the roundabout to allow similar clear indication of turning by a driver.

In summary; there are no safety or usability issues with the current replacement car parking proposals, which have been designed to blend into the overall junction area as best as possible. There does not appear to be any reason for the existing residents accesses from their back gardens to be removed. The alternative site proposed by the objectors would raise its own issues in respect of usability and impact on the overall layout of the junction area.

Roads Traffic was consulted on the 29 April 2014. Their comments dated 26 June 2014 can be summarised as follows:

ADDITIONAL INFORMATION REQUIRED

1. Introduction

- 1.1. This application covers a number of elements relating to the construction of a new secondary school in Lerwick. However, not all of the elements required for the overall project delivery form part of this submission - although the Environmental Statement aims to cover them where possible.
- 1.2. These additional elements, which include the sports facilities for the school, are to be the subject of separate applications. This approach causes some problems when there is a high degree of dependence and interaction between elements covered by separate consent applications.
- 1.3. While the level of detail submitted regarding the site works for the school is minimal the supporting information, particularly in the form of the Environmental Statement and the traffic section of the Transport Assessment, is generally good. However, the submission as a whole fails to fully explain some points, and there are omissions both in the details and areas covered.

2. School Staffing

- 2.1. The school is being design to accommodate some 1180 pupils (ES 1.1, ES 3.4.1, TA 1.1, TA 2.3, TA 2.4.1, etc) but it is less clear what staffing numbers are being considered for the building. The initial statement is 140 staff (ES 3.4.1) but this changes to 139 when discussing maximum parking standards (TA 2.4.1). However, the current school has some 211 full and part time staff (ES 3.8.2) for the current role of about 900 pupils (ES 11.4.2). The staffing level is not anticipated to change following the move (ES 3.8.2) but no reference is made to a likely staffing level should the school role increase to 1180, a 30% increase. Reference is given to 163 existing staff (ES 11.4.2), which I believe to be the full-time equivalent of the total existing staffing number of 211. I would expect the higher figure to be more representative of the numbers of staff in the school at any one time than the full-time equivalence number.
- 2.2. These numbers are important as the parking provision for the new school needs to accommodate the level of staff likely to be within the school at any one time should it ever operate at its designed capacity.
- 2.3. It may be appropriate to provide a lower level of parking provision at this time in recognition of the current school role, but the maximum parking demand and a location for any additional provision for the future needs to be identified as part of this application submission.
- 2.4. It should be noted that national policy on maximum parking standards does not specifically apply to secondary or primary schools. This is mentioned in the submission (TA 2.4.1), which then continues to calculate a maximum based on the guidance for a college or university. This approach is flawed and any consideration of it should be disregarded.
- 2.5. This does not mean that we should not support the principles behind the national policies. However, they have to be expressed and implemented in a suitable local context. Due to the limitations of our public transport network and service provision Shetland has a high level of car ownership and a correspondingly high level personal transport use. The national policy recognises that encouraging a reduction in car use by imposing limits on parking availability needs to be "...supported by measures to promote the availability of high quality public transport services." (TA 2.4.1). No such measures are offered as mitigation by this project and the proposed changes to public transport in Shetland have not been targeted at improving provision for this project.
- 2.6. While results from the 2009 Transport Assessment for a former Anderson High School replacement are referenced at various points within this project submission the level of staff driving to school is not re-stated in this submission. The figure, some 78%, would allow a reasonable approximation for staff parking

requirements within the development. This would give an upper number of 165 staff spaces for the current 211 staff, or 109 spaces for the 140 staff mentioned in the project design parameters (ES 3.4.1). As such the proposed 147 staff spaces (ES Fig 1.2) located to the north of the school block appears to be reasonable for the existing staffing levels. However, the submission should also address the impact of any staffing increase that may be required by an increase in the school role.

3. Pupils

- 3.1. The current school role stands at around 900 pupils, but the new school has been designed to accommodate some 1180 pupils. The infrastructure serving the school (footways, cycle paths, bus laybys, drop-off and pick-up spaces, cycle parking) therefore needs to be designed with a potential 30% pupil role increase in mind.
- 3.2. While the home locations of the current school role appear to have been considered (TA 4.3.1, TA 7.3.5, TA Table 7.4), at least in general terms, I do not think that it is detailed enough to portray a full picture of the likely travel patterns. There also appears to be some inconsistencies within the submission.
- 3.3. For example, the number of pupils that may use the Westerloch footpath as they live in the area is given as around 10% of the school role (TA 4.3.1), but the percentage of pupils in the Sound area is stated as being 14.5% (TA Table 7.4). The percentage of pupils eligible for free school transport is given as 47% (TA 2.3.3) but the percentage of pupils who live outwith Lerwick, not including the isles, is 51.6% (TA Table 7.4). I think that this later difference is due to figures from different sources being used.
- 3.4. Expressing the source locations of the current school role in more detail could have helped clarify the whole situation, particularly in relation to the pupils likely travel mode and approach route to the school campus. This would also help in determining what impact additional walking and cycling facilities could have in encouraging a modal shift in transport choices. It may also help us identify the potential for more car trips to the school being generated as the school is more accessible for parents en-route to work. It should also be noted that there are also pupils arriving by car who are eligible for school transport.
- 3.5. A more detailed breakdown of locations, along with the identification of potential sources of any future school role increase, would also help to ensure that the proposed level of infrastructure provision is in line with possible future requirements.
- 3.6. I note that the Education Service have identified that 15 bus stances are required (TA 2.3.3). This is slightly greater than the numbers recently observed at the existing school, and would therefore provide for some additional capacity, but no justification or explanation has been provided.

- 3.7. The 2009 Transport Assessment notes that 25% of pupils typically travel to school by car (TA 2.5). This amounts to some 225 pupils, or 295 if the school role increases to 1180. While 35 pick-up and drop-off parking spaces are proposed within the existing parking area adjacent to the rugby pitch (TA 2.5) no justification is made for this number. If this provision is too small for the demand then it will lead to problems in other areas, such as within the Clickimin Centre car park.
- 3.8. While the morning drop-off sees a large number of pupils arriving by car the majority of these arrivals are spaced out over a 15 to 20 minute period prior to the school start time. However, for the afternoon pick-up most of the cars arrive, wait and leave together. It is this period that determines the peak demand for spaces.
- 3.9. The 2009 Transport Assessment identified that 13% of pupils typically left school by car in the afternoon. The submission for this application notes an afternoon peak hour trip arrival rate of 0.076 per pupil (TA Table 7.3). These arrivals will nearly all be in relation to pupil pick-up. This gives some 120 pupils leaving in 70 cars for the current school role of 900 pupils. I am therefore concerned that the 35 spaces proposed will be inadequate, and this could lead to problems in the surrounding area particularly in periods of poor weather when other transport choices will be unattractive. Any shortfall in the general level of provision could lead to problems in the surrounding area.
- 3.10. An increase in the school role to its design capacity could lead to a proportional increase in demand for pick-up spaces. However, this would only be true if the additional pupils were located similarly to the existing school role across Shetland. A more detailed analysis of current pupil source locations and potential locations for future role increases, as noted above, would help in addressing this point too.

4. ASN Unit

- 4.1. ASN provision is to be integrated within the main school block of the new school. While ASN pupil numbers are given as 6 (TA 9.1) the associated vehicle movements of 6 taxis daily plus some travelling on regular school buses (TA 2.3.5) does not appear to match up.
- 4.2. Unfortunately, there is little additional information within this submission regarding this service provision and no indication of staff numbers, or of the capacity of the facilities to be provided for this client group.
- 4.3. The current layout indicates that 5 accessible parking spaces will be provided (ES Figure 1.2, ES 3.4.3) for the ASN unit. This is less than the number of taxis noted above as undertaking pupil transfers daily. Depending on the timings this may constitute a shortfall in provision for the afternoon pick-up.
- 4.4. The submission notes that two small buses are used to ferry

ASN pupils to and from the school (TA 2.3.5), but no details of these vehicles have been provided. There also does not appear to be any swept path analysis for them within the ASN turning area.

- 4.5. It is stated that there are 15-20 return trips per day by mini-bus or small bus (TA 2.3.5). Given the daily frequency this would seem to suggest that there are dedicated vehicles for this service, but there is no indication of a parking/ waiting location for them within the site. It is also not clear that these all relate solely to the ASN provision.
- 4.6. The various transport operations associated with the ASN need to be better explained to ensure that there is adequate provision for them. Also the capacity of the unit and any implications that this may have for additional transport requirements needs to be considered and explained.
- 4.7. It should be noted that the existing junction serving the Clickimin Centre, which is to be used to serve the ASN, is substandard due to a steep approach gradient and lack of a level platform at the give way line. This causes problems for larger vehicles waiting to emerge from the junction, particularly when traffic flows are higher. I would therefore be concerned that the 15-20 return trips per day by mini-bus or small bus mentioned in the submission (TA 2.3.5) were to be through this junction.

5. Halls of Residence

- 5.1. The new halls of residence is being constructed to accommodate some 100 pupils (ES 1.1, ES 3.2, TA1.1) including ASN pupils (ES 3.4.2, TA 2.3). The building is to be designed such that its capacity can be easily increased in the future (ES 3.4.2). The building is also to accommodate a flat for visiting parents (ES 3.4.2).
- 5.2. There are no details within the submission regarding staff numbers for management, supervision, cooking or cleaning. There is also no indication of the extent or capacity of any staff live-in accommodation.
- 5.3. The building is serviced from two directions (ES Figure 1.2) with a total of 6 accessible and 5 standard parking spaces provided (ES Figure 1.2, ES 3.4.3, TA 2.4.1). It is noted within the Transport Assessment that parking provision at the halls of residence will be required for staff, visitors and older pupils that may have access to a car (TA 2.4.1). However, no numbers have been given to validate the proposed provision or quantify any requirement.

6. Pedestrian Access

- 6.1. The existing site is criss-crossed by various roads, footways and footpaths allowing both local access, recreational pursuits, and through routes to other parts of Lerwick (TA Figure 4). The new

- school site lies central to the existing network of access routes, and will allow good links to the surrounding areas by connecting into the existing routes (TA 2.3.1).
- 6.2. High quality integration between the new school development and the surrounding pedestrian routes is essential in order to both provide suitable access to the school, and maintain the existing routes. Improving accessibility for non-motorised modes of transport was identified as a key objective of this project (ES 11.3).
 - 6.3. The submission claims that the project will include a number of additional pedestrian links (TA 4.3) but I see no indication of anything other than a continuation of the existing layout, with alterations in routing to suit the school building footprint and service areas.
 - 6.4. The Environmental Statement and Transport Assessment also claim that the existing pedestrian network is of good quality and fulfils current requirements (ES 11.4.1). From personal observation and use of the routes in question I would disagree with this as a blanket statement. While the network offers good routes for recreation, local access and commuting the standard of provision is variable. It is not uncommon to have to step off the hardbound path surface when meeting other users, particularly those with pushchairs or young children, due to the narrow width of the main paths.
 - 6.5. Given that the width of the footpath from Westerloch to Clickimin is noted as being between 1.0m and 1.5m wide (ES 11.4.1) I am surprised that it is not identified within the Environmental Statement as needing to be upgraded to accommodate the level and pattern of usage that is likely to be generated by the school. However, an upgrade to 3m width is proposed within the Transport Assessment (TA 4.3.1).
 - 6.6. While the existing and proposed pedestrian access routes are identified in the submission (TA Figures 4 & 5) there are no plans to address the identified missing links; along A970 Lochside opposite the running track (TA 4.2), along the north east quarter of Westerloch road (TA 4.3.1), and along the north side of the Clickimin access adjacent to the running track (TA 4.3.3).
 - 6.7. While I accept that the section along A970 Lochside is not really required as there is a nearby route, which is just as convenient to use, I am more concerned with the approach to the other missing links.
 - 6.8. In respect of the missing link on Westerloch the existing footway on the opposite side is considered by the assessment to be sufficient (TA 4.3.1) although no details of its width or configuration are noted in the submission. There is also no note of the various junction crossings along Westerloch that will be required for pedestrians to use this footway. I feel that this information should have been included in the submission.
 - 6.9. On roads near to schools where a reasonable density of pupils

can be expected walking, crossing and cycling it would be reasonable to consider the benefits of a 20mph limit/ zone in line with national and local policy. A lowered speed limit would also fit with the residential nature of the area. This issue should be addressed in light of the detailed information requested above, and with due consideration to cycling related comments for this area made later in this response.

- 6.10. There is no footway along the north side of the Clickimin access beyond the junction onto A970 Lochside. This means that pupils arriving at and crossing Lochside via Anderson Road or Robertson Crescent have no direct route to the school, but have to cross onto the south footway into the Clickimin site (TA 4.3.3) before, presumably, crossing back again nearer the school. I say presumably as no details of any pedestrian routes or provision has been submitted for the area between the new school and Clickimin Centre. I do not consider that forcing pupils to cross at the junction location is either desirable, or a practical expectation. I imagine most pupils will choose to walk along the road way/ through the parking area adjacent to the running track. This is not an acceptable arrangement.
- 6.11. This issue could be addressed by providing a suitable alternative link for them. One of the mitigations mentioned in the submission is that "Pedestrian access will be provided through any wooden boundary fence which obstructs the core path network" (ES 11.7 T35). Providing a pedestrian access and footpath through the wooden fence along A970 Lochside to the east end of the parking area between the running track and rugby pitch would allow a fairly direct access into the main school site via the new pick-up and drop-off area.
- 6.12. However, the submitted plans do not indicate any footway or footpath provision to serve the proposed pick-up and drop-off spaces. This is an omission and a clear pedestrian route should be made through this area.
- 6.13. The detail available for the school entrance plaza area is limited to small scale plans that do not show clearly how the area will work, nor is there any indication of pedestrian links to the Clickimin Centre from the school (ES Figure 1.2). Detailed plans for this area should be submitted to show how the various pedestrian routes are to be accommodated alongside vehicular access to the Clickimin car parks, cycling facilities into and through the area, the ASN vehicular access, and the accessible parking spaces for the school.
- 6.14. The school project site boundary (ES Figure 1.2) and Council land ownership does not appear to cover all of the area that may be required to achieve safe and convenient pedestrian links between the new school, Clickimin Centre, and any new covered sports facility. Any solution would also appear to impinge on the existing parking provision for the Clickimin Centre leaving me unsure how the project will deliver on this essential requirement.

- 6.15. From the site layout plans submitted it is obvious that the re-routing of the Staneyhill hill road will result in a substantial change for pedestrians wishing to use the route over the hill. The greatest impact will be on the link between the Staneyhill hill road and the footpaths along either side of Clickimin Loch.
- 6.16. I feel that there would be merit in providing a footpath link to the west of the school between the Staneyhill hill road and the footpath link to Westerloch. This would also give an alternative connection into the Clickimin Centre and east side of the loch areas that avoided the school plaza.
- 6.17. The routing of the proposed footpath link down towards the access into the bus lay-by area (TA Figure 5) should be considered with respect to where it will connect into other walking routes, and how well the route fits any desire lines. This will help minimise the impact of the re-routing.
- 6.18. The submission identifies the various crossings available to pedestrians along South Road and North and South Lochside (ES 11.4.1, TA 4.3.4 and TA 4.3.5) and notes that there does not appear to be any merit in moving the existing controlled crossing points. The submission also identifies that there are various dropped kerbs and splitter islands along these routes that could suit some of the various pedestrian desire lines associated with the school.
- 6.19. While I agree with the observations made within the submission with regards to pedestrian routes across South Road and North and South Lochside, I would highlight the observation that the current pelican crossing on South Road is not on any likely pedestrian desire line for the school (ES 11.4.1, TA 4.3.5). While the Transport Assessment has not been able to identify a better location for a controlled crossing on the South Road I feel that the situation should be revisited after the new school opens. This would allow us to see if there is any obvious better solution once the new pedestrian patterns in the area have stabilised.

7. Cycling

- 7.1. While there are currently no dedicated cycling facilities or on-road provision in the vicinity of the site the new school site lies central to the existing network of access routes, and will allow good links to the surrounding areas by connecting into the existing routes (TA 2.3.1).
- 7.2. In line with national policy on encouraging a modal shift in personal travel choices, the submission proposes that a number of existing links will be upgraded to provide shared pedestrian/cycling facilities (ES 3.4, TA 2.3.2, TA 4.3.1, TA 4.3.2, TA 4.3.3). A shared use route is also to be constructed from the north (ES 3.4.3, ES Figure 1.2, TA 2.3.2). Figure 5 of the Transport Assessment is claimed to show this route but it is not one of the items annotated.
- 7.3. It is noted that the National Cycling Route passes along A970

South Road (ES 11.4.2, TA 4.2), and that this "offers opportunities for cycling to be used as a possible mode of school transport for staff, pupils and visitors". However, no reference is made on how the development site will be inked into this "opportunity". The obvious choice, Westerloch, is not referenced and as such there is no detail within the submission with regards to its suitability as a cycle route. I would have expected this route to be considered and appraised within the submission.

- 7.4. There are a number of design references for both shared and segregated pedestrian/ cycle paths. Cycling by Design 2010, DMRB TA 90/05, Local Transport Note 1/12 Shared Use Routes for Pedestrians and Cyclists, and the Sustrans Design Manual - Handbook for Cycle-friendly Design.
- 7.5. None of these have been specifically referenced by the submission and no specific details have been provided regarding the pedestrian/ cycle paths, other than they will be 3.0m wide where provided (ES 3.4.3, ES 11.7 T27 & T28, ES 11.8.2, TA 2.3.2, TA 4.3.1, TA 4.3.2).
- 7.6. I do not think that such a blanket approach is necessarily appropriate as the levels and patterns of usage vary across the existing/ proposed network of links within and adjacent to the site.
- 7.7. Most of the guidance noted above identifies the 3.0m width adopted by the submission as being a minimum provision for a shared (pedestrian and cycle) use. The Sustrans guidance notes that shared paths should be at least 4.0m wide if they are expected to be used by groups of pedestrians or cyclists. This would certainly seem to apply to those sections of pathway near the school. I also consider it inappropriate for any new build design to be based on the minimum acceptable standards where these may have an impact on safety or the attractiveness of the route(s).
- 7.8. From the limited information that can be obtained from the small scale plans available for the school site there would appear to be a number of 'pinch points' where provision of adequate pedestrian and cycle facilities may be difficult. Specifically I would highlight across the back of the bus layby area, at the north-west corner of the rugby pitch, and at the end of Westerloch where the route transitions into a carriageway and one narrow footpath.
- 7.9. The applicant should therefore submit a detailed design for approval of all of the pedestrian/ cycling facilities to be provided between A970 South Road and A970 North Lochside at the new roundabout, between A970 South Lochside roundabout and the new school plaza, and between A970 Lochside and the new school plaza. These designs should consider both usage volumes and demand patterns, consider capacity for future growth in line with national policy, and ensure that each of the route termination points is designed in line with best practise.

- 7.10. While levels of cycling use noted within the 2009 Transport Assessment were low (ES 11.4.2) it should be realised that this represented a winter term travel picture. The new school site is also significantly more accessible to a greater proportion of its local catchment area (TA Figure 9) than the current school. I am therefore surprised that the total provision for cycle storage is only some 42 spaces (ES 3.4.3, ES Figure 1.2). I am aware that a large proportion of the existing and possible future school role will be out with a reasonable cycling distance of the school but the proposed provision only amounts to about 1 space for every 10 Lerwick based pupils of the current school role (900), with no allowance for staff or future growth. The applicant should set out a proper case for the level of cycle storage provision, taking into account modal shift, potential growth in the school role, and at a level applicable for summer term usage.
- 7.11. I note that there does not appear to be any cycle storage provision proposed at the halls of residence.

8. Servicing

- 8.1. Servicing requirements for the new school and halls of residence appear to have been well considered. However, I note that the swept path analysis for the skip loader (TA Drawing ATR05) does not match the larger 3-axle hook loader vehicle noted in the Transport Assessment (TA 2.3.6). This may be a particular issue within the lower service access to the north side of the school and the north service area for the halls of residence.
- 8.2. The applicant should confirm the service vehicle type used and amend the swept path drawings accordingly. It should be noted that requiring a regular service vehicle to carry out more than a 3-point manoeuvre is unacceptable in a new build development such as this.

9. Vehicular Access

- 9.1. While the submission outlines various building locations and configuration (ES 2.4.1), and access route strategies (ES 2.4.3), that were considered as part of the site layout design process I am still unclear why the current site access layout was chosen. For instance, why was North Lochside chosen over South Lochside for the new roundabout location? Also, why did the proposed access route have to pass behind the halls of residence rather than passing in front of it? This would appear to have been achievable by setting the halls of residence back and up the hillside with the access road along the frontage clear of the contaminate ground and the rugby pitches. This may have produced a shorter and more direct line of access to the school, and had less visual impact.
- 9.2. The arrangements for vehicular access from, and including, the

proposed new roundabout at North Lochside and into the site should work well, although they do not follow either the shortest route or what would appear to a particularly convenient one. This can be somewhat set aside as the occupants of vehicles are at least protected against the elements and provision has been made for them reasonably close to school.

- 9.3. However, it must be acknowledged that the arrangements are likely to lead some drivers to access the school area from the Clickimin Centre access road, or to use Lochside as a more convenient pick-up and drop-off area.
- 9.4. The submission identifies that use of the Clickimin Centre access road and ASN access by parents and visitors may be an issue (E 3.4.3) and proposes that "physical measures" will be developed as part of the detailed design to "deter use". However, the Clickimin Centre access road lies out with the projects site boundary (ES Figure 1.2) and Council land ownership, leaving me unsure how the project will deliver on this. I am also not convinced what "physical measures" would be appropriate, or could be implemented given the restricted space available along the access road, and which would serve as a deterrent.
- 9.5. The current layout of the Clickimin Centre access and car park is not compatible with any significant level of use by vehicles looking to pick-up or drop-off passengers close to the new school entrance. In the absence of any effective deterrent, improvements to the layout of the area will need to be implemented to allow the area to operate safely.
- 9.6. No details of the turning head area at the end of the proposed new access road to the school have been submitted, although it would appear to be well related to the school entrance without causing any obvious conflicts. The detail and finish of this area may have a considerable influence on how it is used, and to how it facilitates the safe integration of various other service elements at the same point.

10. Construction Impacts

- 10.1. Construction of any large scale project will have an impact on the surrounding area and the road network servicing the site from material sources. The roads that will provide access to the site are busy main routes. While the additional construction traffic flows will be noticeable at times the overall impact will be within normally acceptable limits for such operations (ES 11.8.1, ES Table 11.6).
- 10.2. The submission identifies all of the usual impacts and proposes the standard list of mitigation measures. These have been demonstrated on other projects to work when properly implemented.
- 10.3. I therefore have no objections to the proposals as they are submitted as long as the mitigating actions proposed by the

Environmental Statement in Sections 3.12 and 11.7 are delivered by the project.

- 10.4. The submission identifies that site access will be taken from North Lochside through a new temporary access to the north of the running track, accessing the site through the existing parking area adjacent to the rugby pitch. This access is being constructed as the existing occasional access in this area is unsuitable for regular use, particularly by heavy vehicles.
- 10.5. Given the poor suitability of the existing occasional access, and the standard that the temporary one will need to be built to, I consider that it makes more sense to remove the existing occasional access and replace it with the new one on a permanent basis. The new access will still only be used as an occasional one (see ES 11.7 T37), but will be much more suitable than the current one.

11. Permanent Impacts

- 11.1. The project will lead to several permanent impacts on the area. In respect of roads, access and parking these can be summarised as additional traffic on North and South Lochside, changes to the flows through the existing roundabouts at North and South Lochside, addition of a new junction on Lochside, removal of public parking for residents and leisure users at North Lochside, separation of existing overflow parking from main Clickimin car park, relocation of the emergency helicopter landing pad, re-routing and upgrading of existing footpaths to shared cyclepaths/ footpaths, re-routing of the Staneyhill hill road, and the removal of direct vehicular access from Clickimin to the Staneyhill hill road.
- 11.2. Additional traffic flows on North and South Lochside resulting from the school will add between 28% and 48% to the current afternoon and morning peak flows. These increases are not clearly presented within the Transport Assessment but are given in Table 11.8 in the Environmental Statement. The flows that comprise these peaks can be determined from Figures 11 and 16 of the Transport Assessment. This will mean peak hour flows of 1000 to 1100 vehicles per hour. This is similar to other busy sections of main road within Lerwick and is within the capacity of the road link.
- 11.3. Where this increase in flow will be most noticeable is through the reduction in gaps for emerging traffic at junctions, and for pedestrians crossing the road.
- 11.4. Analysis of the junctions along Lochside, including the new roundabout, have been provided as part of the submission and

show that all junctions will operate well within their theoretical capacity at peak times (TA 7.5). This does not mean that there will be no delays, just that they will not be unduly prolonged for any individual vehicle. However, the increase in traffic will result in greater delays than at present.

- 11.5 It was agreed that traffic flow analysis of the existing North and South Lochside roundabouts would not be carried for this project (TA 7.2). This was because the majority of traffic that will access the new school site already passes through these junctions in one direction or another, and so the overall flows at these junctions will not be greatly affected by this development.
- 11.6 While there are a number of typical crossing points for pedestrians along Lochside, depending on where they are coming from, the main destinations for these pedestrians can all be served by the existing controlled pedestrian crossing at the Clickimin Centre, or through the use of splitter islands at the roundabout junctions.
- 11.7 A part time 20mph limit for the school is to be implemented on Lochside in line with national and local policy. This limit will be in force when the number of pedestrians looking to cross Lochside is likely to be at its greatest. This will help minimise any safety issues.
- 11.8 I therefore have no objections to the proposals in terms of the impact on pedestrian movements across Lochside in relation to the school. However, it may be necessary to consider providing a central island to aid pedestrians crossing South Lochside in the vicinity of the south junior football pitch due to the distance between the controlled pedestrian crossing and the existing splitter islands at the South Lochside roundabout. This stretch of Lochside is not really on a desire line for access to and from the new school but it is crossed by other pedestrians who will be impacted on by the additional traffic generate by the school.
- 11.9 A number of public parking spaces on North Lochside will be lost when the new roundabout access for the development site is constructed (TA 6.3.2). These spaces are generally used by the residential properties along that section of North Lochside, and as overspill parking for Bruce Crescent. Some recreational users of the footpaths in the area have also been observed parking in this area near the existing gate.

- 11.10 Due to the construction of the new junction a number of properties in the area will not be able to gain access to their gardens to provide private off-road parking spaces. With a general pressure on parking from residential demands in the area the Roads Service has therefore required the project to provide a well located and accessible parking area as replacement for the public parking lost to the junction. The proposed location fits well with traffic and pedestrian movements in the area and is as well located to the affected properties as practical (TA 6.3.2).
- 11.11 As a result of the site layout and access strategy chosen for the new school site the existing overflow parking area for the Clickimin Centre, which is located adjacent to the rugby pitches, will no longer be accessible from the Clickimin Centre car park. While major events will be able to justify setting up a temporary traffic management system to allow the area to be access easily from North Lochside (ES 11.8.2) through the occasional access, for smaller but still busy events the removal of the direct link is likely to lead to more nuisance parking along Lochside.
- 11.12 The project requires the removal of the emergency helicopter landing pad, which it is proposed to relocated to a site off South Lochside. The chosen relocation site does not give rise to any particular comment from the Roads Service at this time.
- 11.13 The project therefore proposes that the tarmac area currently used as the emergency helicopter landing pad will be used as a replacement for the 35 existing spaces next to the rugby pitch (ES 11.8.2). Unfortunately, no further details have been supplied. The applicant should show that this number of spaces can be accommodated within the area, and that safe access can be achieved.
- 11.14 The proposals for upgrading and re-routing of existing footpaths in the area to accommodate higher levels of pedestrian flows and shared use with cyclists has been covered by previous comments and similar comments apply to the re-routed Staneyhill hill road. The applicant should submit full details of the proposed alignments with sufficient justification for the design and construction standards employed. This information is required to allow approval of the detailed proposals as the routes are variously public rights of way, core paths, and roads in terms of the Roads (Scotland) Act 1984.

- 11.15 It should be noted that the proposals remove the current vehicular link between Lochside and the Staneyhill hill road via the Clickimin Centre access. While an alternative vehicular access route is proposed through the new roundabout the existing route will need to be stopped up under planning legislation following any consent for the project. A similar process may be required for some sections of the Core Path network.

12. Summary of Items to be addressed by the Applicant

- 1.12 The following items, highlighted in the comments above, should be addressed by the applicant through either the submission of additional information prior to consent, or as reserved matters. The relevant comments paragraph reference is given after the item.
- a) Staff numbers for the school should be confirmed. This number should represent the maximum number of teaching, support and auxiliary staff in the school at any one time and would take into consideration the overlap that may happen between part-time staff. *[Para 2.1 to 2.6]*
 - b) Any staffing implication (teaching, support or auxiliary) arising from an increase in the school role from 900 to 1180 should be identified and quantified. *[Para 2.1 to 2.6]*
 - c) Current, and future, staff parking requirements should then be established from the above information. *[Para 2.1 to 2.6]*
 - d) The source locations for the current school role should be better identified by geographical location as it would relate to actual and potential transport modes. This should take into account the number of pupils that stay in the halls of residence. *[Para 3.1 to 3.5]*
 - e) The level of pick-up/ drop-off spaces to be provided should be justified, and any implication arising from an increase in the school role from 900 to 1180 should be identified and quantified. *[Para 3.7 to 3.10]*
 - f) More details of the ASN provision should be provided. This should confirm client and staffing levels, and the capacity of the unit for future client requirements. *[Para 4.1 and 4.2]*
 - g) The transport arrangements for the ASN should be better explained in order that the proposed level of provision for vehicles at the ASN unit can be evaluated. *[Para 4.3 to 4.6]*

- h) Staff numbers for the halls of residence should be confirmed. This number should represent the maximum number of management, support and auxiliary staff in the building at any one time and would take into consideration live in staff and the overlap that may happen between part-time staff. *[Para 5.2]*
- i) A determination of the parking requirements for staff (based on the above information) and visitors/ older pupils should be made and a full explanation provided. *[Para 5.2 and 5.3]*
- j) The suitability of Westerloch as a walking and cycling route to the school should be demonstrated by reference to its physical characteristics as well as an indication of current and predicted future levels of use. *[Para 6.8 and 7.3]*
- k) Consideration should be given to the benefits of installing a 20mph limit or zone along Westerloch in association with the assessment of Westerloch as a walking and cycling route to the school. *[Para 6.9]*
- l) Consideration of how pedestrians and cyclists crossing Lochside at various locations will get to the school should be presented. This will probably require additional infrastructure provision. *[Para 6.10 and 6.11]*
- m) A footway link to serve the pick-up and drop-off spaces and connect them to the school should be provided. *[Para 6.12]*
- n) Detail plans of how the school plaza area will connect through to the Clickimin Centre building for pupil transfers will be required. This is a very important link and any suitable solution would appear to have an impact on the existing Clickimin Centre access and parking arrangements, which are out with this application site. *[Para 6.13]*
- o) Consideration should be given to providing a new footpath link to the west of the school between the Staneyhill hill road and the footpath link to Westerloch. *[Para 6.16]*
- p) Full details of the walking/ cycling routes into and through the site should be submitted for approval. This must include details of how they interface with the exiting road and footway network surrounding the site. The design standards for these routes should be fully justified in terms of current design guidance and best practise. *[Para 6.13, 6.15, 6.16, 7.4 to 7.9, and 11.14]*

- q) The level of cycle storage for the school should be justified. *[Para 7.10]*
- r) The issue of having no cycle storage at the halls of residence should be addressed. *[Para 7.11]*
- s) Swept path analysis for the refuse collection vehicle should be confirmed, or re-submitted for the correct vehicle. *[Para 8.1 and 8.2]*
- t) Swept path analysis for the ASN service area should be provided for the largest transport vehicle expected to use it on a regular basis. This should require no more than a 3-point turn. *[Para 4.4 and 8.2]*
- u) Details of appropriate physical measures to deter use of the Clickimin Centre access by school related traffic should be submitted to show that this is a viable approach. *[Para 9.3 and 9.4]*
- v) Alternatively, improvements to the existing access and parking layout within the Clickimin Centre site that minimise safety issues related to use of the area by school traffic should be submitted. *[Para 9.5]*
- w) Consideration should be given to the permanent replacement of the existing occasional access to the parking area adjacent to the rugby pitch with the new construction access. This would normally be left gated upon completion of the works. *[Para 10.5]*
- x) Consideration should be given to installing a splitter island in South Lochside to aid pedestrians wishing to cross the road. *[Para 11.1 to 11.8]*
- y) It should be demonstrated that the existing emergence helicopter landing pad can accommodate 35 car parking spaces as replacement for the severed overspill parking. A safe arrangement for the access into this area should be demonstrated with due regards to the emerging pedestrian and cycle route proposals. *[Para 11.11 to 11.13]*

Consulted on the 9 July 2014. Their comments dated 17 July 2014 can be summarised as follows:

Following informal queries from the applicant and discussions with the Executive Manager for the Roads Service it was felt that there may be some benefit to both the Planning Officer and the applicant if the comments of 26

June 2014 made by the Roads Service were categorised.

The comments made by the Roads Service in respect of this application fall into four main types:-

- o those that need to be adequately addressed before consent should be granted due to the safety and traffic management implications for the road network, or because they may result in significant changes to the site layout from that submitted;
- those that may be conditioned for detailed approval prior to commencing works on site;
- those that may be conditioned for detailed approval prior to the buildings entering use; and
- those that are provided to highlight potential enhancements to the project for consideration by the applicant and Planning Officer.

Points that need to be adequately addressed as soon as possible

- e) The number of pick-up points needed by the school needs to be clarified. The proposal is for 35 spaces but the Transport Assessment identifies some 120 pupils are picked up by car after school. It also identifies that 70 cars arrive at the school in the afternoon peak hour. These cars are arriving to pick-up pupils and staff. They mostly all arrive and leave in a tight time frame within the peak hour. It therefore appears that there is a shortfall in allocated spaces within the site. This could lead to safety and convenience issues within the school site as well as in the adjacent Clickimin Centre site and along A970 Lochside.
- g) The transport arrangements for the ASN service within the school are not clearly explained, either in the original application submission or by the additional comments recently submitted. The existing junction serving the Clickimin Centre is of a poor standard and any significant increase in use, particularly at peak traffic times, is to be discouraged. While the dedicated ASN entrance may not be used by all ASN pupils the number and type of vehicles expected to use the access needs to be clearly stated so that any impacts can be determined.
- h) & i) Staff numbers for the halls of residence needs to be confirmed so that an appropriate level of parking can be determined. If insufficient parking is provided for the building it could lead to staff vehicles occupying spaces allocated for another use, or creating nuisance parking elsewhere.
- s) & t) The swept path analysis for the refuse collection vehicle should be confirmed. The application drawings show a 2-axle skip truck within the service yard. However, the submission report stated that 3-axle hook loader vehicle would be used. The swept path for this larger vehicle takes up more space than that of the 2-axle vehicle shown and as such the proposed lower service yard may be too small. The vehicle type should therefore be confirmed and a new swept path analysis drawing submitted if it is the 3-axle vehicle. A swept path analysis for the largest

vehicle expected to regularly use the ASN entrance should also be submitted. The original application submission would suggest that this is a small bus sized vehicle. The identified vehicles need to be able to do a 3-point turn within the space available. These points need to be addressed now as there may be site layout implications arising from the analysis plots.

- y) The application states that the existing overspill parking between the rugby pitch and running track is to be relocated to the existing site of the emergency helicopter landing pad. It should be demonstrated that this area can hold the spaces stated as being transferred. If there is a shortfall of spaces within the Clickimin Centre site then overspill parking could cause safety and traffic management issues along A970 Lochside and adjacent streets more often than necessary.

Points that may be conditioned for detailed approval prior to commencement of works

- l) & m) A footway link is required between the pick-up/ drop-off parking spaces and the school plaza entrance. A safe and convenient footway link is also required from the central portion of A970 Lochside to the east of the running track into the school entrance plaza. Failure to provide proper walking links can lead to vulnerable pedestrians walking along traffic routes adjacent to parking spaces where cars may be manoeuvring. This is an obvious safety issue but may be left to the detailed design stage to determine as there are options within the site and adjacent areas to provide suitable solutions.
- p), q) & r) These comments relate to specific detailed design issues relating to walking and cycling provision that could lead to safety and use issues within the site. As such they should be submitted for specific approval prior to works commencing to ensure that the overall detailed site design provides adequate space for proper solutions.
- u) & v) The application submission identifies that the Clickimin Centre access and parking area may be used by school related traffic, thus causing safety and management issues within that site. The submission state that physical measures to deter this use will be installed. Any physical measure may impact on the flow of vehicles through the Clickimin Centre access onto A970 Lochside and therefore is of concern to the Roads Service due to the potential safety and traffic management issues that may arise on the road network. These measures need to be clearly identified at an early stage. However, as there would appear to be improvement options within the Clickimin Centre site that could mitigate against any safety issues it would be acceptable to leave approval of these measures for a later date.

Points that may be conditioned for detailed approval prior to use of the buildings

- j) & k) Consideration of Westerloch as an access route for pedestrians and cyclists into the Clickimin Centre and New AHS site, and the approval of any works/ improvements that may be considered necessary, may be deferred at this time. This is because any issues arising from the existing configuration or level of infrastructure provision along Westerloch will only change when the school becomes operational.
- n) The connection and interaction between the New AHS site and the Clickimin Centre is a significant factor in the overall development proposal. However, as the project is split into different stages not all of the parts are yet in place to see how it all fits together. As much of the areas required for the main pedestrian routes between the two buildings lies out with this application site, but within the ownership/ control of the Clickimin Centre I would be happy if the detail was dealt with as part of that portion of the development. However, it is essential that the arrangement is agreed and in place before the new school becomes operational.

Points that were made to highlight potential enhancements or cost savings to the project

- o) & x) These infrastructure provisions would enhance the pedestrian facilities in the area in line with the stated benefits of the project while also providing a degree of mitigation towards some of the impacts arising out of the development. These are not considered to be essential by the Roads Service but may help make the overall development proposal more attractive.
- w) This change would probably be less costly than the submitted proposals and would provide a much better level of infrastructure than the existing provision. It would also fit well with one of the pedestrian access solutions required to address point l).

The applicant's agent submitted some initial responses to the comments of 26 June and as such points a), b), c) and d) may be taken as answered.

However, I would point out that while the 2009 Transport Assessment for a previous AHS replacement noted 100 parking spaces on the existing AHS site, as commented upon in the response of 9 July, this was not correct and was commented upon as such by the Roads Service at the time.

The existing AHS site effectively provides some 145 to 150 spaces, with the number of vehicles parked on-site noted at times during 2008-9 as being above that level. The 2009 Transport Assessment also identified that some 20 staff chose to regularly park off-site due to parking issues within the site. Reasoning would then follow that the 147 spaces proposed are in the right 'ball-park', particularly if a modal change in transport choices for staff can be achieved.

However, the applicant should be confident that sufficient spaces are being

provided by the project to prevent issues arising during the operation of the site.

I hope that this follow-up adequately clarifies the position of the comments already submitted by the Roads Service.

Consulted on the 21 July 2014. Their comments dated 23 July 2014 can be summarised as follows:

The points raised in the letter from the applicant regarding Roads Service comments are addressed below:

- g) The applicant has confirmed that eight pupils travel to the ASN department in five taxis and pupils will be dropped off at the waiting spaces next to the ASN unit. There are also ten pupils who travel by bus and these will be dropped off at a dedicated point at the front of the school. The taxis and the bus will gain access to the school through the access road to Clickimin Centre. Whilst the existing junction serving Clickimin Centre is not ideal, the addition of seven additional vehicles should not cause a problem. Drawings showing that the 6.33m long mini bus and the 10m long midi bus can successfully access and egress the parking area associated with the ASN department have been provided.
- h) & i) The maximum number of management, support and auxiliary staff required for the halls of residence has been confirmed as eight and, allowing for overlap between part time staff, the applicant has estimated that five parking spaces would be required. This provision is acceptable for this type of facility.
- s) & t) The applicant has confirmed that the lower service yard will only be accessed by the 2-axle skip truck that is currently used to collect the refuse. A swept path analysis showing that this vehicle can access the yard has been submitted in the Transportation Assessment.
- y) A plan showing that the existing helipad can accommodate the required amount of overspill parking from the rugby pitch / running track has been provided and the layout is acceptable.
- e) The 2009 Transport Assessment identified that 13% of pupils typically left school by car in the afternoon. It also identifies that 70 cars arrive at the school in the afternoon peak hour. These cars are arriving to pick-up pupils and staff. The reply from applicant does address some mitigating factors which might reduce the number of spaces and I suggest that this could be looked at during the detailed design stage to identify an appropriate number spaces. I suggest that this could be conditioned to provide a suitable number of spaces agreeable with Roads, in line with the 2009 Transport Assessment and the agreed mitigating factors supplied by Ryder's response of 18 July 2014. This will ensure that there are no safety and convenience issues within the school site or along A970 Lochside or at the Clickimin Centre site.

Consulted on the 21 July 2014. Their comments dated 23 July 2014 can be summarised as follows:

Regarding the new information received, dated 18th July the following issues relate to my previous comments:

1) In the letter from the agent the transport arrangements for ASN pupils are clarified:

From the previous submissions I had understood that the plaza area at the school entrance would only be used by emergency vehicles, and possibly for infrequent maintenance vehicles.

The letter appears to be suggesting that the area will also be used as a regular means of access for ASN minibuses to enter from the Clickimin leisure centre access road, disembark passengers at the school door, turn, and exit to the same road.

If such use is intended, those operations would give rise to further conflicts between the users of this restricted area and complicate the process of producing a suitable design. There may already be difficulties in discouraging unsuitable use of the Clickimin leisure centre access road and adjacent areas for pick up and drop off traffic and the need to maintain regular minibus access would seem to remove most practical means of physically preventing unauthorised vehicles from entering the plaza area from that road if they chose.

2) Halls of residence and ASN swept path analysis - no comments, however the ASN swept path plan provided appears to relate to the area at the north end of the Halls of Residence, while I believe the concerns raised by Roads may have related to the ASN area at the southwest corner of the school building (point 4.4 of Roads comments of 26th June).

3) Parking layout at helipad.

The layout shown does not appear to easily accommodate the junction visibility splays from "Cycling by Design" where the car park access crosses the walking and cycling path.

The absolute minimum visibility splay from the path for this junction is 2m x 35m.

This may be difficult to physically achieve but would be particularly important in providing a safe crossing here, given the difficulty that users of all kinds may have in being aware of conflicts when someone travelling south on the path towards the car park entrance interacts with traffic approaching the junction and also travelling south, both from behind parked cars in the helipad parking area on one side and from behind parked cars on the Clickimin access on the other.

I appreciate that the design details for the path in this area are still to be produced but, for information, junction layout examples for further consideration are shown in "Cycling by Design" sections 7.2.1.1 (where

vehicles are given priority) and 7.2.2.2 (where users on the path are given priority) and consideration of the requirements imposed by the junction layout choice may help in detailing the car park layout design.

The plan also appears to show the walking and cycling path running directly behind a kerb that defines the edge of that helipad area. For this proposed layout detail, with no physical barrier to limit the encroachment of perpendicularly parked vehicles, the walking and cycling path would need to be widened to provide a vehicle overhang strip, plus an additional minimum 0.5m clearance envelope from those vehicles, to ensure a clear usable path width of 3.0m minimum. The available width may be limited by the existing wooden fence, and it is not clear if it is intended to completely remove that, or only over a length near the junction.

I have no additional comments on drainage and flooding matters related to the additional information provided.

SEPA Aberdeen

Consulted on the 29 April 2014. Their comments dated 22 May 2014 can be summarised as follows:

As a result of significant pre-application engagement, which was very welcome and helped to address issues in relation to all our interests, we have no objection to this application if the planning conditions in Sections 2.2 (SUDS), 3.2 (reroute watercourse), 4.1 (foul drainage), 5.3 (peat management plan), 6.2 (mitigation measures), 6.3 (environmental management plan) and 7.3 (protection of wetlands) are attached to the consent. Please note however that if any of these will not be applied, then consider this representation as an objection. Please also note the advice provided below.

Advice for the planning authority

1. Flood risk
 - 1.1 As outlined above we have been consulted at the pre-planning stage on flood risk for the site and all of the information now submitted is in line with that which we have previously seen and indicated that we agreed with. Were the site layouts to change at all, it could affect flood risk at the site and we would wish to be re-consulted in that case.
 - 1.2 We accept the general approach and methodologies used in the Flood Risk Assessment by Arup. In particular, the adoption of the 1 in 1000 year design event is welcome given the nature of the proposed development. We are satisfied with the approaches taken to estimating flood risk from all sources and with the conclusions of the assessment. The approach has generally been conservative at all stages.
 - 1.3 Information is provided to confirm that the lowest boundary level of the properties on Bruce Road is 0.67m higher than the estimated flood level for the 1 in 1000 year design flood event (post-development). We confirm that we are satisfied that this demonstrates that the development will not adversely affect any existing properties.

- 1.4 We accept the conclusion that neither the new school nor the halls of residence will be at risk of flooding, and that any flooding in the area can be adequately managed without increasing risk elsewhere. The minimum ground floor level for the halls of residence is to be set at 6.0mAOD which is around a metre higher than any design flood scenario modelled and so appears to incorporate an adequate level of freeboard.
- 1.5 Water quantity aspects of surface water drainage are a matter for the local authority to comment on in more detail. However we note from the schematic diagram of overland flow paths that surface water and overland flow will generally drain away from buildings and be discharged safely towards existing watercourses and the Loch which seems appropriate.
- 1.6 The advice contained in this section is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Shetland Islands Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice inline with the phases of this legislation and can be downloaded from www.sepa.org.uk/planning/flood_risk.aspx.
2. Surface water drainage
 - 2.1 We are satisfied that the proposed SUDS scheme should provide adequate surface water treatment.
 - 2.2 We request that a condition is attached to the consent requiring best practice levels of sustainable drainage (SUDS) surface water treatment to be submitted and agreed. To assist, the following wording is suggested:

Prior to the commencement of any works, a scheme detailing best practice levels of sustainable drainage (SUDS) surface water treatment and rainwater harvesting proposals shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme. The scheme shall be developed in accordance with the technical guidance contained in The SUDS Manual (C697) and should incorporate source control. Reason: to ensure adequate protection of the water environment from surface water run-off and encourage water efficiency.
 - 2.3 Please note as outlined above we do not provide advice on the water quantity aspect of SUDS. Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought in terms of water quantity/flooding and adoption issues.
3. Direct impacts on the water environment
 - 3.1 It is accepted that it is necessary to impact on the watercourse which runs through the middle of the site and are satisfied that the earlier design process minimised this impact as much as possible. In view of the fact that this watercourse is already heavily modified and culverted we consider the proposals for new watercourse crossings and the

- extension to existing culverts are acceptable and capable of being authorised by us under the Water Environment (Controlled Activities) (Scotland) Regulations (CAR).
- 3.2 However we note from section 3.5 of the ES that the burn to the west of the school building is proposed to be culverted under the proposed access road (and presumably car parking). In line with our pre-application advice we consider that rerouting the watercourse would be a better environmental option and request that a condition is applied requiring a detailed plan of the rerouted watercourse to avoid the need for culverting, be agreed with the planning authority in consultation with SEPA.
 - 3.3 We note that section 7.4.6 of the ES states that there are no private water supplies within 280 m of the development and are therefore content assessment of impacts on private water supplies is not required.
 - 4. Foul drainage
 - 4.1 In view of the location of this development on the edge of Lerwick we ask that a condition is applied requiring it to connect to the public foul sewer.
 - 5. Peat management
 - 5.1 We welcome the submission of a Peat Management Plan, consider that it provides a good level of information to support the planning application and are generally content with the proposals outlined within it.
 - 5.2 The exact detail of how the disturbed material will be utilised is not provided. However it is proposed that the material can be used for reinstatement of terraces and behind retaining structures, which is generally acceptable to us.
 - 5.3 We therefore ask that a condition is applied requiring a finalised Peat Management Plan to be agreed with the planning authority in consultation with SEPA.
 - 5.4 The finalised plan should be based on the submitted version but be expanded to include more detailed information on how and where the disturbed material will be reused. It should also provide information on temporary peat storage. It should followed the recognised best practice guidance Development on Pearland: Guidance on the Assessment of Peat Volumes, Reuse of excavated Peat and the Minimisation of Waste, which is available from www.scottishrenewables.com/publications/guidance-assessment-peat-volumes-reuse-excavated/
 - 5.5 For the avoidance of any doubt we do not provide advice on peat stability issues.
 - 6. Pollution prevention and environmental management
 - 6.1 We welcome the mitigation measures set out in the ES and the commitment to produce a detailed Environmental Management Plan.
 - 6.2 We request that a condition is applied requiring the development to be built in accordance with the Collated Mitigation measures outlined in Annex B of the ES. We are especially interested in the general measures and those relating to geology and soils, water quality and drainage and ecology and nature conservation.

- 6.3 We request that a condition is attached to the consent requiring the submission of a site specific environmental management plan (EMP). To assist, the following wording is suggested:
At least two (2) months prior to the commencement of any works, a site specific environmental management plan (EMP) must be submitted for the written approval of the planning authority in consultation with SEPA [and other agencies such as SNH as appropriate] and all work shall be carried out in accordance with the approved plan.

Reason: to control pollution of air, land and water.

7. Impacts on wetlands

- 7.1 We are pleased to note from section 8.5.3 that habitat information for the site has been collected; it would have been helpful if this had been mapped to form a Phase 1 habitat survey.

- 7.2 We are also pleased to note that the survey specifically considered groundwater dependant terrestrial ecosystems, which are types of wetlands protected by the Water Framework Directive. The survey identifies three areas of this type of habitat and provides photographs of two of them.

- 7.3 We note that direct impacts on all three areas can be avoided and we ask that a condition is applied requiring the areas of groundwater dependant habitat to be physically delineated on site during construction to ensure that this is the case. We also ask that the EMP that we requested above includes information to explain the methods to be used to ensure that the development does not disrupt flow to the habitats nor result in additional drainage away from them.

8. Land contamination

- 8.1 We note that part of the site was previously used as a refuse tip and that the intrusive ground investigations which were carried out by the applicant in 2013 did encounter waste material in some areas of the made ground.

- 8.2 In line with our guidance Planning guidance on land subject to contamination issues we recommend you consult your contaminated land colleagues on this application if you have not done so already. At their request, our own contaminated land specialist is happy to provide any advice direct to them relating to potential impacts on the water environment. Detailed advice for the applicant

9. Waste peat

- 9.1 It should be noted that any peat that is removed from the site will be considered as waste and will need to be either disposed of to a suitably licensed facility or require a waste management exemption from us to be put to suitable use elsewhere. Further advice on exemptions is available from the local operations team (details below) or www.sepa.org.uk/waste/waste_regulation/application_forms/exempt_activities.aspx.

10. Environmental Management Plan

- 10.1 Please note that we have requested that a planning condition is attached to any consent requiring the submission of an environmental management plan (EMP) to be submitted at least two months prior to

the proposed commencement of development. The EMP should incorporate detailed pollution prevention and mitigation measures for all construction elements potentially capable of giving rise to pollution during all phases of construction, reinstatement after construction and final site decommissioning. Full details of what should be included in the EMP can be found on our website.

11. Surface water drainage scheme

- 11.1 The finalised SUDS proposals should take into consideration any land contamination issues. SUDS which use infiltration will not be suitable where infiltration is through land containing contaminants which are likely to be mobilised into surface water or groundwater. This can be overcome by restricting infiltration to areas which are not affected by contamination, or constructing SUDS with an impermeable base layer to separate the surface water drainage system from the contaminated area. SUDS which do not use infiltration are still effective at treating and attenuating surface water. Please refer to the advice note on SUDS and brownfield sites for further information.
Regulatory advice for the applicant

12. Regulatory requirements

- 12.1 Details of regulatory requirements and good practice advice for the applicant can be found on our website at www.sepa.org.uk/planning.aspx. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:
The Esplanade, Lerwick ZE1 0LL Tel:01595 696926

SEPA Aberdeen was consulted on the 24 July 2014. Their comments dated 25 July 2014 can be summarised as follows:

Thank you for consultation email which SEPA received on 24 July 2014. This stated that you are consulting us because additional information has been received.

It is our understanding that this additional information relates purely to lighting proposals and road splays and if this is the case then we can confirm that we have no further advice to provide at this stage.

Should you wish to discuss this letter or any other aspects of the application please do not hesitate to contact me on 01349 860359 or planning.aberdeen@sepa.org.uk.

SNH

Consulted on the 29 April 2014. Their comments dated 9 May 2014 can be summarised as follows:

We are content for this proposal to continue as stated in the Planning Application, assuming that the mitigation measures mentioned in the Environmental Statement are followed.

However we would advise that a further otter survey should be conducted no more than one month prior to construction to ensure that a licence to disturb otters is not required. We would also greatly encourage further tree planting around the edge of Clickimin Loch, both for biodiversity value and to reduce possible runoff into the loch.

SNH was consulted on the 24 July 2014. Their comments dated 1 August 2014 can be summarised as follows:

As I understand the additional information relates only to lighting proposals and road splays. I can confirm that SNH has no comment to make on these aspects of the development.

Please do not hesitate to contact me if you wish to discuss any other aspects of this proposal further.

Tingwall Airport was consulted on the 29 April 2014. Their comments dated 14 May 2014 can be summarised as follows:

No comments on or objections.

Scottish Water Customer Connections was consulted on the 29 April 2014. There was no response from this consultee at the time of report preparation.

2014/117/PPF Schedule of Recommended Planning Conditions

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) Notwithstanding the approved plans and Condition1 above the car parking provision shown on Drawing No 110-03-Rev03 and annotated "Car Parking to Replace Spaces Lost by Formation of Roundabout" is not approved.

Reason: In the interests of the protection of amenityof the nearby residential properties on Bruce Crescent and to comply with Shetland Local Plan 2004 Policy LPNE10

(4) Development shall not commence until full details of the design and

construction of the roundabout, roads and associated landscaping, including the extent to be considered the public highway, shall be submitted to and approved in writing by the Planning Authority.

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

(5.) Development shall not commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. The CEMP shall include the mitigation measures contained in Annexe B of the Environmental Statement submitted in support of the application.

Reason: To ensure that the impacts of the development during the construction phase are identified, controlled and minimised in the interests of environmental, visual and cultural amenity and in compliance with Shetland Structure Plan (2000) Policies GDS4, SPNE1, SPNE7, SPBE1, SPBE2 and Shetland Local Plan (2004) Policies LPNE10 and LPBE6.

(6.) Development shall not commence until a full site specific Peat Management Plan (PMP) has been submitted to and approved in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. This shall be submitted at least 2 months prior to the developer's submission of their initiation of development notice, as required by condition no 2 of this permission. The Peat Management Plan shall address all phases of the development from construction to reinstatement, and shall include the following:

Details of how the disturbance of waste peat has been minimised; how it will be reused on site; how it will be temporarily stored; what will require to be removed from the site; and its destination and proposed use; and

Details of a contingency plan to be implemented should more peat be found on Site than has been estimated.

Thereafter all work in connection with the development shall be carried out in accordance with the approved Peat Management Plan unless otherwise approved in writing by the Planning Authority.

Reason: In order to reduce the environmental impact of the development during all phases of the development and ensure that disturbance of the peatland habitat is minimised, in compliance with Shetland Structure Plan (2000) Policies GDS4, SPNE1, SPENG3, SPNE7 and Shetland Local Plan (2004) Policies LPNE10 and LPENG7.

(7) Development shall not commence until a scheme of boundary treatment, surface treatment and landscaping has been submitted to and approved by the Planning Authority. The scheme shall comprise a planting plan and schedule of works which shall include details of:

- i) Existing and proposed ground levels in relation to an identified fixed datum;
- ii) Existing landscaping features and vegetation to be retained;
- iii) Location design and materials of proposed walls, fences and gates;
- iv) Proposed soft and hard landscaping works including their location;
- v) A programme for the timing, method of implementation, completion and subsequent on-going maintenance of hard landscaping areas.
- vi) How the maintenance of the landscaping and planting will result in a maintenance and enhancement of biodiversity interests at the site;
- vii) Planting works, including the numbers (accounting for natural losses), distribution, positions, sizes and species to be used, and the timings of planting works.
- viii) Aftercare and long-term management for nature conservation.

Thereafter all of the hard and soft landscaping works shall be carried out in accordance with the approved scheme unless otherwise approved in writing by the Planning Authority. On completion of the approved planting works written notice of that completion shall be given to the Planning Authority.

Any trees/shrubs which within a period of five years from the completion of the planting of the approved landscaping scheme fail to become established, die, become seriously diseased, or are removed or damaged shall be replaced in the following planting season with equivalent numbers, sizes and species as those originally required to be planted, unless otherwise approved in writing by the Planning Authority.

Reason: To assist with the integration of the proposal with its surroundings in the interest of amenity and to comply with Shetland Local Plan 2004 Policy LPNE10

(8) Development shall not commence until a surface water drainage scheme (SuDS) which is consistent with the principles of Sustainable urban Drainage Systems (SuDS) and compliant with the guidance set out in CIRIA's SuDS Manual C697 has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA.. The scheme shall detail the adoption of best practice levels of sustainable drainage (SuDS) surface water treatment, and

include:

filter trenches and permeable paving surrounding the buildings for one stage of treatment for the roof runoff;

permeable paving designed to provide two stages of treatment for car parking areas; and

enhanced swales (swales with filter trenches) for two stages of treatment for the roads, but where there is not sufficient space for a swale due to changes in levels a filter trench shall be provided.

Thereafter no additional surface water drainage works shall be undertaken without the prior written permission of the Planning Authority and shall be carried out in accordance with the approved scheme and shall be maintained as such thereafter.

Reason: To ensure the provision of adequate surface water drainage as insufficient information has been submitted with the application in order to satisfy the Planning Authority that the development will not result in flooding, or be liable to flooding, and to ensure that no works are undertaken which have an adverse impact on any neighbouring properties or landownership in compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policies LPNE10 and LPWD11.

(9) Development shall not commence until a scheme for the monitoring of all land and water receptors around the former landfill site shall be submitted to and approved by the Planning Authority in consultation with Environmental Health. The scheme shall provide for reporting of the monitoring carried out to the Planning Authority. The approved scheme shall thereafter be implemented in full. Where, during the course of the construction of the development hereby approved evidence of contamination is identified, then a detailed remediation scheme to bring the site to a condition suitable for the intended use must be prepared and be subject to the approval of the Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria. Any approved remediation scheme must be carried out in accordance with its terms prior to the occupation of the development, unless otherwise agreed in writing by the Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation must be produced, and approved in writing by the Planning Authority prior to occupation of the development.

Reason: In order to ensure that contamination issues on the site have been fully investigated and remediated in compliance with Shetland Local Plan 2004 Policies LPNE10 and LPWM12 and to ensure that the pollutants contained in the former landfill do not become mobile and impact on receptors in the immediate area.

(10) Development shall not commence until an Access Plan showing how the management of the site is to enable continued pedestrian access throughout, and after, the construction phase of the development hereby approved, with reference to current access patterns and demand, has been submitted to and approved in writing by the Planning Authority. This Access Plan shall include full details of an additional and alternative route to be provided to act as a link to the Staney Hill Road from the Clickimin path to the west of the High School building..

Reason: In order to maintain pedestrian access. in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(11) Development shall not commence until full details and specifications of all of the proposed walking and cycling routes to be established have been submitted to and approved in writing by the Planning Authority. The submitted details shall include and take account of the following;

For general construction details, specification and geometry proposals for paths.
Detailed design for location specific road/access crossing details;
Detailed design for location specific details of path to footway/road connections;
and
Detailed design for any proposed access restriction works

For the High School

Detailed layout drawings for the school entrance plaza showing how school, leisure centre and general public uses will be accommodated and controlled while providing required access;
Consideration of the interaction of school, leisure, commuter and dog-walking use, on routes with the school or leisure centre as a destination as well as those just passing through the school site, all bearing in mind any physical and visual separation required from "school grounds" which may be required/desired; and
Suitable design details and widths to minimise conflicts past the bus drop off / pick up area, particularly considering the interaction of different flows and users.

For the Halls of Residence

Routes north of the High School, with suitable connections to the Halls of Residence, North end of Lochside and future routes in a Staney Hill development;
Geometry improvements required to the route between the High School and North Lochside; and
Bridge crossing of the burn, to give access to the Halls of Residence, cycle routes along the east side of the Halls of Residence, and connections.

For Road connections

Westerloch Drive - Consideration of the suitability of existing infrastructure relating to new levels of use;
Details of the south end of the path on the east side of Clickimin Loch - routes and connections to existing facilities and crossing points;
Connections and crossings at the new roundabout at North Lochside; and
An assessment of the suitability of the existing Clickimin access road for the additional use generated from school walking and cycling traffic.

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

(12) Development shall not commence until full details of the following footway links have been submitted to and approved in writing by the Planning Authority.

- A footway link between the pick-up/ drop-off parking spaces and the school entrance plaza
- a footway link to the central portion of the A970 Lochside public road to the east of the running track into the school entrance plaza.

Reason: To ensure that the infrastructure serving the development site provides a safe access for pedestrians and vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10

(13) Prior to the commencement of development a detailed report to clarify the number of pick-up points required by the High School and Halls of Residence site shall be submitted to and approved in writing by the Planning Authority. Thereafter the required number of pick-up points shall be provided and retained during the lifetime of the development.

Reason: To ensure that the infrastructure serving the development site provides a safe access for pedestrians and vehicles, with a clear view, in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10

(14) Prior to the commencement of development full details and plans showing suitable cycle parking spaces for both the High School and the Halls of Residence, calculated in accordance with the recommended levels of cycle parking provision contained within "Cycling by Design" 2010, unless otherwise agreed with the Planning Authority prior to submission, shall be submitted to and approved in writing by the Planning Authority. Thereafter cycle parking spaces shall be provided in accordance with the approved details and plans.

Reason: In the interests of road safety, amenity and to promote alternative methods of travel, in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(15.) Prior to the commencement of development working method statements shall be submitted to and agreed in writing by the Planning Authority to minimise disturbance to wintering wildfowl. Unless otherwise agreed in writing, the applicant shall avoid activities that result in disturbance to wintering wildfowl during winter months, the period of which runs from 1st October to 31st March..

The working method statements relating to temporary and permanent external lighting schemes at the site shall demonstrate that the lighting proposed has been designed to limit the impact of pollution of artificial light on wintering wildfowl. All external lighting schemes shall minimise excessive light spill, and shall not illuminate bird roosting areas.

Reason; In order to protect wintering fowl and to comply with the Birds Directive and the Wildlife and Countryside Act 1981 and Policies SP NE 10 of the Shetland Structure Plan 2000 and LPNE13 of the Shetland Local Plan 2004

(16) One month prior to the commencement of ground preparation works for the construction of the High School and Halls of Residence buildings and associated infrastructure hereby approved a further otter survey shall be undertaken, and thereafter a written report shall be submitted to and approved in writing by the Planning Authority in consultation with SNH.

Reason: To ensure that there are no new otter holts in the area and that any appropriate licences are applied, in compliance with Regulation 39 and 43 of The Conservation (Natural Habitats & c.) Regulations 1994 (as amended) (Habitats Regulations) and Shetland Structure Plan (2000) Policy SPNE8 and Shetland Local Plan (2004) Policy LPNE13.

(17) Prior to the commencement of development detailed plans of any intended reroutings of watercourses that are required shall be submitted to and agreed in writing by the Planning Authority in consultation with SEPA.

Reason: To avoid the need for culverting of watercourses and to ensure the provision of adequate water drainage as insufficient information has been submitted with the application in order to satisfy the Planning Authority that the development will not result in flooding, or be liable to flooding, and to ensure that no works are undertaken which have an adverse impact on any neighbouring properties or landownership in compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policies LPNE10 and LPWD11.

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

machinery proposed.

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

(19) Prior to the commencement of the development a scheme for the provision of wheel cleansing facilities for construction traffic shall be submitted to, and approved in writing by the Planning Authority, The scheme must include a timescale for implementation.

The approved wheel cleansing facilities must be installed and maintained throughout the demolition and construction phases of the development, unless any variation has been approved in writing by the Planning Authority.

All construction traffic leaving the site must, prior to leaving, pass through the wheel cleansing facilities unless otherwise approved in writing by the Planning Authority.

Reason: To ensure that satisfactory measures are in force to minimise the impact of mud on the public road and to comply with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(20) Notwithstanding the Flood Risk Assessment details submitted with the Environmental Statement a revised Flood Risk Assessment which shall take into account the earthworks associated with the proposed new roundabout and access road at North Lochside shall be submitted to and approved in writing by the Planning Authority prior to the commencement of development.

To ensure the provision of adequate surface water drainage as insufficient information has been submitted with the application in order to satisfy the Planning Authority that the development will not result in flooding, or be liable to flooding, and to ensure that no works are undertaken which have an adverse impact on any neighbouring properties or landownership in compliance with Shetland Structure Plan (2000) Policies GDS1 and GDS4 and Shetland Local Plan (2004) Policies LPNE10 and LPWD11.

(21) At least two months prior to the commencement of any works on the site, a site specific environmental management plan (EMP) must be submitted for the written approval of the Planning Authority in consultation with SEPA [and other agencies such as SNH as appropriate] and thereafter all work shall be carried out in accordance with the approved EMP.

The EMP shall include information to explain the methods to be used to ensure that the development does not disrupt flow of water to the habitats nor result in additional drainage away from them.

The EMP shall incorporate detailed pollution prevention and mitigation measures for all construction elements of the development potentially capable of giving rise to pollution during: all phases of construction; reinstatement after construction; and final site decommissioning.

Reason: To control pollution of air, land and water and to comply with Shetland Structure Plan 200 Policy GDS 4 and Shetland Local Plan 2004 Policy LPNE10.

(22) Access to the site shall be afforded at all times to the Shetland Regional Archaeologist, or their representative (if not the archaeological supervisor), who are charged by the Planning Authority to observe work in progress and record items of interest and finds.

- Prior to commencement of construction works all sites of archaeological interest that are likely to be destroyed or damaged shall be recorded to a suitable standard. This recording shall include a phased programme of excavation, survey and detailed photography.
- A suitable recording strategy shall be finalised on a site by site basis where archaeological interest exists in conjunction with the Shetland Regional Archaeologist. The results of all evaluation work shall be submitted to the Planning Authority and the Shetland Sites and Monuments Record .
- The developer shall seek to avoid known sites of archaeological interest where practicable.
- A general watching brief shall be implemented in any area as advised by the Shetland Regional Archaeologist during specific ground breaking works during construction, to allow any previously undiscovered sites which are uncovered to be recorded to a suitable standard. Time shall be given to excavate and record these sites if necessary.
- The developer shall report any finds during the works, including during earthworks to the Planning Authority and the Shetland Regional Archaeologist. Should any evidence of historical artefacts be found work shall stop until and an appropriate mitigation strategy has been agreed with the Planning Authority in consultation with the Shetland Regional Archaeologist, and thereafter the agreed mitigation strategy shall be implemented in full.
- All known sensitive sites in proximity to the works hereby approved (that are unlikely to be destroyed), but are close to construction works, shall be roped off or marked to aid identification as "buffer zones" . The extents of these 'buffer zones' shall be established, having been agreed to in writing by the Planning Authority in consultation with the Shetland Regional Archaeologist beforehand, prior to the ground preparation works for the construction of the High School and Halls of Residence buildings and associated infrastructure hereby approved commencing.
- The developer shall give the Planning Authority in consultation with the Shetland Regional Archaeologist an opportunity to interpret the archaeology of the site once the investigative surveys are complete.

Reason: In order to establish and protect any archaeological and historical features found within the area of development which are of significant historical importance to Shetland and in compliance with Shetland Structure Plan (2000) Policy SPBE2, Shetland Local Plan (2004) Policy LPNE10, and PAN 2/2011 Planning and Archaeology.

(23) In so far as this consent shall relate to the foul drainage to be constructed in association with the development it shall relate only to provision of: Connection to the public sewer. No part of the development shall be occupied until foul drainage works have been completed in accordance with the approved plans and/or details, and the connections within the High School and Halls of Residence buildings to reach the public sewer are complete and are fully operational.

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

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

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

(25) Development shall not commence until a scheme for the landscaping of the site has first been submitted to and approved in writing by the Planning Authority. The approved landscaping scheme shall be:

Completed not later than the end of the first planting season (which runs from 1st May to 15th August for the sowing of grass seeds mixtures, and runs between 1st March and 15th May or before new leaf growth takes place (whichever is the soonest) for the planting of bare root stock trees, shrubs and hedges, and between 1st March and 15th August for potted and cell grown stock trees, shrubs and hedges) following occupation of the development.

The hard and soft landscaping carried out under the approved landscaping scheme shall, from its completion, be maintained for a period of five years. The maintenance to be carried out shall include, as appropriate; weeding early in each growing season, and as necessary thereafter; to prevent the growth of plants being retarded; maintaining any fences around planted areas in a stock and rabbit proof condition; and the replacement with others of similar size and

species of any tree, shrub or hedge that dies, becomes diseased or is removed, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision of an appropriate level of landscaping which will make a positive contribution to the development and its surroundings, and 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.

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

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

Notes to Applicant:

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.

Building Warrant

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

Waste peat

SEPA advise that it should be noted that any peat that is removed from the site will be considered as waste and will need to be either disposed of to a suitably licensed facility or require a waste management exemption from it to be put to suitable use elsewhere. There will also need to be a relevant planning permission in place. Further advice on waste management exemptions is available from the SEPA local operations team or

www.sepa.org.uk/waste/waste_regulation/application_forms/exempt_activities.aspx.

Surface water drainage scheme

The finalised SUDS proposals should take into consideration any land contamination issues. SUDS which use infiltration will not be suitable where infiltration is through land containing contaminants which are likely to be mobilised into surface water or groundwater. This can be overcome by restricting infiltration to areas which are not affected by contamination, or constructing SUDS with an impermeable base layer to separate the surface water drainage system from the contaminated area. SUDS which do not use infiltration are still effective at treating and attenuating surface water. Please refer to the advice note by SEPA on SUDS and brownfield sites for further information.

Footpath Route Protection

Public Right of Way formal permission for the Stopping Up or Diversion of the footpath must be obtained in advance under the appropriate statutory procedures. Contact the Council's Access Officer for further advice in this respect.

Environmental Health - Ordnance

Finally it was noted that there was little mention of the military remains (former live firing range) to the west of the High School building's site. Although there has been no evidence to suggest the existence of residual contamination from the former use, it would be prudent to be wary of this area and make precautions for dealing with any buried ordnance and surface soils contaminated with spent shot.

MacNeill Richard@Development Service

From: Alan Farningham [alan.farningham@farnmac.co.uk]
Sent: 03 September 2014 15:08
To: MacNeill Richard@Development Service
Subject: Proposed New Anderson High School, Lerwick - Planning Application Reference No. 2014/117/PPF

Dear Mr MacNeill

I write on behalf of my client Shetland Leasing and Property Developments Ltd who own the adjoining land to the north-west of the proposed school which, as you will be aware, is currently the subject of a planning application for permission in principle for residential development.

At the outset, I would advise that my client has no objections in principle to the proposed school and halls of residence.

Figure 1.2: Site Layout Plan submitted with the planning application and related Environmental Statement which articulates the 'red line' boundary of the site, highlights a 'Future Connection' off the proposed distributor road serving the new school to facilitate future housing at North Stanley Hill to the north-west.

Within the terms of the Deed of Servitude signed with my client when purchasing the land for the school, Shetland Islands Council has an obligation to construct the new roundabout and access road to not only service the new school, but also any future housing development on land to the north-west.

Notwithstanding this legally binding obligation, it is important that in order to ensure the proper and timeous planning of the area, there are no ransom strips held within the confines of the new school development area which could potentially preclude or delay development to the north-west.

In this regard, it is noted that on Figure 1.2, the 'Future Connection' link road to future residential development to the north-west falls short of the mutual 'red line' site boundary.

My client would therefore seek confirmation in writing from the Planning Department that in the event of the school being granted permission, there will be a planning condition and/or a clause in any associated Section 75 Agreement precluding any form of ransom strip and that the link road, including all associated services, will be taken up to and including the mutual site boundary.

I would be grateful if you could please acknowledge receipt of this email and advise on the Council's position regarding this matter.

I look forward to hearing from you.

Kind regards

Alan R Farningham
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**Planning Committee****15 September 2014****2014/190/PPF – To Construct Helipad Consisting of 10m Diameter Asphalt Landing Circle with 3.5m Access Road from South Lochside with a Turning Head****Report Number : PL-09-14-F****Report Presented by Planning Officer –
Development Management, Planning****Development Services Department
Planning Service**

1.0 Summary

- 1.1 SIC Emergency Planning on behalf of the Shetland Emergency Planning Forum (SEPF) has applied for the siting of a dedicated Emergency Helicopter Landing Site (EHLS), located on the existing playing fields between the football pitches south of the Clickimin Leisure Centre, Lerwick.
- 1.2 The current dedicated landing site (to the west of the Clickimin complex building) was granted permanent planning permission in August 2012, having previously been granted temporary planning consent in November 2009 for a period of 3 years to allow the monitoring of emergency movements to be undertaken.
- 1.3 This planning application is submitted in response to a need to find an alternative site as the Maritime and Coastguard Agency have confirmed that the proposals for the new high school (subject to a separate planning application ref: 2014/117/PPF) would prevent the continued use of the existing site. The following agencies were consulted on the impact that the proposed new school and halls of residence would have on the current EHLS:
 - Shetland Islands Council – Emergency Planning and Resilience
 - Maritime and Coastguard Agency
 - HM Coastguard SAR S92A helicopter pilots
 - Shetland Ambulance Service
 - Scottish Ambulance Service (Air Ambulance)
 - NHS Shetland
 - Shetland Islands Council – Roads Service
 - Shetland Islands Council – Sports and Leisure
 - Scottish Environment Protection Agency

- 1.4 The applicant states that the above organisations are all supportive of the proposal to relocate the EHLS to the playing fields to the south of the Clickimin Leisure Complex. Letters of support from some of the agencies are available with the application documents.
- 1.5 The proposal is to retain a fit for purpose landing facility within close proximity of the Gilbert Bain Hospital. The availability of a suitable emergency landing site in close proximity to the hospital is considered by SEPF and the emergency services to be crucial, and although the helicopter may land anywhere at any time, it is much more desirable to have a dedicated landing site.
- 1.6 According to the applicant the general area has been used for landings since the 1990s. An earlier dedicated emergency landing site within Lerwick was lost to the community when the Clickimin running track was redeveloped for the Island Games in 2005. Consequently SEPF met several times since 2002 to identify a replacement site close to the Gilbert Bain Hospital but with no success.
- 1.7 Feasibility studies were undertaken in 2008 to find potential sites in and around Lerwick for a replacement EHLS, details of which are provided in the supporting document provided with the planning application. These potential landing sites were reconsidered in 2014 by the Anderson High School project team and the SEPF Executive and were again discounted for the same reasons. Additional sites were also considered, being the large paved area to the north of the existing Anderson High School, and the site which is the subject of this current application. The paved area nearby the existing school was discounted due to building proximity, with the playing field site offering a suitable flight path approach over open space. The playing field site would require a paved landing area and vehicle access for the ambulance to provide a suitable EHLS. This is considered by the SEPF to be the preferred location.
- 1.8 There are a number of objections to the proposal from nearby residents and recreational users of the sports fields. The representations cite concerns over noise and disruption, safety, property value and insurance, compatibility with the surrounding uses, and property damage.
- 1.9 The Town and Country Planning Scotland Act 1997 (as amended), Section 43A states that 'The planning authority may, if they think fit, decide themselves to determine an application which would otherwise fall to be determined by a person so appointed'. In coming to a decision regard was had to the clear association between the new Anderson High School planning application and the consequent displacement of the existing landing site. Furthermore the Community Council have provided comment on the school proposals and would like both to be looked at together. It is worthy of note that the landing pad proposals were referred to in the school Environmental Statement (although not expressly referred to in the Pre-Application Consultation (PAC) development description). In light of this it is considered that it would be beneficial for the Members to have both applications before them, to allow a full understanding and proper planning assessment of the implications of the linked developments.

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.

There are statutory development plan policies against which this application has to be assessed. 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
SPNE1 - Design
SPBE1 - Built Heritage

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

LPNE10 - Development and the Environment
LPNE11 - Local Protection Areas
LPBE6 - Listed Buildings
LPBE13 - Design

Shetland Islands Council Local Development Plan (2012)

GP1 – Sustainable Development
GP2 – General Requirements for All Development
GP3 – All Development: Layout and Design
HE1 – Historic Environment

Safeguarding

- Housing Zone 1
- Military Unclassified
- MOD Area Met Station Lerwick any development greater than 45.7m above ground level.
- Area of Best Fit 'Lerwick'
- Local Protection Area
- Tingwall Wind Turbine Safeguarding
- Core Paths
- 5m Contour Area

4.0 Report

- 4.1 When considering a proposal of this nature, the planning authority must determine those aspects of the proposal that are within the control of planning legislation, and which could be legitimately assessed for determination under the planning process. In general an ad hoc helicopter site will not attract the need for planning consent unless it is intended for use on more than 28 days in any calendar year. However, any permanent structures to be erected in connection with the use of the site may require planning permission. In this instance, and on the basis of the physical infrastructure and likelihood of a use for landings on more than 28 days in a year, planning permission is required.
- 4.2 This planning application was received valid on the 19th June 2014. The Planning Service completed the statutory neighbour notifications. In addition, it is recognised that the use of the site for helicopter landings would likely introduce noise and activity between the hours of 8pm and 8am, and be an operation or use that may affect residential property by reason of noise, therefore the receipt of the planning application, and how to inspect the details, was advertised in the Shetland Times on 27 June 2014. This was in order to ensure that the statutory procedures for the notification and advertisement of the planning application were completed as required by regulations and to ensure a wide notification of the development.
- 4.3 As a result of the notifications, advertisement, and press reports, a number of individual representations and petitions containing multiple signatures from residents (some of which are duplicates of those submitted individually), and a letter of representation from the Shetland Football Partnership have been received objecting to the proposal. The main concerns are as follows:
- Noise disturbance
 - Incompatibility of the use with the surrounding uses
 - Impact upon general amenity
 - Property damage
 - Safety
 - Loss of greenbelt
 - Impact upon property value and insurance
 - Lack of consultation with residents and recreational/sporting users
 - Affect of downdraft from helicopter
 - Other more suitable sites
 - Driver distraction
 - Loss of car parking spaces for the applicants
- 4.4 The proposal is assessed against those planning policies pertinent to the type of development. These relate to environmental protection, the compatibility of the use with the existing uses in the area, and the maintenance of an acceptable level of amenity. Additional material considerations are also relevant to the assessment, including the policies contained within the local Development Plan, any precedent of use and existing planning permissions, and the need for the siting of the landing facility (in so far as this may justify its location as a way to counter any detrimental impact).

- 4.5 In this case it is important to note that the emergency transport movements themselves fall outwith the scope of planning control, and in times of emergency, air transport may utilise any site or area within Lerwick where it is safe to land as prescribed under separate controls. This however is not preferred to a dedicated site which the applicants consider to be fit for purpose, thereby reducing the health and safety risk to users and the public. Nevertheless the planning authority must also be conscious of the potential intensification of use that a dedicated site might encourage and the likelihood that this may increase the level of disturbance to any immediate neighbours of the site.
- 4.6 Representations express disappointment over a lack of consultation on the development. It should be recognised that the Planning Service is not able to insist that the developer/applicant undertake public consultations prior to the submission of their application. This is on account of local planning applications of this nature not being subject to a requirement for a formal PAC by the applicant. However, the applicant lists a number of agencies that they consulted in respect of the displacement of the EHLS due to the current high school application. It is also recognised that the displacement of the EHLS to the applied for site was detailed in the Environmental Statement (ES) and supporting documents submitted as part of the new high school planning application and was available to the general public as part of the formal PAC, albeit without explicit reference in the development description. The applicant has recently taken part in a site meeting to answer questions posed by the objectors. A written summary of the response was issued to the affected parties and it is apparent from the number and nature of the representations that all stakeholders and the general public are aware of the development ensuring that no one's right to be involved in the planning process was prejudiced.
- 4.7 In relation to the need for the siting of the facility in the proposed area, the application documents explain that the site would be for occasional use throughout the year where it is considered that the additional time and transport from Tingwall or Sumburgh could have serious implications, for example, leaving the crew vulnerable to looking after potentially life threatening cases, with the additional concern of taking the aircraft out of service for search and rescue whilst it waits for ambulance transit, which the SEPF state at times has been rerouted for 999 call response leaving the patient more vulnerable to delay. It is also demonstrated that alternative sites within Lerwick have been considered and have been discounted as being less suitable.
- 4.8 In relation to the proposal's impact on residential amenity, and in particular noise, again it is important to recognise that emergency air transport movements cannot be limited through planning legislation. It is outwith the remit of the Planning and Environmental Health services to seek noise assessments or preventative measures. However, it is recognised that the provision of a dedicated site would direct the flight movements to the defined area, increasing the frequency of use in that locality. The potential intensification of the site and associated noise disturbance is therefore a material consideration.

- 4.9 Notwithstanding the above, the Planning Committee may wish to note that a noise assessment was undertaken and submitted forming part of the ES provided in support of the planning application for the new high school. The summary of this states that an assessment of noise from the use of the proposed relocated helipad has identified that, accounting for the limited number of operations, their short duration and their nature (i.e. emergency only), at worst, a moderate adverse effect (significant) would arise at the closest dwellings on South Lochside. It should however be noted that such events could arise regardless of whether the proposed helipad is approved or not.
- 4.10 During the period of active use of the current landing site following the granting of planning permission, the applicant has provided a register of use clearly showing that all transport movements to the site have been in response to medical evacuations. The register has shown that over a 24 month period there were 92 landings, with 59 day time, 31 night time and 2 day/night time. Subsequent registers confirm that between 2010 and 2013 there was on average 1 landing per week with the majority of landings being during the daytime. It is accepted that there is an element of noise disruption during times of use. However, the frequency of the use, and the overriding benefit to the wider community, are material considerations that must be balanced against the level of noise disturbance.
- 4.11 It is stressed that the proposal is intended for use only under those circumstances that emergency transport is required. This would be for occasional use throughout the year. On account of this the Environmental Health Service, who regulate noise nuisance for the Council, have no objection. It should be noted that whilst the CAA governs Aircraft noise, the site, being for emergency use only, does not require a license from the CAA and will be operated by the Council as an unlicensed site.
- 4.12 Objectors are concerned that alternative sites have not been considered. In respect of this it is noted that the SEPF had undertaken a feasibility study in 2008, with further additional sites considered as part of the new Anderson High School development project. The SEPF consider that there are no other alternative sites that are more suitable than the chosen application site. Whilst there is no requirement for an applicant, when submitting a local planning application, to consider alternative sites, the need for a development in a particular location (as previously mentioned) requires to be demonstrated if its detrimental effects are such that an overriding need must be shown. In this instance it is considered that alternatives have been considered and there is a very strong case for a need for the facility in the general area. Therefore the planning application must be determined on its own merits with the benefits balanced against any impacts.
- 4.13 In this respect it is considered that the proposal for the new landing site is justified appropriately, with the register of use demonstrating an infrequent noise disturbance to nearby residents, thus creating a moderate additional disturbance to the residential amenity of the area above and beyond that which already exists. This is on account of emergency transport already having been landing in the general area

for some time prior to the formal permission for the existing site first being granted in 2009.

- 4.14 In relation to general amenity the amount of physical alteration is limited (albeit following some ground excavations). The tarmac resurfacing and access provision would have minimal visual impact. There is considered to be no detrimental impact upon the amenity of the site, and visually the proposed site is very unobtrusive.
- 4.15 With reference to heritage interests, as the proposal is considered to be of a minimal visual impact, and would be located at a distance from the Clickimin Broch there would be no detrimental impact upon the Scheduled Monument or its setting.
- 4.16 Public access around the loch and to/from the leisure centre remains unobstructed; lighting will also be maintained so that there is no reduction in light levels for pedestrians. The Council's Outdoor Access Officer has no objection to the proposal.
- 4.17 Objectors cite a loss of 'greenbelt' land as a concern. It should be recognised that there are no 'greenbelts' within Shetland. The football fields are however, part of a Local Protection Area (LPA), therefore in accordance with Council policy where an area has been identified as a LPA (in this case being part of the Clickimin recreational area), only applications for the development of facilities, which benefit the community as a whole, will be considered.
- 4.18 Furthermore the safety of helicopter operations would be controlled by the Coastguard, and it is to be expected that procedures would be put in place to manage the site for landings. There would be merit in these, when they are established, being publicised to assist in educating the recreational users of the site and nearby neighbours. Any marginal re-positioning of the football pitch would be required to be completed as soon as possible to avoid any unnecessary loss of the facility. The physical infrastructure and possible realignment of the football pitch would ensure that the recreational use of the site would not be overly compromised. In respect of the compatibility of the site with the surrounding playing fields, which are part of the LPA, it is considered that, given the demonstrable frequency of use, there will be limited conflict of uses and the degree of compatibility is considered to be acceptable.
- 4.19 In relation to the proximity of the landing site to property and any resultant vibration, downdrafts, and risk of damage to property, there is no specific guidance on this matter. However general helicopter guidelines indicate that downwash can be quantified and compared with generally high, gusty, wind conditions, with the effects being greatest close to the rotor and dissipating with distance. Generally speaking loose objects should not be permitted closer than 30 – 50m from the edge of the helipad where downwash may be sufficient to move such objects. When considering the concern over building damage, provided buildings are designed to withstand gusty conditions, no extra measures should be required to protect a structure against regular helicopter operations. Furthermore a separation in excess of 60m from the landing area to the nearest dwellings/buildings

appears sufficient to ensure that building damage does not occur from downdrafts and would minimise the risk of lightweight objects being moved within close proximity to a landing. The Coastguard/SEPF management of the facility should be sufficient to ensure that there is minimal risk to any light or insecure objects, cladding, or structures within 50m of the site. It is considered appropriate to seek further details for approval via planning condition.

- 4.20 In respect of any claim that the development may de-value a property or concerns that insurance premiums may be altered, these are not planning considerations and should be ignored. Residents may seek independent advice on this matter.
- 4.21 The granting of planning permission for the existing landing facility is a precedent that is material to the current application. Whilst the particular circumstances differ in terms of the proximity to the nearest residential dwellings and recreational pitches, the proposals are both assessed under the terms of the same Development Plan, with the same material considerations. It is necessary to consider, where appropriate, the consistent application of policies when determining the current application.
- 4.22 It is considered that the location of the landing site would not lead to a significant intensification of use within the wider area. However, it is recognised that the applied for site would bring more frequent helicopter landings closer to a number of properties on South Lochside (compared to the existing dedicated site), thereby increasing the existing level of noise and disturbance to a number of residents (although it should be recognised that the helicopter occasionally lands in the applied for area when the existing dedicated site is not available).
- 4.23 In light of the above, the demonstrated frequency and nature of the use serves to minimise the impact to an acceptable level and there are wider public interests from providing the facility that outweigh those immediate impacts. Furthermore with the appropriate site control by the Coastguard and SEPF etc the use of the site would not compromise existing health and safety standards.
- 4.24 A condition is proposed requiring the submission of an annual log of use for the facility to ensure that it continues to be used only for emergency transport. The dedicated surface for emergency landing at the site would provide an important service to the community, improving the safety potential for emergency operations without any unacceptable significant adverse impacts. It should also be a requirement of the consent that the developer/user of the site provides details of the procedures for managing the site during landing and take-off.

5.0 Implications (of Decision)

Strategic

- 5.1 Delivery on Corporate Priorities – A decision made on the planning application that accords with the development plan would contribute directly to the Single Outcome Agreement through the outcome that we live in well designed, sustainable places.
- 5.2 Community/Stakeholder Issues – Standard consultations were sent during the processing of the application and the application was advertised in the Shetland Times on 27.06.2014.

5.2.1 **Lerwick Community Council** – no comments received at the time of reporting.

5.2.2 **Environmental Health** – Construction of the helipad – The Control of Pollution Act 1974 applies here. However, it appears that there will be no blasting or piling etc but they must still ensure that the best practicable means are employed to minimize noise during the ground works and construction. This includes reasonable times of operation, plant or machinery which is or is not to be used and levels of noise or dust from the site. So far as the landfill material is concerned, I understand that it will not be disturbed unduly; however, I would advise the developer/applicant to fence off the area to prevent any environmental issues.

Helicopter Movements – During 2010 – 2013 there were 203 movements, which equates to approximately 1 movement per week. I concur with Neville Davis, RCC Manager, Shetland Coastguard (Appendix A) saying; 'The Emergency Landing Site (ELS) is of benefit to all the emergency services, the casualties involved in delivery to the ELS and to the whole population of Shetland by minimising ambulance time in dealing with helicopter borne casualties bound for the Gilbert Bain Hospital'

It may be prudent (for instance) for the developers/applicant to send out letters to the occupants of South Lochside and possibly Russell Crescent and Cairnfield Road regarding occasional noise disturbances.

5.2.3 Shetland Islands Council – **Outdoor Access Officer**. This development should not adversely affect any core paths in the area. Also, to the best of my knowledge there are no public rights of way that would be affected by the development, however, this does not preclude the possibility of un-recorded public rights existing which may be claimed once their use is threatened.

5.2.4 Shetland Islands Council – **Roads Traffic Service**. That length of the access crossing the public road verge or footway must be constructed to the satisfaction of The Shetland Islands Council Roads Service prior to carrying out any works to form an access onto the public road.

5.2.5 Individual written representations have been received as follows:

- Mr A McMillan 13 South Lochside (letter representing residents of South Lochside)
- Mr A McMillan (email)
- Peter Malcolmson Balaskerry, Sundhamar, Lerwick (representing Shetland Football Partnership)
- Carina Mclatchie (email)
- Lorretta Leask 7 South Lochside.
- Residents of South Lochside and Westerloch letter and petition.
 - Michael Lynch, 12 South Lochside.
 - David Leask, 11 South Lochside.
 - M Groat 9 South Lochside.
 - R Garnier, 8 South Lochside.
 - Mr L Leask and Philomena Leask 7 South Lochside.
 - J Kyndes, 6 South Lochside.
 - Gail McMillan and Sandy McMillan 13 South Lochside.
 - Callum Moncrieff and D Moncrieff, 10 South Lochside.
 - Ronnie Gair and Amy Gair 23, Westerloch Drive.

5.3 Policy And/Or Delegated Authority – The application is for a development falling within the category of Local Development. By virtue of S43A of The Town and Country Planning Scotland Act 1997 (as amended) the decision to determine the application is delegated to the Planning Committee.

5.4 Risk Management – If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. Furthermore, it provides 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 Taking the comments and representations received into account, and having assessed the proposed development against Shetland Structure Plan (2000); Shetland Local Plan (2004); and Shetland Local Development Plan (2012) (the Council having resolved to adopt the LDP), policies listed in paragraph 3.1, the proposal is found to be compliant with their aims.

6.2 For the reasons set out in section 4 above the proposal complies with development plan policy and is recommended for approval. Therefore the proposal accords with the relevant provisions of the Shetland Islands Council Local Plan Policies LPNE10; LPBE6; LPBE13; and LPNE11; and Shetland Structure Plan Policies GDS1; GDS4; SPNE1;

and SPBE1; and GP1; GP2; GP3; and HE1 of the Shetland Local Development Plan (2012) (pending adoption and as such being a material consideration)

- 6.3 Therefore, subject to the conditions listed in the schedule appended to the report this application is recommended for approval.

For further information please contact:

Matthew Taylor, Planning Officer – Development Management

Tel: 01595 7443963 Email: matthew.taylor@shetland.gov.uk

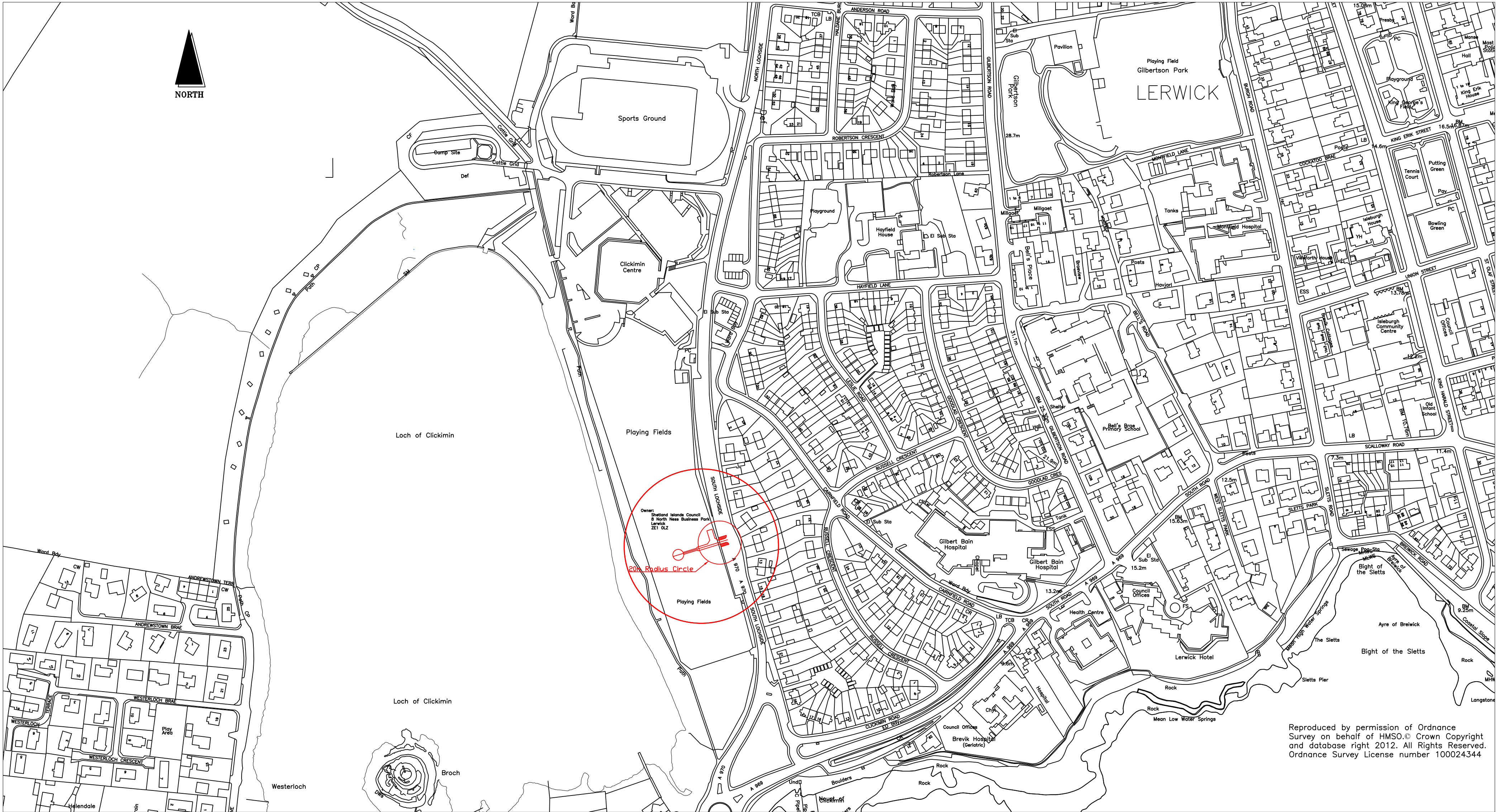
Report cleared: 05 September 2014

List of Appendices

- 1a. Site Plan
- 1b. Layout Plan
2. Sections Drawing
3. Schedule of Conditions

Background documents:

- [Shetland Structure Plan \(2000\)](#)
- [Shetland Local Plan \(2004\) \(as amended\)](#)
- Shetland Local Development Plan (2012) (pending adoption following a resolution by the Council to adopt)

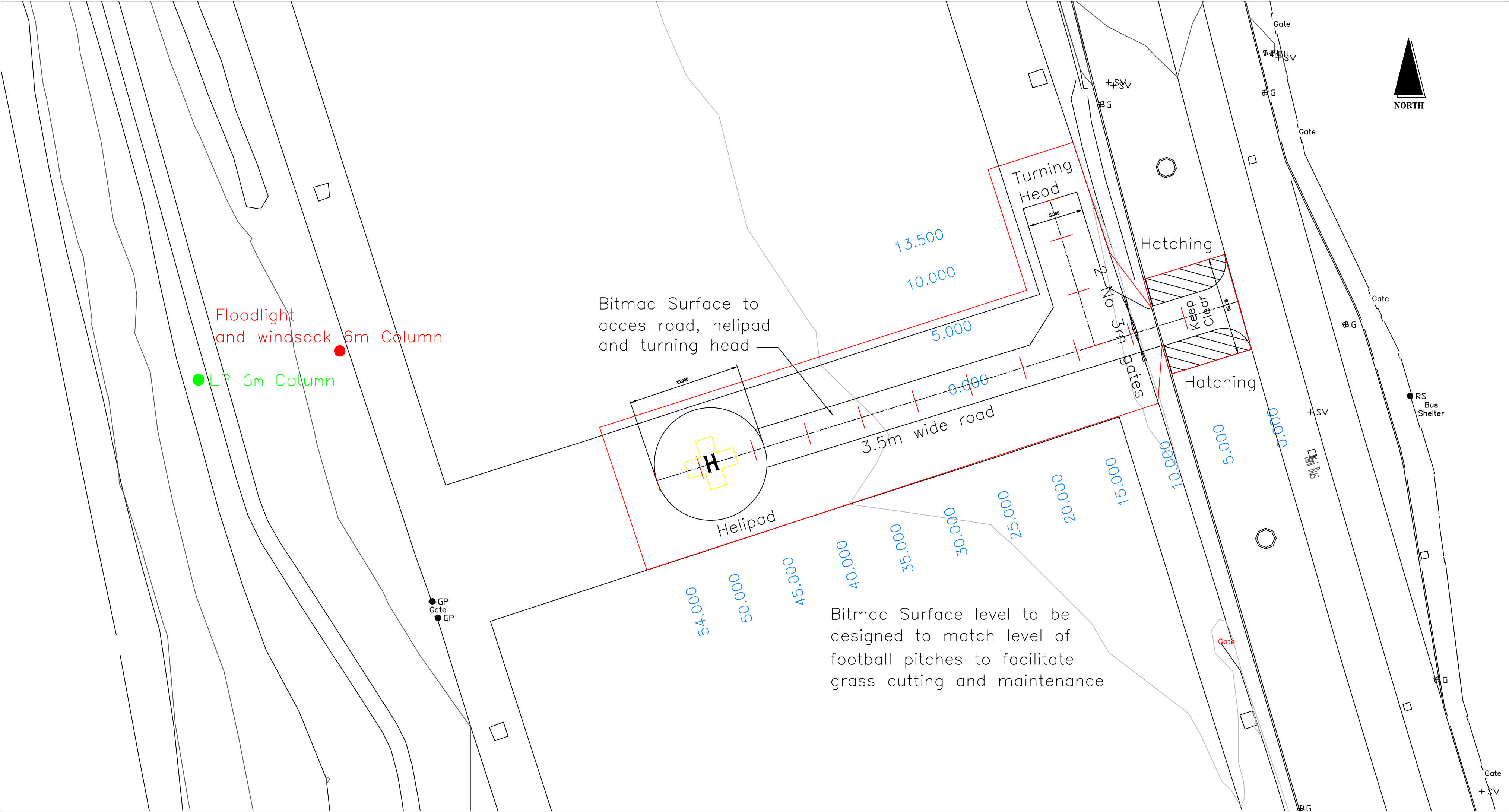


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LOCATION PLAN


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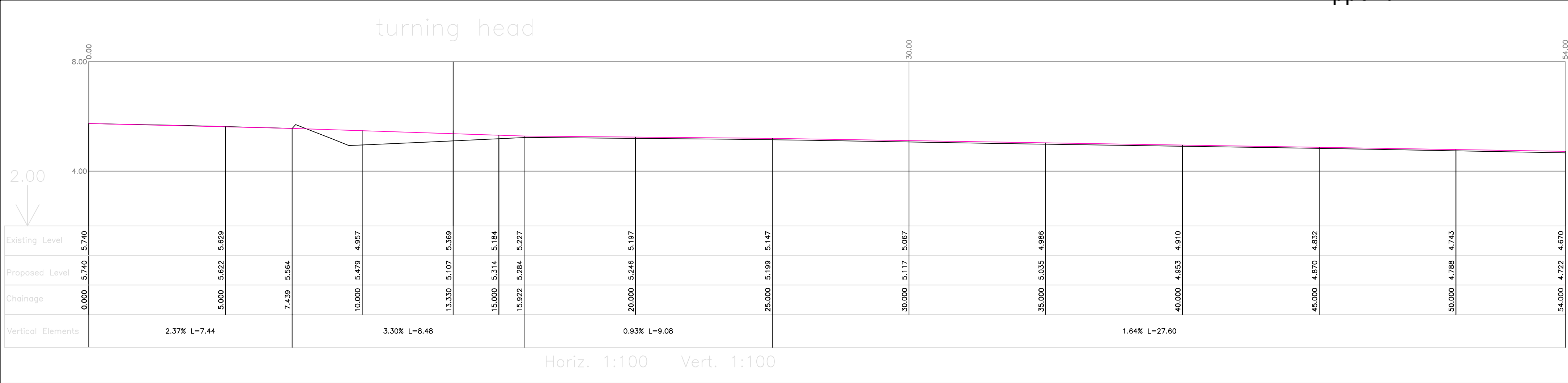
Rev.	Date	By	Revision	Ch'k'd
Scheme				
CLICKIMIN HELIPAD				
Title				
LAYOUT PLAN				
Shetland Islands Council				
Infrastructure Services				
Roads Service				
Gremista, Lerwick, Shetland, ZE1 0PX				
Telephone: Lerwick (01595) 744866				
Fax: Lerwick (01595) 744869				
Date	Nov 2013	Drawn	TGL	Ch'k'd
Scale	As Shown			
File No.	R/L/A17-01		Rev.	



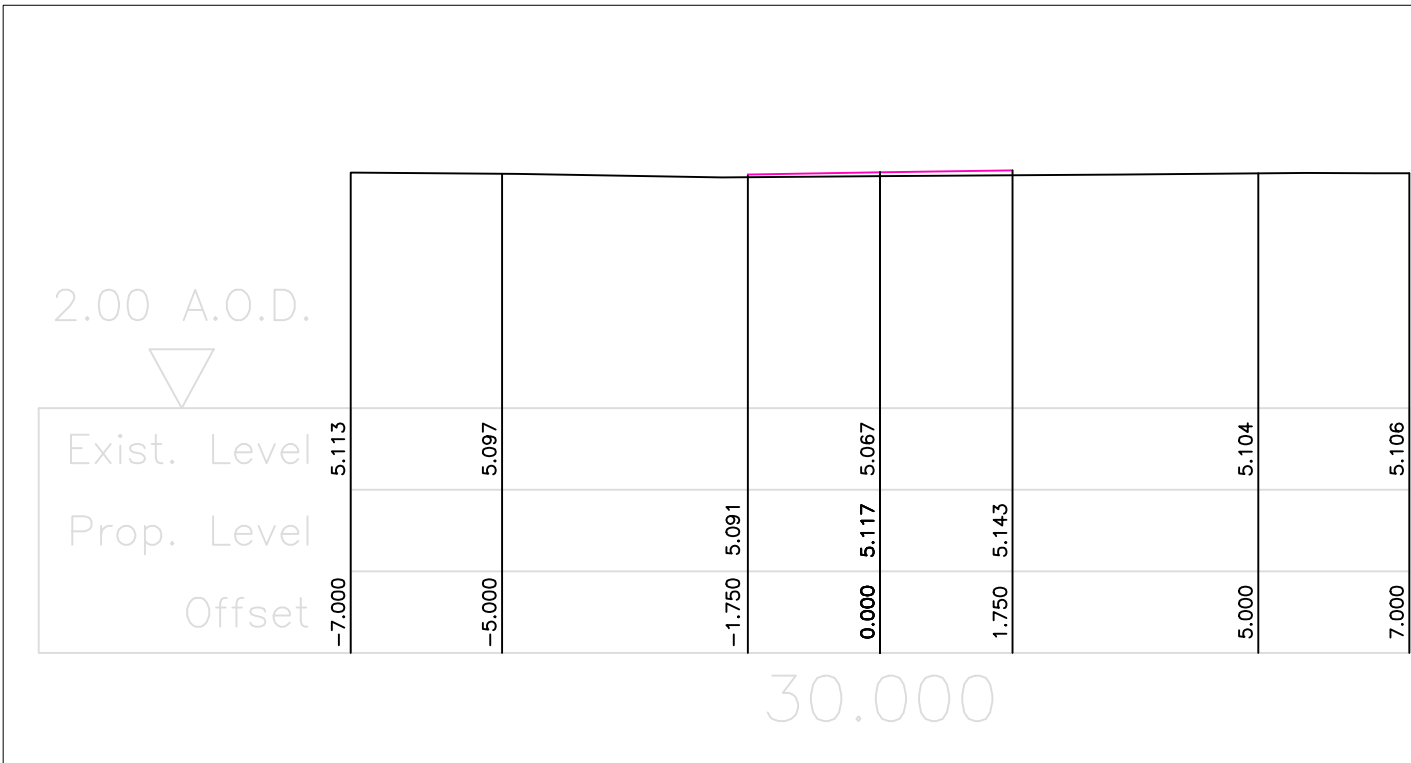
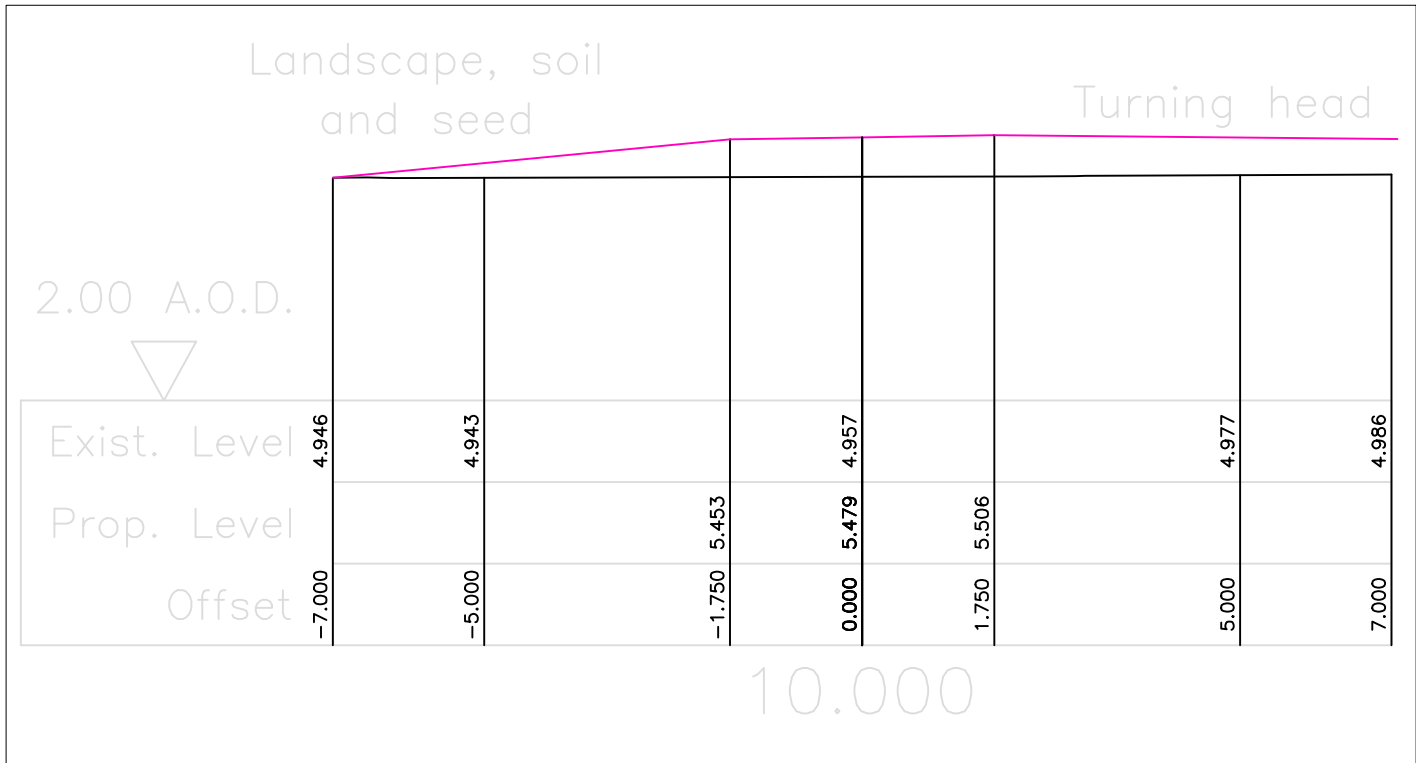
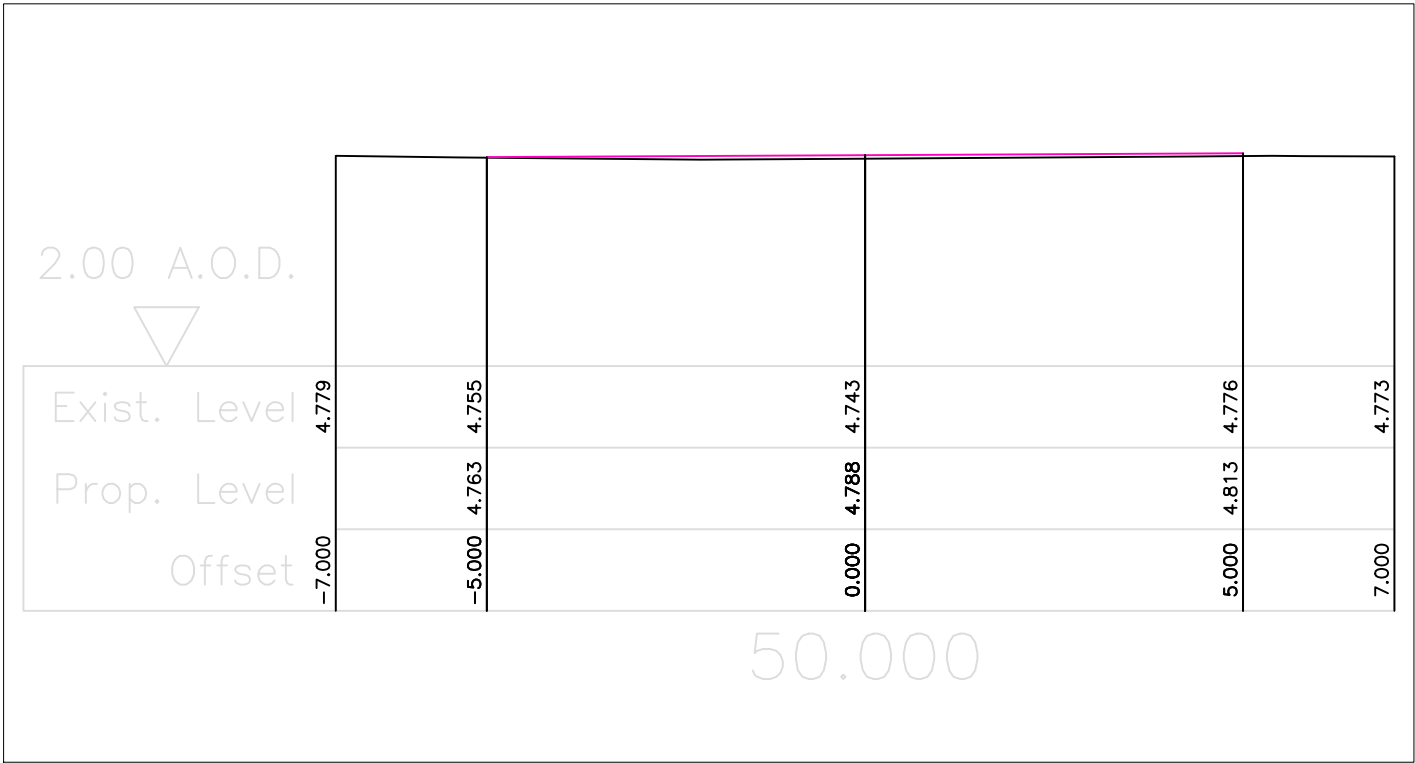
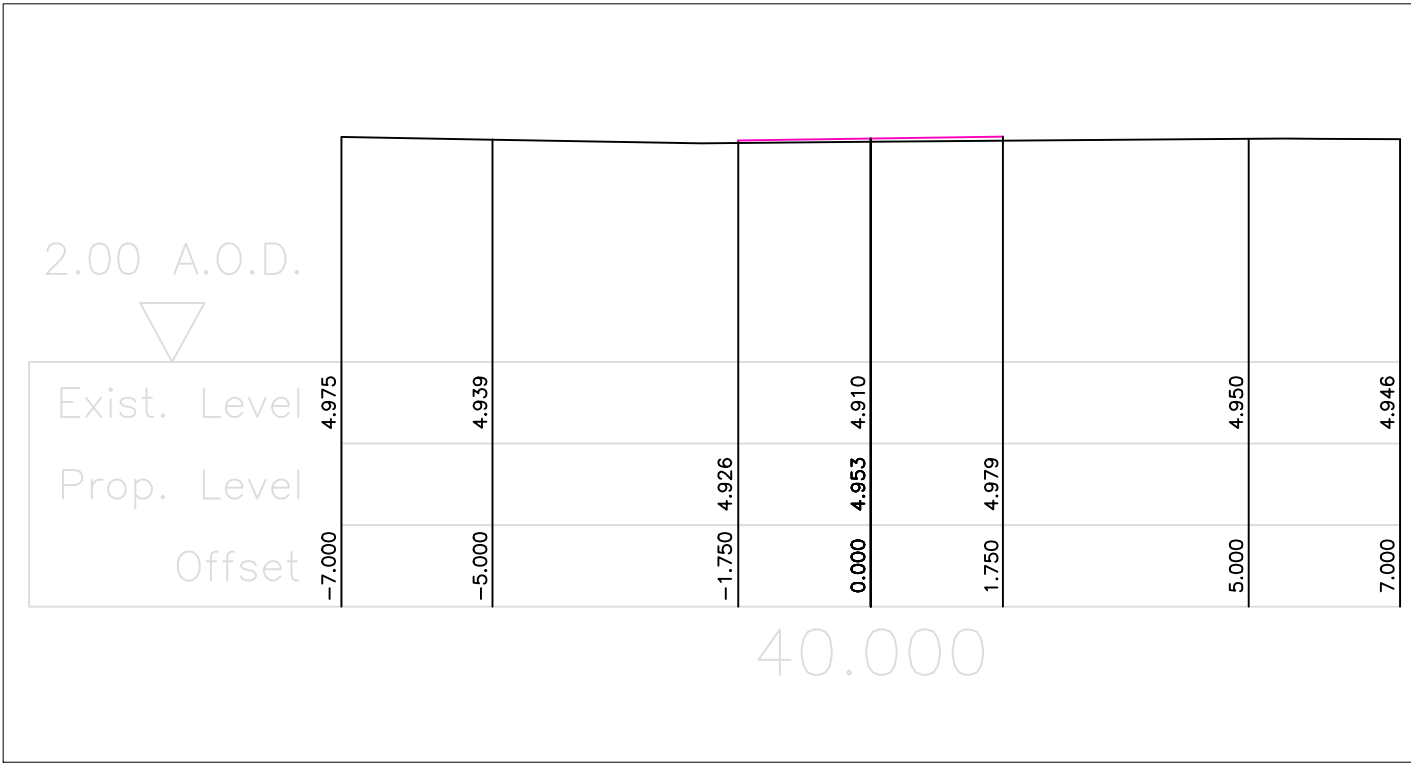
LAYOUT PLAN

SCALE 1:250

Rev.	Date	By	Revision	Ch'k'd
Scheme				<div>Shetland Islands Council</div> <div>Infrastructure Services Roads Service Gremista, Lerwick, Shetland, ZE1 0PX Telephone: Lerwick (01595) 744866 Fax: Lerwick (01595) 744869</div> <div></div>
CLICKIMIN HELIPAD				
Title				Date Nov 2013
LAYOUT PLAN				Drawn TGL
				Ch'k'd
				Scale As Shown
File No.				Drg.No. R/L/A17-02
				Rev.



LONGITUDINAL SECTION



CROSS SECTIONS

SCALE 1:100 Horiz 1:100 Vert

Rev.	Date	By	Revision	Ch'k'd
Scheme				
CLICKIMIN HELIPAD				
Shetland Islands Council				
Infrastructure Services Roads Service Gremista, Lerwick, Shetland, ZE1 0PX Telephone: Lerwick (01595) 744866 Fax: Lerwick (01595) 744869				
Title				
SECTIONS				
Date	Nov 2013	Drawn	TGL	Ch'k'd
File No.		Dr'g.No.		Rev.
R/L/A17-03				

2014/190/PPF: Schedule of Conditions

Reasons for Council's decision:

(1.) The landing site is for emergency helicopter use only and is not intended for routine transport needs. As emergency landings have operated nearby for a number of years, it is demonstrated that the landing facility does not introduce any significant intensification of use to the general area. Any additional amenity impact experienced by the nearest residential properties and recreational users is kept to a minimum by the restriction of the site for 'emergency' use and the demonstrated frequency of that use, with the majority being daytime operations. On balance there are considered overriding public interests to provide the facility which outweigh the level of disturbance that may occur. The resurfacing of the site will have no negative visual amenity impact, and the additional infrastructure is minimal. By virtue of: the type, extent and use of the site; and surface treatment; and subject to appropriate controlling conditions limiting the use of the site only in 'emergency' situations, the proposal accords with Policy GDS1, GDS4, SPNE1, and SPBE1 of the Shetland Structure Plan (2000), Policy, LPNE10, and LPBE6 and LPBE13 of the Shetland Local Plan (June 2004); and Policy GP1, GP2, GP3, and HE1 of the Shetland Local Development Plan (2012).

10. List of approved plans:

- Layout Plan Drg No R/L/A17-02
- Sections Drg No R/L/A17-03

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.) Notwithstanding the details on the approved application, the landing site shall be used for emergency transport only. The landing pad shall not be used for routine transport needs. At 1 year following the commencement of use of the landing pad (a written notice of the commencement of use to be submitted to the Planning Authority), and at 12-month intervals thereafter, Shetland Islands Council Emergency Planning, in collaboration with other stakeholders, shall provide a register of use detailing the number and nature of landing pad use at the site during the preceding 12-month period concerned. This register shall be submitted to and agreed in writing by the Planning Authority.

Reason: To ensure the development continues as approved for emergency use, to limit non essential movements in order to protect the amenity of residential properties within the area, in compliance with the provision and intent of Policy LPCOM5, LPCSF4 of the Shetland Local Plan (June 2004).

(4.) Notwithstanding the details on the approved plans, should the site no longer be required for emergency transport use, the site shall be reinstated as a recreational area to serve the Clickimin Leisure Centre in accordance with details that shall first be submitted and approved in writing by the Planning Authority, unless a planning application is otherwise submitted for an alternative use.

Reason: To ensure that the site is maintained and managed for a beneficial use and to avoid any reduction in the visual amenity of the area. In compliance with Shetland Islands Council Local Plan (2004) Policy LPNE10.

(5.) Prior to the landing site being brought into use, a statement detailing the procedures to be applied to the management of the site during landing, including those measures to evacuate the landing area and make safe any loose objects, shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing.

Reason: To minimise any impact upon the amenity of surrounding uses and to ensure an acceptable level of health and safety for the site is maintained. In accordance with Shetland Islands Council Local Plan (2004) Policy LPNE10.

(6.) Should the existing football pitches require re-alignment as a result of the approved development, precise details and a schedule for the works shall be submitted to and approved in writing by the Planning Authority. Thereafter the development shall proceed in accordance with the approved schedule unless otherwise agreed in writing.

Reason: To ensure the recreational use of the general area is maintained in the interests of public amenity. In accordance with Shetland Islands Council Local Plan (2004) Policy LPNE10.

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

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

Informatives:

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.

Roads Access

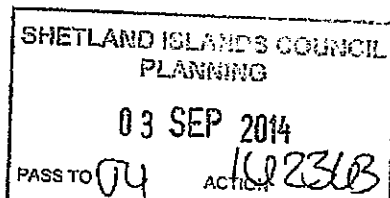
The Shetland Islands Council Roads Service have advised that the length of access that crosses the public road verge shall be constructed to their satisfaction. You are advised to contact them prior to the commencement of any development.

Notice of Completion of Development

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

9/2/2014

AOL Mail



02/09/2014

To Mr John Holden
Development Management Manager

I like to first to object to the plans to set up a new emergency helipad at south Lochside Lerwick, first of all it is not and emergency helipad it is a fixed landing site that can be used for more than emergency landings as the existing Shetland helicopter comes in on many occasions where people walk of the helicopter hardly what you call an emergency, I am aware that once the helicopter has been called out it can only assess when it arrives at there destination, but there only used to be 50-60 call outs a year but now it is hundreds and on some days the emergency helicopter can be in three times a day what has happened in the last 2 years why is shetlands emergencies increased so much and by far more per population than the whole of the UK

I am concerned about their plans to put the new helipad right across from my house approximately 40 meters off course all neighbours are furious about this and we have all signed a petition and sent letters to the council objecting to this plan being passed, South Lochside is the area I am speaking about, which is a built up area as well as having 2 schools a health center 2 old folks homes a leisure center Tesco super store a hospital and a new Anderson high school being built and not to count the amount of people who stay in this vicinity makes this a highly populated area and all with in less than a square mile radius this is a congested area with high levels of traffic and they want to have large air craft landing there with a substantial down draft and a very busy road right next to it and the noise is horrendous from the air craft when it lands, it can sit for up to half an hour running it's engine's and where it lands at the moment the back of the clickimin the noise from there to where we stay is enough to keep you awake.

we have pensioners, disabled people young children who one is very disabled stays right next door to me, working people who do shift work and yet planning think this is a safe place to land such an aircraft, I find it very worrying.

I have great concern for myself and my property, the noise levels has anyone bothered to check this or the environmental impact it may have.

Or if any part of our properties being damaged, roofing fuel smells and spills, will this affect our health these are all things that I thought planning would have taken into consideration, what if the aircraft comes in and it's bad weather windy, snowy raining there is not a lot of room for error should anything go wrong again has planning looked into this.

I am a great supporter of the work all emergency teams do and I contribute a lot of money to each of them each year because they save many peoples life's each year I am extremely proud of all who work in these services and I want to make that clear,

I also worry about any damage being done to our property who pays for it and will we be able to get insurance will our premiums go up, will it De value our property because let's be honest who would like to live right across from that noise and size of aircraft especially when it comes in 2-3 hundred times a year I know it will not be any of the people who are trying to pass it through planning as they would not have it outside their door step or devaluing their property.

Another thing you only informed 2 tenants with letters number 9-10 south lochside no one else do you think it will not impact anyone else, you could have the helipad at sea field or up at the large spare concrete square area up at Anderson high school which would require no money being spent well some paint marking no need to spend tens of thousands of pounds and please don't say cross winds where ever the helicopter comes in, in Shetland there will always be cross winds and we are speaking about one of the safest helicopters in the world that is why they are used for emergency rescues and that is why they can go out in all weathers another sentence that was thrown up by the council was the helicopter needs a clear area to fly into as it cannot fly over populated areas again complete rubbish we all know the emergency helicopter flies in and out from different sides of the helipad thus flying over populated areas.

These are some of the many places you could have the helipad and they are still within a mile to hospital for transfer. as well as you would not have to be flying and landing in densely populated area with a high level of noise and disruption and any risk to the environment you have not even thought

about the impact this will have when the new School starts up and that is partly being built on top of the old dump god knows what you will be digging up and we are going to have our children stationed there several hours a day we know from your report that 500 mm down you find bottles, fins, bones and god knows what else is there, where the helipad is just now is just about bearable with noise levels although when it comes in and lands the noise still keeps you awake if sleeping. So just to make it clear I am objecting to the new proposed site for the emergency helipad and I am also objecting to where the new school is going to be built I think the school should stay at the original plan.

Why do people in the SIC continue to make these ridiculous decisions without a thought for anybody else.

Philomena Leask
11 South Lochside
Lerwick
Shetland
ZE1 0RA
Phone number 01595692220
Mobile 07766672307
Email philomenaleask@aol.com

Yours sincerely

Mrs p. Leask