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Date: 29 May 2018

Dear Sir/Madam

You are invited to the following meeting:

**Planning Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Tuesday 5 June 2018 at 2pm**

Apologies for absence should be notified to Louise Adamson at the above number.

Yours faithfully

Executive Manager – Governance and Law

Chair: Mr T Smith  
Vice-Chair: Ms A Manson

## **AGENDA**

- (a) Hold circular calling the meeting as read.
- (b) Apologies for absence, if any.
- (c) Declarations of Interest – Members are asked to consider whether they have an interest to declare in relation to any item on the agenda for this meeting. Any Member making a declaration of interest should indicate whether it is a financial or non-financial interest and include some information on the nature of the interest. Advice may be sought from Officers prior to the meeting taking place.
- (d) Confirm the minutes of the meeting held on 10 April 2018 (enclosed)

## **Items**

### **Local Reviews under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) to be considered by the Planning Committee sitting as Local Review Body:**

1. Local Review Ref: 2017/213/PPF – LR32 - Change of Use of Land, Excavation to Form Car Parking, turning and platform with access to public road and to construct General Purpose storage shed Class 6: North Strom, Stromfirth, Weisdale.

### **Hearing:**

2. Planning Application 2018/040/PPF – To retain existing emergency helicopter landing site on a permanent basis, South Lochside, Lerwick (Retrospective Application)



## **MINUTE**

**A&B - Public**

**(d)**

**Planning Committee**  
**Council Chamber, Town Hall, Lerwick**  
**Tuesday 10 April 2018 at 2pm**

### **Present:**

T Smith	E Macdonald
A Manson	D Sandison
C Smith	G Smith

### **Apologies:**

M Bell	S Coutts
D Simpson	

### **In Attendance (Officers):**

J Holden, Team Leader – Development Management  
J Barclay-Smith, Planning Officer – Development Management  
Y Goudie, Planning Officer  
D Hunter, Planning Officer  
C Summers, Planning Officer  
P Sutherland, Solicitor  
L Adamson, Committee Officer

### **Also in Attendance**

A Cooper, SIC (Representing Delting Community Council)

### **Chair**

Mr T Smith, Chair of the Planning Committee, presided.

### **Circular**

The circular calling the meeting was held as read.

### **Declarations of Interest**

None.

### **03/18      Minutes**

The Committee confirmed the minutes of the meeting held on 18 January 2018 on the motion of Mr Sandison, seconded by Mr G Smith.

### **Local Review under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) to be considered by the Planning Committee sitting as Local Review Body:**

The Chair advised that the Planning Committee will be sitting as the Local Review Body (LRB), and will follow the guidance as provided in the covering report at Item 1. The process will take the form of a Hearing, where the Planning Officer who handled the case will be asked to make a presentation on matters to be considered. Persons

entitled to make representations will be given the opportunity to address the Hearing. The applicant/agent will then be given the opportunity to present their case, and all will be restricted to a time limit of five minutes. Members can ask questions throughout the process, but preferably at the end of each presentation. When questions are completed, Members will debate the proceedings and make a decision. Cross examination will not be permitted unless the LRB consider it required to ensure thorough examination of the issues.

The Chair advised that the decision of the LRB is full and final. Should the appellant be aggrieved by the decision, the only recourse is to the Court of Session in respect of the handling by the LRB.

Before commencing the item, the Chair advised that the LRB would be given the opportunity to decide if a Site Visit is required to determine the application. If so, this Hearing will be adjourned and reconvened at a later date. It also has to be agreed if the Site Visit is unaccompanied or accompanied, and only Members who attend the Site Visit can make the final decision on the application.

04/18 **Local Review Ref: 2017/247/AMSC – LR31 - Application to discharge conditions 3a – 3d, as specified under approved Planning Permission in Principle 2016/280/PPP: Site 2, Strait, Mossbank, Shetland, ZE2 9RB.**

The Committee considered a report by the Team Leader – Development Management [RECORD Appendix 1] for a decision following a Local Review.

Mr C Smith moved that a site visit was not necessary to determine the application. Ms Macdonald seconded, and the LRB concurred.

The Planning Officer, case handler of the application, gave a presentation which illustrated the following:

- Elevations of the proposed dwellinghouse
- Aerial view location plan
- Location Plan
- Site Plan, indicating proposed location of bio plant treatment and discharge to roadside ditch
- Key Issues

The Planning Officer referred to the earlier application for planning permission in principle, granted in 2016, to erect two dwellinghouses on the site with connection to the sewer. He said that the application being considered today is the detailed application for approval of matters specified in conditions to erect a dwellinghouse with a septic tank, on the northernmost of the two sites.

The Planning Officer advised on the reason for refusal of the application, being the proposal is in a settlement with a sewer but there is no connection proposed in the public sewer, which is contrary to Shetland Local Development Plan (SLDP) 2014, Policy WD2 Waste Water. He said that while the application does provide details that meet with requirements of condition 3 parts a) - d) of the planning permission in principle (2016/280/PPP), the proposal to deal with foul drainage by a means other than a piped connection to the public sewer (which would require a separate planning application) departs from the ambit of the planning permission in principle granted, and the flow attention measure within the site to control both the flow of treated effluent and surface water from the site



prior to discharge to the watercourse as proposed is unacceptable under its terms. The details as submitted will result in development that does not comply with SLDP 2014 Policy WD2.

The Planning Officer then provided a summary of the terms of the appeal. The LRB noted that the points raised included that the planning requirements for foul water infrastructure do not match that of SEPA and Scottish Water, the house site was sold by the Council to the applicants without details of the distance to the public sewer, the cost of connecting to the public sewer is prohibitive and SUDS are not required but were asked for anyway.

In referring to Policy WD2 Waste Water in the SLDP 2014, the Planning Officer highlighted the following statements, *“New developments which require waste water disposal and are located within or adjacent to settlements are expected to connect to the public sewer. Where a connection to the public sewer is not achievable and a wastewater system such as a private septic tank is proposed the developer should demonstrate that there should be no detrimental effect, including cumulative effect, on the surrounding uses, natural, built environment and cultural heritage”*. He reported that in terms of the proposed development, Scottish Water confirmed that the developer would be responsible for connection to the sewer but did not state that a connection to the public sewer was not achievable. In their response, SEPA provided a Controlled Activity regulations (CAR) Licence for the proposed septic tank, confirmed the CAR License is an assessment of the specific type of septic tank proposed and is not wholly site specific, and encouraged the applicant to connect to the public sewer but had no formal process for a requirement. The Planning Officer reported that while there was no definition of a “sewered area” in the SLDP 2014, other than being “within or adjacent to a settlement”, the SLDP had however been adopted after consultation with Councillors, MSPs and Statutory Bodies including Scottish Water and SEPA, and no concerns had been raised with the policy on foul water drainage.

The Planning Officer advised that the developer’s reason for appeal relating to the sale of the site by the Council was not a material planning consideration, and it was the responsibility of the developer to ensure compliance with Policy.

Regarding the developer’s reason for appeal relating to the cost of connecting to the public sewer being prohibitive, the Planning Officer said that the agent had stated 100m sewer pipe was unviable due to the cost, and that a septic tank would be viable; it was however unclear from the submission which connection point had been referred to. He said that while personal finances are not a material consideration, the wider economic viability must be assessed. The Planning Officer referred to the Report of Handling, which highlighted a similar application nearby (2017/292/PPF) which was recently approved with a 168m connection to the public sewer. He advised also that the Report of Handling concludes that compliance with the Policy will not make development in the area economically unviable.

In referring to the final point made in the appeal letter, that no SUDS are required for individual houses, the Planning Officer highlighted that the SLDP 2014, Policy WD3 SUDS states that “all development proposals that will give rise to surface water run-off should incorporate SUDS...”

In concluding his presentation, the Planning Officer advised that exceptions to Policies must be handled carefully, and that wider implications of an exception to policy could set a precedent. The Planning Officer reported from discussions with the developer during assessment of the application that for the policy to be set aside, the developer would need to make a case in material planning terms, for example it was in the wider public interest. The developer however cited cost of infrastructure for the individual dwelling, and therefore the application had been refused.

The Chair thanked the Planning Officer for his presentation, and welcomed questions from Members.

In referring to Policy WD2 Waste Water, in the SLDP 2014, Mr G Smith commented that he had noted with interest, the inclusion of the wording 'expected' rather than 'required'. In his response, the Planning Officer advised there will obviously be circumstances where it is not possible to connect to the public sewer, and there can be exceptions.

In noting there was no definition in the SLDP to the term "sewered area", Mr Sandison questioned whether determination was entirely discretionary or whether there were criteria that can be applied to the definition. The Planning Officer advised that in Shetland there are no settlement boundaries, with settlements being more dispersed, and that each application is considered on a case by case basis. He added that in this case, the application is within the settlement of the village.

During the discussion, clarity was sought on the disparity between Council and SEPA Policies in terms of foul drainage requirements. The Planning Officer explained that SEPA would have stronger policies, for example, on areas of pollution control, chemicals into the water stream, etc. The Council's Policy would however go further than SEPA in terms of a requirement for a connection to a public sewer, if that was achievable.

In response to a question regarding the requirement for a SUDS, the Planning Officer said that surface water SUDS were included as part of the proposed bio plant treatment, and would not be a reason for refusal in this case.

The Chair referred to the aerial view slide of the location plan as had been referred to during the presentation, and sought clarity on the nearest mains drainage connection to the application site. The Planning Officer advised the LRB on the two potential connection areas.

In referring to the comments in the Report of Handling, relating to the development being contrary to Policy WD2, clarity was sought on the comments that provision of the connection to the public sewer will not make development in the area uneconomically viable, where it was previously advised during the presentation that the cost of connecting to the public sewer was not a material planning consideration. The Planning Officer reported that there was a difference between individual costs and wider economic viability which is a material consideration.

During the discussion, Mr Sandison commented on the proposed cost of the sewer connection for this application being approximately £38K, and to his

understanding there would be similar costs for parties interested in the other site when trying to encourage development in the area, which he said was at odds with the condition for sustainable development. The Planning Officer advised that the focus for sustainable development is to use existing infrastructure and to build in the centre of a developed area where there is available land for housing, and to build houses together and near to each other which can connect to the same sewer.

The Chair thanked the Planning Officer for the information provided.

The Chair invited Mr Cooper, Chair of Delting Community Council to address the meeting.

Mr Cooper confirmed that he was presenting as Chair of the Delting Community Council, and in no other role. Mr Cooper reported that Delting Community Council over many years have been trying to encourage private housing development at Mossbank, however there were difficulties as some areas had not been zoned for housing development. The last Local Development Plan however provides opportunities to build houses on Council land, and has encouraged young people to look to build in Mossbank, however sewerage is the constraint.

Mr Cooper advised from when the three applications for housing in Mossbank were considered by Delting Community Council, that concern had been raised around the issues with sewerage, as the existing sewerage scheme only connects to the Council houses and a few other houses in the area, with the houses all above the road having septic tanks. Mr Cooper advised however that in first considering this application, the Community Council failed to clarify its concerns on how connection would be made to the public sewer, rather in their response submitted the Community Council asked for “knowledge on how the sewage discharges will be handled”. Mr Cooper said that for the avoidance of doubt he would illustrate from the Aerial View slide, to the LRB, the sewerage connections in the area, and he reported that the shortest distance between the application site and a sewerage connection (below the Council houses) was 137m, rather than 100m as had been indicated in the report.

Mr Cooper advised on a number of constraints for the applicant to connect to the public sewer, including the need to put in a pumping station to pump uphill. During his address, Mr Cooper made reference to the application referred to earlier (2017/292/PPF), which had recently been approved with a 168m connection to the public sewer, and advised that there is however some question on whether or not the required flow can be achieved.

In concluding, Mr Cooper said that the issues with this application highlights the inadequacies with the sewerage scheme in Mossbank, and he was aware that young people would want to build in Mossbank if the sewerage scheme can be sorted. Mr Cooper said that on behalf of the Community Council, he hoped that the LRB would support the proposal for a septic tank to be installed and to pipe down across the beach, rather than to consider asking the applicant to pay the considerable cost to link to the nearest public sewer at a distance of 137m from the application site.

In response to requests for clarity, Mr Cooper advised that the ground from the application site to the public sewer connection was very rocky. He added that while the Braehead connection would be the shorter distance, there would be issues due to the gradient of the land.

*(Mr Cooper left the meeting).*

The Chair invited the appellant to address the meeting.

Mr C Giblin, the applicant, provided the LRB with background to the application, advising that they had purchased the land from the Council in November 2016, and had been aware from the planning permission there was connection to the public sewer. However, after investigating proposals to connect to the sewer it was found to be at a huge cost, and they had therefore proposed a bio treatment plant. He said that following discussion with Planning Officers in September 2017 they had anticipated approval of the application within the coming days.

In terms of Planning's requirement for a connection to the public sewer, Mr Giblin advised that the connection would be some 100m away, and was uphill, which would involve the need for two domestic pumps, and to cut the road, at a cost of approximately £40K. There would also be ongoing maintenance costs with the pumps, and there would be issues to maintain one pump that had be located outwith their plot of land. He advised also that the LDP does not seem to match Policies from Scottish Water, and seems open to interpretation.

(At the request of Mr Giblin, and with the agreement of the Chair, 2 Maps were circulated to the LRB; (1) included details of sewer connection points in Mossbank, and (2) the houses in Mossbank served by waste treatment (*Copies attached as Appendices 1a and 1b*).

Mr Giblin advised that their proposal to service the site by an EN12566 bio treatment plant, estimated to remove 98% of bacteria, has been approved by SEPA. The sewerage treatment plant would be contained within their land making monitoring and maintenance more accessible, and would be generally a more sensible option.

Mr Giblin said that they are building a family home and do not have the funds to connect to the public sewer. He reported that the Planning Service had suggested that they could club together with the owners of the adjacent site to split costs for the connection to the public sewer, he advised however that the other plot has not been sold and therefore there is no one to share costs. Mr Giblin said that they had been made aware during the appeal, that a separate planning application would be required if their application is approved today, and he sought further guidance in that regard.

During his address, Mr Giblin said that the whole process has put huge strain on the family, has had a negative impact on their health, they have lost their builder due to the delays and they have wished they had never bought the land. He said that they have the support of the community, and Mossbank is in need of regeneration. Mr Giblin added that they also had the support of T Scott, MSP, however they had been advised by the Planning Service that representation had been received outwith the consultation period. He added that there are another

three families who want to start building in Mossbank, and are awaiting the outcome of this appeal.

In concluding, Mr Giblin referred to the application (2017/292/PPF) which includes the 168m connection to the public sewer, and he believed the applicants are rescinding as there are issues in getting the required flow at this time.

In response to a comment from the Solicitor, Mr Giblin provided the Planning Officer (D Hunter) with a copy of the two maps, which had been previously circulated to the LRB. In response to a question from the Chair, the Planning Officer said that while he had no comments to make regarding the maps, it would have been helpful to have had earlier sight of the maps during the assessment process. The Chair added that it would also have been beneficial to the LRB for the information in the maps to have been included within the report.

The Chair welcomed questions from the LRB to the appellant.

In response to a question, Mr Giblin advised that when they bought the site they were aware they had to look to connect to the public sewer, but there was no information on the location of the connection.

During debate, Mr G Smith commented on the reluctance to set precedents, however he said there was an opportunity here to consider the wording of Policy WD2, in terms of the use of the word 'expected' rather than 'required', which he said allows for consideration of exceptions in certain circumstances. He reported that the information in the maps provided highlighted the practical difficulties to connect to the public sewer in Mossbank, and the case to be made for an exception rather than a requirement to connect to the public sewer. In that regard Mr G Smith said he was minded to support the appeal.

Mr C Smith said that this Council, and previous Councils, have always encouraged people to build in rural areas of Shetland, and he advised on the need to continue to encourage people to do their best for what they can afford. In referring to the issue whereby Council and SEPA Policies do not correlate, he said that this needed to be addressed. Mr C Smith moved that the LRB support the appeal, and to waive the cost for the second planning application that the applicant had presented might be required. Mr G Smith seconded.

During the discussion, Members spoke in support of the motion, where the need to have aspirational policies was acknowledged to make sure good planning can be achieved, however there was also a need to look for exceptions to policies when there are acceptable alternatives. Comment was also made that a rigid conclusion had been reached by the Planning Service, when there was no actual definition locally of a "public sewered area".

In response to comments from the Chair in terms of the conditions that would be applied to approval of the application, the Planning Officer – Development Management reminded the LRB on a number of road conditions, relating to the access and parking, that had been set out by the Roads Authority, as outlined in the Report of Handling. During a brief discussion, while it was noted that the roads conditions had not been raised previously during the presentations, the LRB acknowledged the requirement for the applicant to adhere to all the conditions should permission be granted. It was suggested and agreed that

reference should be made to the detail in the updated site plan on page 91 of the report, to speed up the planning application process.

Reference was then made to the earlier comments in terms of other families looking to build in Mossbank, where the LRB agreed that each application should be considered on its own merits.

**Decision:**

The Local Review Body agreed to uphold the appeal and **APPROVE** the application to discharge conditions 3 a – d as specified under approved Planning Permission in Principle 2016/280/PPP, with the conditions requiring adherence to the approved plans, including the site Plan in relation to access and parking.

The meeting concluded at 2.55pm.

.....  
Chair



<b>Meeting(s):</b>	<b>Planning Committee (sitting as Local Review Body)</b>	<b>5 June 2018</b>
<b>Report Title:</b>	<b>Guidance on Local Review under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended) to be considered by the Planning Committee sitting as Local Review Body Local Review Ref: 2017/213/PPF – LR32 - Change of Use of Land, Excavation to Form Car Parking, turning and platform with access to Public road and to construct General Purpose storage shed Class 6: North Strom, Stromfirth, WEISDALE.</b>	
<b>Reference Number:</b>		
<b>Author / Job Title:</b>	John Holden – Team Leader, Development Management	

## 1.0 Decisions / Action required:

- 1.1 Review the decision on an application for planning permission for a local development that has been taken by an officer (the appointed person) under the Planning Scheme of Delegations in terms of Sections 43A (8) to (16) of the Town and Country Planning Scotland Act 1997 (as amended), and in so doing:
- 1) Decide as a preliminary matter the procedure to be followed and, in particular, (a) whether to determine the review on the basis of the papers before them without further procedure, or to hold a public hearing, and (b) whether to undertake a site visit (either accompanied or unaccompanied) or other procedure and, where a site visit is to be undertaken, whether to adjourn for that purpose before hearing evidence.
  - 2) After all relevant evidence and submissions have been received and considered, determine whether to uphold, reverse or vary the decision under review, giving reasons for the Local Review Body's decision by reference to the relevant sections of the development plan and any other material considerations to which they had regard in determining the application.

## 2.0 High Level Summary:

- 2.1 The Planning Scheme of Delegations that has been approved by the Council, as well as that which has been approved by the Scottish Ministers, identifies the appropriate level of decision making to ensure compliance with the 1997 Planning Act.
- 2.2 A decision on an application for planning permission for a local development that is taken by an officer (the appointed person) under the Scheme of Delegations has the same status as other decisions taken by the planning authority except as regards the method of reviewing the decision. Sections 43A (8) to (16) of the 1997 Act

remove the right of appeal to the Scottish Ministers, and put in place arrangements for the planning authority to review these decisions instead.

- 2.3 The Full Council resolved on 12 May 2011 (Minute Ref: 57/11) that the remit of the Planning Committee be extended to include the functions of the Local Review Body, who would review the decision taken.
- 2.4 The Council as planning authority has received a notification of review in respect of a planning application for proposed development described as “Change of Use of Land, Excavation to Form Car Parking, turning and platform with access to Public road and to construct General Purpose storage shed Class 6: North Strom, Stromfirth, WEISDALE.” (Planning Application 2017/213/PPF)
- 2.5 The proposal was found by the appointed person to be unacceptable when considered against the policies contained within the Shetland Local Development Plan (2014), and refusal of permission by them was given, reason being “Business and industrial developments should be located in Sites with Development Potential for industry, industrial areas, brownfield sites or within settlements unless a sufficient justification has been provided for the use of an alternative site. The proposal is located on greenfield open crofting land which is not within a settlement and while justification has been provided for the location it does not provide sufficient material weight for the choice of location for the development. The proposed development is contrary to Shetland Local Development Plan 2014 Policies GP1, GP2, ED1 and ED2.”

### **3.0 Corporate Priorities and Joint Working:**

- 3.1 A decision made on the review that accords with the development plan and any other material considerations would contribute directly to the Single Outcome Agreement through the outcome that we live in well designed, sustainable places.

### **4.0 Key Issues:**

- 4.1 Review proceedings require to follow the provisions of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013. Those regulations allow the Local Review Body a certain amount of discretion in determining its procedure. If the Review Body considers that the review documents before it provide sufficient information to enable it to determine the review, the Review Body may determine the review without further procedure. Otherwise the Review Body may require further representations or information by means of either written submissions, or holding one or more hearing sessions, or a site visit, or a combination of any of these methods. The procedure by which the case is to be reviewed however should be confirmed by the Review Body before proceeding to consider evidence.
- 4.2 The necessary administrative steps and intimations have been made to allow the present meeting to proceed as a hearing session. However, the Review Body may still determine the review on the basis of the review documents as outlined above if it sees fit. If the Review Body decide as a preliminary matter, before parties begin presenting their evidence, that a site visit will be necessary it can simply adjourn for that purpose before hearing evidence. If the site visit process is adopted only those members of the Review Body that attend the site visit should then take part in the subsequent decision making meeting. Any members not present when preliminary matters are dealt with can still attend the site visit and hearing provided they have



been present when all evidence and submissions have been made. Notice of the date, time and place of the adjourned hearing session to follow the site visit may be announced before the adjournment.

- 4.3 In respect of review in this case the applicant has indicated that in the event the Review Body decides to have a site visit, the site can be viewed entirely from public land, and that it is possible for the site to be accessed safely, and without barriers to entry. Where the Review Body decides to make an unaccompanied site visit the applicant is to be informed of the proposal. Where the Review Body decides to make an accompanied site visit the applicant and any interested party is to be given such notice of the date and time of the proposed inspection as may appear to the Review Body to be reasonable in the circumstances. It should be noted however that neither an applicant nor any interested party is permitted to address the Review Body on the merits of the review during an accompanied site visit.
- 4.4 Where a decision has been taken that the review is to follow the public hearing procedure, the Review Body is required to follow Hearing Session Rules under Schedule 1 of The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013. In doing so they are to confirm the matters to be considered and the order in which persons entitled to appear are to be heard.
- 4.5 Such hearing sessions are usually held in a similar manner to the current Planning Committee, with the Planning Service Case Officer presenting on the matters to be considered, followed by those persons entitled to appear other than the applicant, followed by the applicant, with its being the case that Members of the Review Body can ask questions throughout the process. The hearing session can similarly proceed in the absence of any person entitled to appear at it. The Review Body should confirm this order and confirm the time each person entitled to appear is to be afforded beforehand. Persons entitled to appear have been informed that they will each be given a maximum of 5 minutes.
- 4.6 The Hearing Session Rules prescribe that the hearing shall take the form of a discussion led by the Review Body and cross-examination shall not be permitted unless the Review Body consider that this is required to ensure a thorough examination of the issues. Persons entitled to appear are entitled to call evidence unless the Review Body consider it to be irrelevant or repetitious. The Review Body may also refuse to permit the cross-examination of persons giving evidence, or the presentation of any matter where it similarly considers them to be irrelevant or repetitious.
- 4.7 The matters that are attached for the purposes of consideration by the Review Body in this case comprise: the decision in respect of the application to which the review relates, the Report on Handling and any documents referred to in that Report (including: the planning application form, and any supporting statement and additional information submitted, and consultation responses and representations received prior to the decision notice by the appointed person being issued); the notice of review given in accordance with Regulation 9; all documents accompanying the notice of review in accordance with Regulation 9(4); any representations or comments made under Regulation 10(4) or (6); and any 'hearing statement' served in relation to the review.

- 4.8 In making a decision, as well as having regard to the review documents, and, in the case of a public hearing, any hearing statements served, the Review Body needs to take into consideration any new evidence which is material (a planning consideration) to the determination of the review that it finds through conducting any further procedure of a site visit and/or public hearing. The Review Body needs also to be minded that the application must be individually decided on its merits, and be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 4.9 The Local Review Body then needs to give notice of its decision, which can be to uphold, reverse or vary the decision under review, in accordance with The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, giving reasons for its determination by reference to the relevant provisions of the development plan and any other material considerations to which it had regard in determining the application. Where relevant, the decision notice the Local Review Body resolves to issue shall: include a description of any variation made to the application in accordance with section 32A(a) of the 1997 Act; specify any conditions to which the decision is to be subject; include a statement as to the duration of any permission granted or make a direction as to an alternative; and if any obligation is to be entered into under section 75 of the 1997 Act in connection with the application state where the terms of such obligation or a summary of such terms may be inspected.

#### **5.0 Exempt and/or confidential information:**

5.1 None

#### **6.0 Implications:**

<b>6.1 Service Users, Patients and Communities:</b>	None.
<b>6.2 Human Resources and Organisational Development:</b>	None.
<b>6.3 Equality, Diversity and Human Rights:</b>	None.
<b>6.4 Legal:</b>	The Town and Country Planning (Scotland) Act 1997 (as amended) permits appeals against the decision of the Local Review Body to the Court of Session, but only on the grounds of legal or procedural error, not on the merits of the planning application. Decisions of the Local Review Body may also be subject to judicial review.

<b>6.5 Finance:</b>	None.
<b>6.6 Assets and Property:</b>	None.
<b>6.7 ICT and new technologies:</b>	None.
<b>6.8 Environmental:</b>	There are no adverse environmental impacts arising from this report.
<b>6.9 Risk Management:</b>	If Members are minded to approve the application, it is imperative that clear reasons for proposing the approval of planning permission contrary to the development plan policy and the Appointed Person's decision be given and minuted. This is in order to provide clarity in the case of a subsequent judicial review against the Local Review Body'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.
<b>6.10 Policy and Delegated Authority:</b>	The application is for planning permission made under the terms of the Town and Country Planning (Scotland) Act 1997. As an appeal has been lodged against the decision taken by the Appointed Person on the proposal that is classed as Local Development, the decision to review the decision is delegated to the Planning Committee sitting as the Local Review Body under the Planning Scheme of Delegations that has been approved by the Scottish Ministers.
<b>6.11 Previously considered by:</b>	Not previously considered.

#### **Contact Details:**

*John Holden, Team Leader – Development Management, Development Services*

[john.holden@shetland.gov.uk](mailto:john.holden@shetland.gov.uk)

*Report written: 28 May 2018*

#### **Appendices:**

*Local Review documentation*

**Background Documents:** [Shetland Local Development Plan \(2014\)](#)  
[Draft Supplementary Guidance on Business and Industry 2012 \(SGBI\)](#)



Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations 2013

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

Regarding Planning Application Reference: 2017/213/PPF

Change of Use of Land, Excavation to Form Car Parking, turning and platform with access to Public road and to construct General Purpose storage shed Class 6: North Strom, Stromfirth, WEISDALE.

By

Shetland Heatwise

5<sup>th</sup> June 2018

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## Section 1. Planning Submission

5<sup>th</sup> June 2018

**Received  
19th June 2017**



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Shetland,  
ZE1 0QW

2<sup>nd</sup> June 2017

To whom it may concern

**Development**      **Proposed Storage Shed and Parking for Shetland Heatwise**  
**Location**          **Stromfirth, Weisdale, Shetland, ZE2 9LH**  
**Applicant Name**   **Kevin Rennie**

Shetland Heatwise has been in existence for 25 years now working throughout Shetland. During this time we have been involved in delivering every home energy programme developed by a range of agencies at present we are delivering work for HEPSABS throughout the SIC Carbon Management Team, delivering Energy Savings measures to the SIC Social Housing Stock and obtaining ECO funding for these measures where possible. We are also working for Warmworks delivering the Warmer Homes Scotland Scheme.

We have identified a site that is available for Shetland Heatwise at an affordable price this is very important to start with as we are a non-profit distributing company limited by guarantee. The work we do as noted above is mainly grant assisted with tight budgets meaning not much excess cash.

We have historically had planning permission for storage containers in Stromfirth which expired in 2007 with no issues caused by this. The reason we stopped the container use was that we were offered a cost effective larger storage area in Lerwick by the Lerwick Port Authority, this has now been demolished and we are temporarily storing insulation material in containers again.


The choice of site also means as I have access to the adjoining land the potential is there for a small scale wind turbine and a small scale hydro turbine to charge electric vehicles for surveying, testing, etc, again helping reduce our carbon footprint.

The site also offers us more security for our materials equipment, etc, as I live next door and it is very central for the majority of our workforce thus reducing our carbon footprint. Along with reducing time wasted in morning/evenings collecting materials tools, etc, as we will not be in the Lerwick morning rush, thus helping us make efficient use of the limited grant funds that are available for our works.


There has historically been various various builders and Aquaculture projects operating in Stromfirth on and off for over fifty years. There is currently an Equestrian business operating in Stromfirth and the old trout farm/hatchery is currently being used as a builders yard.

All that we are proposing is a portal frame storage shed with parking that will have minimal effect on the local area.

Stromfirth currently has seven large portal frame sheds, with planning for another one recently approved, so this development will not have any major impact on the location. The Stromfirth road is currently used as through road by all manner of traffic so we will not add any significant traffic to this usage.

  
Kevin Rennie  
Manager

Email:   
Website: 

 Follow us on Facebook

Registered Office: Staney Hill Offices, North Road, Lerwick  
Registered in Scotland No 140012



Telephone: [REDACTED]  
Fax: [REDACTED]  
Mob [REDACTED]



Shetland Heatwise,  
Staney Hill Offices,  
Staney Hill,  
North Road,  
Lerwick,  
Shetland,  
ZE1 0QW

Dale Hunter  
Planning Officer  
Shetland Islands Council  
8 North Ness  
Lerwick  
Shetland  
ZE1 0LZ

20<sup>th</sup> September 2017

Dear Sir

**SIC Planning - 2017/213/PPF. Shetland Heatwise Store, North Strom**

We refer to your email dated 15<sup>th</sup> August and as requested, we have undernoted some additional points regarding the above application.

Firstly, we would like to comment on the issues raised by the SIC Roads Department.

The land surrounding the site is owned by Shaun and Kevin Rennie, the manager of Shetland Heatwise, and this means that permission is readily available for the proposed conditions regarding splays, drainage, culverts, gate etc.

Shetland Heatwise also confirm that they are willing to accept a formal condition that the use of the site be permanently restricted to the storage of light insulation materials to be delivered by rigid goods vehicles.

We would now like to develop how the project fits with the Shetland Local Development Plan:

**GP.1 – Sustainable Development**

Shetland Heatwise is an award winning Community Enterprise of 25 years standing and is a major contributor to Shetland's targets for tackling fuel poverty and achieving climate change targets.

The project will also make a contribution to Shetland's CO2 reduction targets due to a reduction in vehicle movements due to the proposed new building being within a three mile radius of 65% (9) of where the labour force lives.

There will also be a reduced travel mileage to the West Side, North Mainland and the North Isles where a large part of our work is concentrated.

We are also aware of the Scottish Government's proposal to make the use electric vehicles mandatory and we foresee that we will require to plan the replacement of our works vehicles over the next 5-10 years.

If we develop on the Strom site, we will have the opportunity to charge these vehicles overnight at minimal cost using a mix of a small wind generator and battery back-up.

Email: [REDACTED]  
Website: [www.shetlandheatwise.co.uk](http://www.shetlandheatwise.co.uk)

 Follow us on Facebook

Registered Office: Staney Hill Offices, North Road, Lerwick  
Registered in Scotland No 140512

We would also plan in due course to make the building a role model of energy efficiency using innovative insulation techniques combined with wind energy.

### **GP.2 – General Requirements**

(a) The development will not adversely affect the integrity of a site designated for landscape and natural heritage values. The site had previous planning permission for the development of a house site.

(b) The development will not be below the 5 metre Ordnance Datum

As stated under GP1 our long term plan is to use our 25 years' experience in this field to develop the building as a role model of energy efficiency techniques.

The building will not affect flooding and there will be minimum water stress.

(d) Appropriate water, waste and surface water drainage will be designed in compliance with planning regulations.

(e) The basic ethos of our organisation is to design and install energy efficiency solutions for a range of building types in Shetland and the list includes private houses, commercial buildings and Community Halls, etc – we therefore see this proposed new building as an opportunity to develop a showcase of the range of insulation methods that we have developed.

(f) We will provide access, car parking, and turning as recommended by SIC roads

(g) The building will not affect any buildings of Archaeological or Historic interest

(h) The building will not sterilise mineral reserves

(i) The development will not sterilise allocated sites as identified within the current Shetland Development plan

(j) The development will not have a significant adverse effect on existing uses

(k) There will be no effect on Health and Safety standards or levels

(l) The development will be consistent with National and Local policies and guidance

### **GP.3 – Development – Layout and Design**

There are 4 buildings of similar design within a 400 metre radius of the proposed site. Therefore we consider that the Portal frame building will merge with existing local and Shetland wide rural developments. The development will be undertaken to comply with the safe traffic measures outlined by SIC Roads.

The future plan is for the building to be a show case for Shetland Heatwise clients to visit and observe the effectiveness of the innovative insulation measures that will be installed.

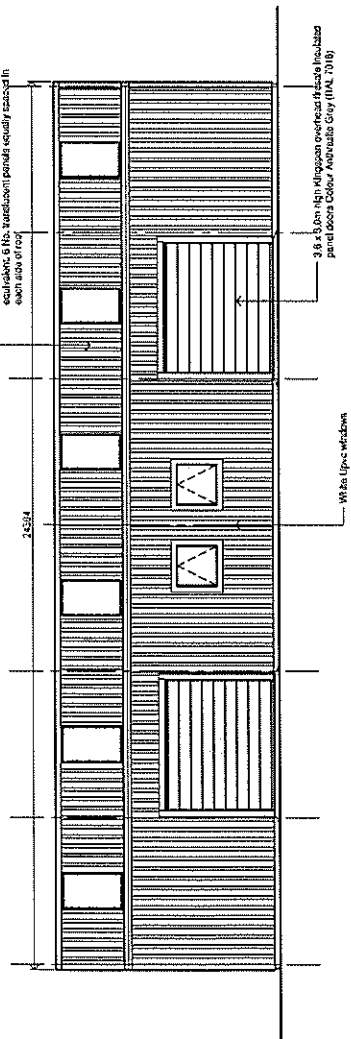
**The following potential sites listed in the Shetland Development Plan have been investigated by Shetland Heatwise:**

AREA	COMMENT	DECISION MADE
Lerwick sites at Gremista, Rova Head, Blackhill Business Park	These sites are mainly owned by LPA who advised us that the annual lease cost of the area required for our store would be £14,000 per year	The cost of leasing land in Lerwick of the size required for our development is an unsustainable cost for our community enterprise
Various sites at Scatsta and Sellaness	Some of the sites listed have already been developed and some are below the 5 metre contour. The cost of leasing sites in this area are not much cheaper than the cost of development in Lerwick	Again, we concluded that the cost of development and ongoing lease costs makes this option unviable for our community enterprise. The increased travel involved would also result in increased vehicle emissions
Sites at Scatness and Dunrossness		These sites are not central enough for the sustainable development of our business
Decca Station	Site already developed	Site already developed
Haggrista		See comments regarding Scatsta and Sellaness
Westside	There are no potential industrial sites in this area listed under the Shetland Development Plan	We consider that our proposed site at Strom is a good fit with the development and planning policies set out in the Shetland Development Plan

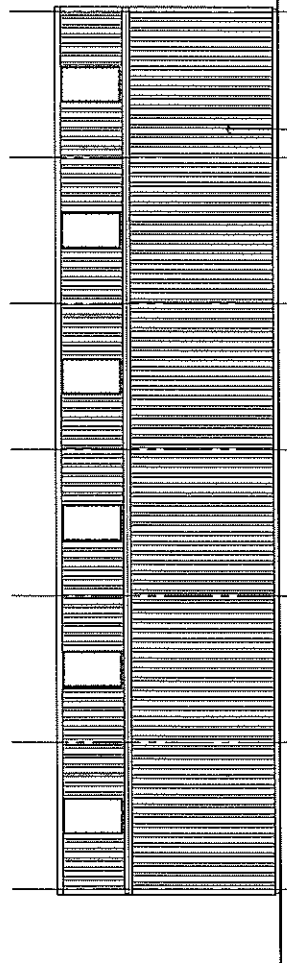
Yours faithfully

Alec Miller  
Chairman

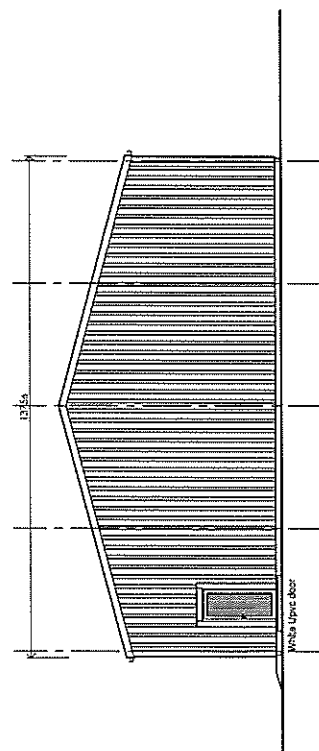




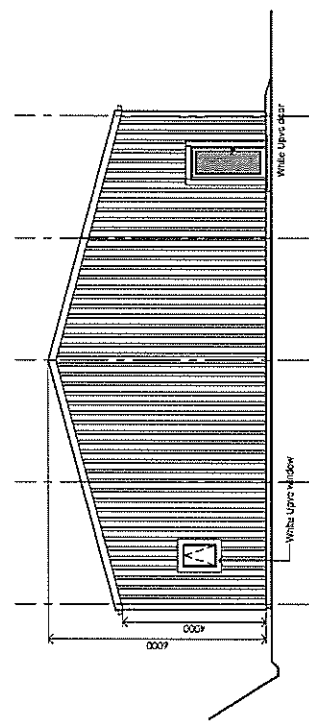
**NORTH ELEVATION**  
Scale 1:100



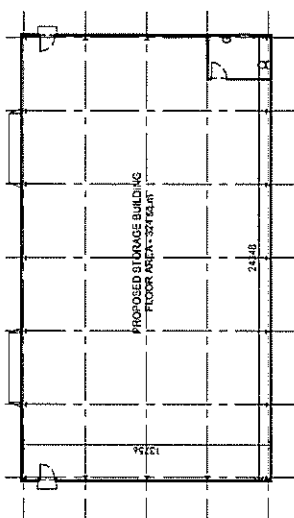
**SOUTH ELEVATION**  
Scale 1:100



**WEST ELEVATION**  
Scale 1:100



**EAST ELEVATION**  
Scale 1:100

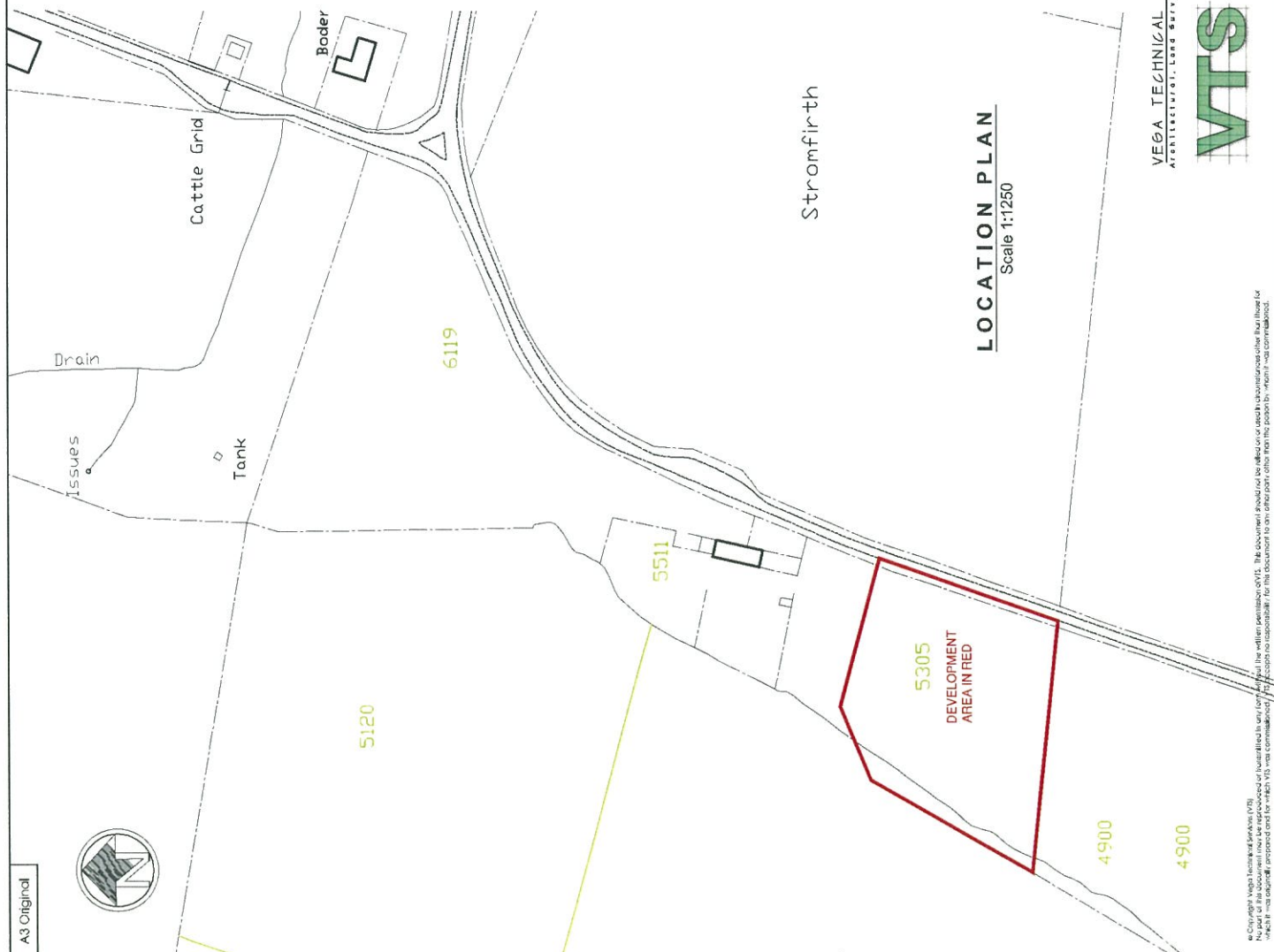


**FLOOR PLAN**  
Scale 1:200

Received  
19th June 2017

Ref	Draw	Description
		<b>VEGA TECHNICAL SERVICES (UK) LTD.</b> ARCHITECTURAL, ENGINEERING, PROJECT MANAGEMENT AND SURVEYING <b>VTS</b> GALLOP • SHOWN • REDUND • 25 9th Tel: 0153 421 238 Email: info@vegats.com
Project	<b>PROPOSED GENERAL PURPOSE STORAGE SHED FACILITY FOR SHELTON HEATH, STROMFORTH, WEISDALE, SHELTON</b>	
Scale	30:1:17	
Drawn by	1:100	
Building elevations	1:100	
Project Name	<b>PLANNING</b>	
Project Number	<b>1256_03</b>	





**A** OWNER / OCCUPIER  
Shaun E. Rennie,

**B** OWNER / OCCUPIER  
Andy Abernethy,  
Stebbingrind,  
Whiteness,  
Shetland.

## LOCATION PLAN

Scale 1:5000

Received  
19th June 2017

Project <b>PROPOSED GENERAL PURPOSE STORAGE          SHED FACILITY FOR SHETLAND HEATHWISE,          STROMFORTH, WEISDALE, SHETLAND</b> Drawing title Location plan	Date Drawn 12.9.16
	Scale(s) & A3 1:1250 1:5000
Drawing status <b>PLANNING</b>	Drawing Number <b>1256.02</b>
Revision -	

**VEGA TECHNICAL SERVICES (shetland) LTD.**  
Architectural, Land Surveying and Civil Engineering CAD drafting

**CUNLEWICK ■ SANDICK ■ SETLAND ■ ZIE JTI**

**Tel:** 01950 431 279  
**Mob:** 07770 854 578  
**E-mail:** [michael@vegatech.plus.com](mailto:michael@vegatech.plus.com)



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Received  
19th June 2017

MR. JOHN HUNTER

GROUND ASSESSMENT & TRIAL PIT DETAILS  
FOR SEPTIC TANK FOR NEW HOUSE,  
NORTH STROM, STROMFIRTH

A trial pit was excavated on the site of the proposed infiltration system associated with a new septic tank for the proposed dwelling house at North Strom, Stromfirth, and the following observations were made:

Date of Test:	24 <sup>th</sup> November 2007 (Trial Pit Excavated) 10 <sup>th</sup> November 2007 (Observations Made)
Depth of Trial Pit:	2000mm from ground level
Depth of Water Table:	No Water Table observed.
Soil Conditions Observed:	Surface to ~ 500mm: Black vegetated topsoil ~500 to ~2000mm: grey / brown boulder clay / weathered rock, getting harder and stonier with depth - to hard DRY
Comments on Soil Conditions:	British Geological Society maps show rock in this location to be metamorphic rock of the East Mainland Succession, Whiteness Division with the rock type described as crystalline limestone with subordinate hornblende-schist.
General Ground Conditions:	The site is gently sloping croft ground currently grazed by sheep. The sites slopes gently to the north and east towards the road around the head of Stromfirth. The soakaway site lies between an existing hill dyke and a ditch which runs just inside the site boundary. It is understood that the ditch will be demolished to provide stone for new walls associated with the proposed dwelling house, and this will allow the space necessary to construct the soakaway. The site proposed for the soakaway is slightly less than 5 metres away from the ditch which runs just inside the site boundary, however we are not concerned by this as the ditch which had running water on the day of the test clearly had no effect on the ground tested, and is uphill of the proposed soakaway. It will therefore be impossible for water from the soakaway to enter the ditch. There are no houses downhill of the proposed soakaway, and no water is abstracted from the immediate area for any use, and there are no trees in the area.
Suitability of Site for Infiltration System:	Inspection of the trial pit, and the results of the percolation test carried out on this site indicate that the proposed site is suitable for an infiltration system.



Willie Ross  
For Arch Henderson LLP,  
Stewart Building  
Lerwick, ZE1 0LL

Assessment Dated:

26<sup>th</sup> Nov 2007

**ARCH  
HENDERSON**

**Received  
19th June 2017**

**BUILDING (SCOTLAND) REGULATIONS 2004  
Infiltration System Certificate**

SIC  
STRUCTURE SERVICES  
- 9 JUN 2007

**Technical Standards 3.9.1 - 3.9.2**

- a) Preliminary ground assessment carried out - *satisfactory* yes
- b) Water table and soil condition trial hole - *satisfactory* yes

**c) Percolation Test**

<u>Site</u> proposed septic tank, North Strom, Stromfirth ZE2 9LH	<u>Test Date:</u> 24th November 2007
<u>Applicant</u> Name: Mr John Hunter Address: Kolrona, Weisdale ZE2 9LQ	<u>Agent</u> Name: Arch Henderson LLP Address: Stewart Building Lerwick Shetland

A percolation test, as specified in the Technical Standards, Standard M3.5 has been undertaken and the results are tabulated below:-

<b>Hole 1</b>	hole depth - 750mm		
Test 1 (secs)	Test 2 (secs)	Test 3 (secs)	Hole 1 Average (secs)
5700	6900	6300	6300
<b>Hole 2</b>	hole depth - 750mm		
Test 1 (secs)	Test 2 (secs)	Test 3 (secs)	Hole 2 Average (secs)
8400	8400	9000	8600

*Note: Holes to be at least 5m apart*

Average Percolation Value (Vp) = 50.0 secs

Area of subsurface drainage trench =  $p \times Vp \times 0.25$  =  $6 \times 50.0 \times 0.25$  = 75.0 m<sup>2</sup>

**Type of Infiltration System:**

Rigid perforated drain 110mm dia, on 300mm deep bed of nominal 20mm clean chips.

I hereby certify that the above percolation tests were undertaken by myself in accordance with Standard 3.9.1 of the Technical Standards.

Name: William J Ross (for)  
 Address: Arch Henderson LLP  
 Stewart Building  
 Lerwick

Signed: *William J Ross*  
 Date: 26<sup>th</sup> Nov 2007

- \* The following should accompany the Certificate
- s Site plan and location plan clearly indicating the proposed site of the septic tank and the position of the percolation test holes
  - s A longitudinal section indicating the relative levels of building, septic tank, filter, infiltration system and ground

**ARCH  
HENDERSON**



**From:** Hunter Dale@Development Management  
**Sent:** 10 Nov 2017 16:01:43 +0000  
**To:** Kevin Rennie  
**Subject:** RE: SIC Planning -2017/213/PPF

Hi Kevin,

My report is with my team leader for review and determination, I will pass on your enquiry.

Regards  
Dale

Dale Hunter  
Planning Officer – Shetland Islands Council  
01595 743963 – dale.hunter@shetland.gov.uk  
8 North Ness, Lerwick, Shetland, ZE1 0LZ



Scottish Awards for  
Quality in Planning  
2017: Shortlisted

**From:** Kevin Rennie [mailto:[REDACTED]]  
**Sent:** 06 November 2017 10:55  
**To:** Hunter Dale@Development Management <Dale.Hunter@shetland.gov.uk>  
**Cc:** Michael Adamson <[REDACTED]>  
**Subject:** Re: SIC Planning -2017/213/PPF

Can you advise what is happening with our planning submission SIC Planning -2017/213/PPF seems to be nothing happening ?

tk

Kevin Rennie

---

**From:** [Dale.Hunter@shetland.gov.uk](mailto:Dale.Hunter@shetland.gov.uk) <[Dale.Hunter@shetland.gov.uk](mailto:Dale.Hunter@shetland.gov.uk)>  
**Sent:** 25 September 2017 13:30  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: SIC Planning -2017/213/PPF

Hi Kevin,

Many thanks for the submission.

Regards

Dale

Dale Hunter

Planning Officer – Shetland Islands Council  
01595 743963 – [dale.hunter@shetland.gov.uk](mailto:dale.hunter@shetland.gov.uk)  
8 North Ness, Lerwick, Shetland, ZE1 0LZ



Scottish Awards for  
Quality in Planning  
2017: Shortlisted

**From:** Kevin Rennie [[mailto:](#) [REDACTED]]  
**Sent:** 22 September 2017 17:35  
**To:** Hunter Dale@Development Management <[Dale.Hunter@shetland.gov.uk](mailto:Dale.Hunter@shetland.gov.uk)>  
**Cc:** [REDACTED] Michael Adamson [REDACTED]  
**Subject:** SIC Planning -2017/213/PPF

Please see attached letter

tk

Kevin Rennie

**From:** Michael Adamson  
**Sent:** 11 Sep 2017 17:25:12 +0100  
**To:** Kevin Rennie  
**Cc:** Hunter Dale@Development Management  
**Subject:** Fw: 2017/213/PPF - North Strom, Stromfirth  
**Importance:** Normal

Hi Kevin,

See below from Planning. Let me know, and I will advise Dale.

Thanks.

Regards,  
Michael.

**VEGA TECHNICAL SERVICES**  
**CUMLIEWICK,**  
**SANDWICK,**  
**SHETLAND,**  
**ZE2 9HH.**

tel: [REDACTED]  
mob [REDACTED]

**From:** [Dale.Hunter@shetland.gov.uk](mailto:Dale.Hunter@shetland.gov.uk)  
**Sent:** 11 September 2017 16:53  
**To:** [REDACTED]  
**Subject:** FW: 2017/213/PPF - North Strom, Stromfirth

Hi Michael,

I don't think we have received an updated supporting statement as below. Do you know of a rough timescale for its submission?

Kind Regards  
Dale

Dale Hunter  
Planning Officer – Shetland Islands Council  
01595 743963 – [dale.hunter@shetland.gov.uk](mailto:dale.hunter@shetland.gov.uk)  
8 North Ness, Lerwick, Shetland, ZE1 0LZ



Scottish Awards for  
Quality in Planning  
2017 Shortlisted

**From:** Hunter Dale@Development Management  
**Sent:** 15 August 2017 17:06

To: [REDACTED]  
Subject: 2017/213/PPF - North Strom, Stromfirth

Hi Michael,

I have been allocated the above application today and I'm just back from site.

The location of the proposed development is difficult for us to support. We have policies which are clear about where industrial and business development should be located – in and around settlements and in areas identified in Supplementary Guidance for Business and Industry. The preapplication response (2016/196/PREAPP) raised the requirements for those locations and noted that if one of those sites was not chosen, a strong justification for it would be needed.

I have read the submitted supporting statement but it does not raise sufficient material planning reasons for the location. I would encourage you to review the supporting statement and provide the justification for the choice of site, specifically referring to the policies in the Shetland Local Development Plan 2014, and the Supplementary Guidance on Business and Industry and show how the development complies with those policies. Both documents can be found at the link below.

<http://www.shetland.gov.uk/planning/LocalDevelopmentPlan.asp>

Within the supporting statement I would encourage you to highlight specific alternative sites in the area which have been considered that meet with the requirements of the policies and justify, in material planning terms why those sites have not been chosen in favour of this proposed site.

I would note that for all applications, it is the responsibility of the developer to ensure that the development complies with the development plan.

At this stage I am not confident that I will be able to approve the application. However, if compliance with the policies and guidance can be demonstrated I will be happy to recommend approval.

If you wish to discuss the above feel free to contact me on 01595 743963.

Regards  
Dale

Dale Hunter  
Planning Officer - Shetland Islands Council  
01595 743963 - [dale.hunter@shetland.gov.uk](mailto:dale.hunter@shetland.gov.uk)  
8 North Ness, Lerwick, Shetland, ZE1 1 0LZ



Scottish Awards for  
Quality in Planning  
2017 Shortlisted

## Section 2. Statutory Advert

5<sup>th</sup> June 2018

## PUBLIC NOTICES

£3.00 per line (minimum £12.00)  
 1st line £5.88 extra  
 Advertisements must be prepaid  
 Rates include VAT

### SKETLAND ISLANDS COUNCIL (Main Street, Scalloway)

Temporary Prohibition of Waiting  
 Temporary Traffic Regulation Order  
 T18/2017

NOTICE is hereby given that Sketland Islands Council propose to make the above named Order under Section 14 of the Road Traffic Regulation Act 1984, as amended.

1 The Order is necessary to allow the essential maintenance, resurfacing of Chapel Lane's carriageway and to ensure that the bus can use the alternative route via Main Street.

2 Temporary Prohibition of Waiting  
 The general effect of this Temporary Order is that no person shall permit any vehicle or pedal cycle to remain at rest on:

(i) that length of the south side of Main Street, Scalloway, commencing at a point 25 metres west of its junction with New Road and proceeding in a westerly direction for a distance of 65 metres or thereby;

(ii) that length of the north side of Main Street, Scalloway commencing at a point 10 metres east of its junction with Chapel Lane and proceeding in a generally southerly direction for a distance of 55 metres or thereby.

3 Nothing in Article 2 above shall apply so as to prevent the permitting to remain at rest any vehicle associated with the said construction works.

4 The period of operation of the proposed Order is from Monday, 10th to Friday, 21st July, 2016 between the hours of midnight and 8am.

MAGGIE SANDISON  
 Director of Infrastructure Services  
 Proper Officer for  
 Sketland Islands Council  
 Infrastructure Services Department  
 Grantfield,  
 Lerwick, ZE1 0NT.

30th June, 2017.

### CRDFTING COMMISSION COMISEAN NA CROITEARACHD DECROFTING APPLICATION

A M Williamson  
 Scotfield South, Burra  
 0.099 ha - amenity ground  
 79327

Written comments from any member

## Shetland Islands Council

These applications, associated plans and documents can be examined, 09.00-17.00, Mon-Fri, at: Shetland Islands Council, Planning Department, Train Shetland, Gremista Industrial Estate, Gremista, Shetland, ZE1 0PX. Please call 744293 to make an appointment if you wish to discuss any application. Applications, associated plans and documents can also be viewed on the Council website at [www.shetland.gov.uk](http://www.shetland.gov.uk).

Town and County Planning (Development Management Procedure) (Scotland) Regulations 2013

Format: Ref No; Proposal & Address

2017/209/PFPF: Installation of pole mounted Vsat dish within its own compound, GPS antenna, equipment housing, support mounts and ancillary development. Existing SSE Radio Base Station, Collafirth, Shetland, ZE2 9PX.

2017/210/PFPF: Installation of pole-mounted Vsat dish, fencing, GPS antenna, equipment housing and ancillary development; Existing Radio Base Station, Voe, Walsdale, Shetland, ZE2 9LN.

2017/207/PFPF: The proposals comprise the following main elements:-  
 1. Construct an extension on the front of the existing welfare/workshop building.  
 2. Renovate the existing welfare/workshop building to form the new Emergency Response facility.  
 3. Alter the existing warehouse building to incorporate a workshop and a warehouse storage facility.  
 4. An additional storage building is to be constructed on the site.  
 5. A new entrance is to be formed at the south-eastern end of the site; B P Exp Operating Co Ltd, Selaness, Shetland.

2017/197/PFPF: Conversion to form 4 No Flats to existing first floor, with separate access at ground floor level, creation of bicycle and pram store, removal of existing fuel pumps and canopy, reposition fuel pumps, removal vehicle door from north wall and provide parking; Grantfield Garage, North Road, Lerwick, Shetland, ZE1 0NT.

2017/213/PFPF: Change of Use of Land, excavation to form car parking, turning and platform with access to public road and to construct general purpose storage shed Class 6; North Strom, Stromfirth, Walsdale.

2017/022/MAR: To develop a new mussel farm comprising of three 220m twin-headline longlines; West of Grobness, Deiling.

Written comments may be made to Iain McDiarmid, Executive Manager, at the above address, email: [development.management@shetland.gov.uk](mailto:development.management@shetland.gov.uk) by 14th July, 2017.

Town and County Planning (Scotland) Act 1997 and Town and Country Planning (Listed Buildings and Buildings in Conservation Areas) (Scotland) Regulations 1987

Format: Ref No; Proposal & Address

2017/206/PFPF: Reinstall Proposed Garage; Wybank, Westshore, Scalloway, Shetland, ZE1 0XJ.

Written comments may be made to Iain McDiarmid, Executive Manager, at the above address, email: [development.management@shetland.gov.uk](mailto:development.management@shetland.gov.uk) by 21st July, 2017.

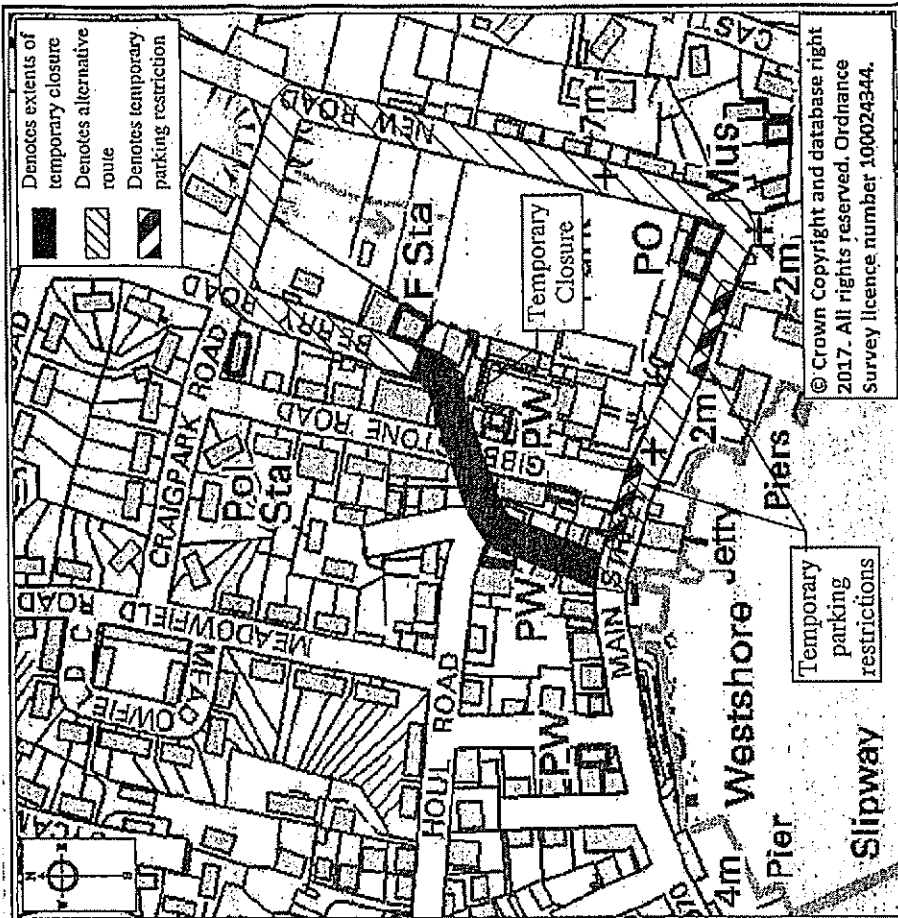
### PROPOSED ASSIGNMENT OF A CROFT

Alan James Leask is applying to assign the tenancy of the croft at 1, Lower Guidon, Gossabrough, Toli (22671) to Russell Clive Allan-Hinton of 5 Lechnon Crescent, St Johns, Worcester, WR2 6ED. Written comments from those with a relevant interest (which may be made public) to: Crofting Commission, Leachkin Road, Inverness IV3 8NW, [info@crofting.scotland.gov.uk](mailto:info@crofting.scotland.gov.uk) by 28th July, 2017.

### ZETLAND COUNCIL COUNCIL ACT 1974

WORKS LICENCE APPLICATION  
 GRUNNA VOE, VIDLIN

NOTICE is hereby given that application is being made to Shetland Islands Council in terms of Section 11 of the above Act to install a septic tank at outfall to serve a new dwelling house at the above location by Wilbert Johnson. All plans and particulars of the pro-



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## SHETLAND ISLANDS COUNCIL (CHAPEL LANE, SCALLOWAY) TEMPORARY ROAD CLOSURE

### Road Closure

Chapel Lane, Scalloway is to be temporarily closed from Monday 10th until Friday 21st July, 2017. The closure is necessary to allow essential resurfacing of the carriageway.

There are alternative routes for vehicular traffic via Berry Road, Lovers Lane, New Road and Main Street in the southbound direction and vice versa in the northbound direction.

### Temporary Parking Restrictions

There will be temporary parking restrictions on the south side (Williamson's to Meat Company) and the north side (Chapel Lane to Scalloway Hotel) of Main Street to ensure that the alternative route can be used by the service bus.

Margaret Sandison

## Section 3. Consultation Responses

5<sup>th</sup> June 2018

10<sup>th</sup> July 2017

Shetland Isles Council  
Development Management  
North Gremista Ind Est  
Lerwick  
ZE1 0PX



**Scottish  
Water**  
Trusted to serve Scotland

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - [REDACTED]  
E-Mail - [REDACTED]  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Sir/Madam

**SITE: ZE2 Weisdale Stromfirth North Strom**  
**PLANNING REF: 2017/213/PPF**  
**OUR REF: 747338**  
**PROPOSAL: Change of Use of Land, Excavation to Form Car Parking, turning and platform with access to Public road and to construct General Purpose storage shed Class 6**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

**Water**

- There is currently sufficient capacity in the **Eela Water** Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

**Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.



There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

#### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel:** [REDACTED]

**Email:** [REDACTED]

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- **If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.**
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units

that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on [REDACTED] or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Lisa Lennox**

Development Operations Analyst

[REDACTED]

## MEMO

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To: Development Control

From: Roads

If calling please ask for

Ian Leask

Direct Dial: 4166

Medium: email

Our Ref: IAL/SMG/R/G2/TW

Your Ref:

Date: 3rd July 2017

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**Application: 2017/213/PPF**

**Address: North Strom, Stromfirth, Weisdale**

**Proposal: Change of use of land, excavation to form car parking, turning and platform with access to public road and to construct general purpose storage shed class 6.**

**Date of Consultation:**

---

**Recommended Action: Recommend Refusal**

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### Road Authority Comments:

1. The required visibility splays must be provided before any building works start on site and must be maintained during the course of the works and thereafter.

*The applicant should show that they have control over any ground required to provide and maintain the required visibility splays.*

- a. A visibility splay of 2.5 metres by 90 metres must be provided to the north of the junction of the access with the public road. This is available at present.
- b. A visibility splay of 2.5 metres by 120 metres must be provided to the south of the junction of the access with the public road. This is not available at present.

This visibility splay could be achieved if the roadside fence to the south of the proposed access is set back 2.5 metres from the road edge and if ground levels are trimmed down at the back of the ditch.

2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2.5 metres of the edge of the public road.
3. The gradient of the access should not exceed 5% (slope of 1 in 20) for at least the first 10 metres from the edge of the public road. The initial access gradient should be no greater than 3 percent more or less than the crossfall/ camber of the public road at the junction.

*This is required to provide a safe stopping platform before entering the public road.*

4. The access should be surfaced in bitmac or double coat hot tar surface dressing for at least the first 10 metres from the edge of the public road. This requirement is not currently met.

*This is required to prevent damage to the road edge and minimise the possibility of loose material being dragged onto the public road.*

5. The access should be designed in order that it does not shed surface water from the site onto the public road.
6. Site drainage should be designed, provided and maintained such that no surface water from the site shall be permitted to drain or run onto the public road.

*It is an offence under the Roads (Scotland) Act 1984 to allow water to shed onto the public road as it can create a significant hazard, particularly in winter.*

7. The junction onto the public road shall be formed with 9 metre radiuses between the access and the public road edge. This requirement is not currently met.
8. That the public road shall be widened to 3.3 metres over the frontage of the proposed junction bellmouth. This will require the roadside ditch to be set back and re-graded as necessary to create a verge of at least 1 metre in width, and to accommodate any pipe under the access.

*This is required to prevent damage to the road edge and verges through over-running by turning vehicles.*

9. The access should be piped with at least a 225mm diameter culvert with concrete headwalls provided at either end of the pipe. The pipe shall be set back from the edge of the road such that a minimum 1 metre verge width is achieved. The pipe shall be set to a self-cleansing gradient. The adjacent ditches may have to be re-graded / re-aligned to accommodate the pipe.

*This is required to protect the effectiveness of the public road drainage infrastructure.*

10. 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. A Road Opening Permit must be obtained from The Shetland Islands Council Roads Service prior to carrying out any works to form an access onto the public road.

*It is illegal to carry out works within or adjacent to the public road without first obtaining the necessary consents from the Roads Authority. This is a separate legal process from the Planning process.*

11. Any gate should be set back a minimum of 10 metres from the edge of the public road.

*This is to allow a vehicle to stand clear of the road while the gate is being opened.*

12. Parking provision should be made within the site for a minimum of 4 cars. Only 2 spaces are currently shown on the site plan. All parking spaces should be clear of any turning area.
13. Turning provision should be made within the site for a large rigid goods vehicle.

*Adequate parking and turning within the site is required in order to prevent safety or congestion issues being created on the public road in the vicinity of the development.*

14. We recommend refusal for the proposed development on the basis that it could result in frequent HGV traffic movements to and from the site which would result in damage to the edges of the road due to its narrow width and bendiness.

It is noted that the applicant intends only to have light insulation materials delivered to site by curtain-side trucks at a frequency of around 2 – 3 times per month. Whilst this level of loading is unlikely to cause significant damage to the road, we, as the Roads Authority, have to consider the possibility of the proposed building being used in a different manner in the future. Such future uses may result in deliveries to site by heavy goods vehicles carrying heavier loads without any requirement for a further planning consent. The Planning Service has advised us that the proposed site is not in an area zoned for commercial/ industrial development. With little or no other commercial/ industrial development currently located in the area we would not wish to set a precedent by accepting this type of development along the Stromfirth/Girlsta road given its alignment and width.

Referring to the supporting statements, the horse boxes and trailers associated with the Shetland Equestrian Centre are lighter in weight than an articulated or large rigid goods vehicle. In addition, an SUV towing a horse box can follow a tighter swept path when compared to an artic, and therefore will be less likely to cause road edge damage on tight bends.

The builder's yard referred to on the former salmon hatchery site does not have planning consent.

It is accepted that the Girlsta/ Stromfirth road is currently used by HGVs. However, most of this HGV use relates to crofting, or is associated with deliveries to domestic properties in the area. Whilst we have to accept that a certain level of HGV traffic associated with crofting will be present on this road due to its rural location, it would be negligent of us not to oppose the avoidable use of this road by additional traffic of types that would be likely to cause damage.

However, we would not have an objection to the development, on the basis of future roads maintenance burden, if planning consent was granted subject to site use being restricted to the storage of light insulation materials delivered to site by rigid good vehicles. The aim of such a condition would be to prevent, without further application for consent, any change of use that could result in articulated goods vehicles delivering heavier loads. I would be pleased to discuss this point further.

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Executive Manager, Roads

**From:** Smith Colin@Marine Planning on behalf of Planning Flooding Drainage Coastal  
**Sent:** 27 Jun 2017 09:30:56 +0100  
**To:** Development Management@Development  
**Subject:** RE: Planning Consulation 2017/213/PPF

#### Background

This is an application for construction of a storage shed and hardstanding area at Strom.  
The submitted plan shows surface water draining to a SUDs soakaway.

#### Comments

To comply with the Water Framework Directive the drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred before the development.

A suitably designed soakaway would meet this attenuation requirement.

The submitted plan shows roof water from the proposed shed being piped to the soakaway, but it is not clear how surface water runoff from the hardstanding area will be collected and directed there.

Any SUDs device making use of infiltration should be at least 5m from any house or public road or site boundary.

The location shown appears to be acceptable.

During extreme rainfall events surface water flows may exceed the capacity of the drainage systems and back up, or flow over the ground.

Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site.

The landscaping / ground levels on the site should therefore be designed to ensure that these potential overland flows of water would not cause a flooding problem to the proposed house:- the site levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

There do not appear to be any site specific issues in this regard.

Colin Smith  
Planning Engineer

Shetland Islands Council | Train Shetland | Gremista | Lerwick | Shetland  
Tel +44 (0)1595 744881  
Email [colin.smith@shetland.gov.uk](mailto:colin.smith@shetland.gov.uk)

**From:** Development Management@Development  
**Sent:** 26 June 2017 18:36  
**To:** Planning Flooding Drainage Coastal; Roads Traffic; Tulloch,Vivienne; Scottish Water  
**Subject:** Planning Consulation 2017/213/PPF

Dear Sir/Madam,

<b>Planning Ref:</b> 2017/213/PPF
-----------------------------------

**Proposal:** Change of Use of Land, Excavation to Form Car Parking, turning and platform with access to Public road and to construct General Purpose storage shed Class 6

**Address:** North Strom Stromfirth WEISDALE

**Applicant:** Shetland Heatwise

**Date of Consultation:** 26.06.2017

This e-mail is a formal consultation under the Town and Country Planning (Scotland) Acts. All plans can be viewed on:

<http://pa.shetland.gov.uk/online-applications/>

The consultation period is 14 days, but if you have any queries please contact Marion Bryant, Support Officer on [development.management@shetland.gov.uk](mailto:development.management@shetland.gov.uk) or 01595 744864.

Consultation replies should be sent to: [development.management@shetland.gov.uk](mailto:development.management@shetland.gov.uk).

We appreciate that it may not always be possible to give a full response within the 14 days. If this is the case, please email [development.management@shetland.gov.uk](mailto:development.management@shetland.gov.uk) to indicate your continuing interest in the proposal.

If there are any problems with the e-consultation process, please get in touch.

Iain McDiarmid

Executive Manager - Planning Service

Shetland Islands Council

Train Shetland, North Gremista Industrial Estate

Lerwick

ZE1 0LZ



## Section 4. Representations

5<sup>th</sup> June 2018

## Section 5. Report of Handling

5<sup>th</sup> June 2018

## **Delegated Report of Handling**

**Development:** Change of Use of Land, Excavation to Form Car Parking, turning and platform with access to Public road and to construct General Purpose storage shed Class 6

**Location:** North Strom, Stromfirth, WEISDALE,

**By:** Shetland Heatwise

**Application Ref:** 2017/213/PPF

### **1. Introduction**

The application for full planning permission proposes the erection of a storage shed (approximately 24.50m long by 13.75m wide by 6m high (to ridge)) to accommodate a new Class 6 Storage and Distribution use, together with the formation of car parking and a turning area, on land that is currently used for agriculture at Stromfirth, Weisdale. The proposal is to excavate a bowl shape into the sloping 3200 sqm application site (up to 5.2 metres depth) in order to create a level platform for the building and parking and turning area.

The application site has had a previous planning application (reference number 2009/187/PCD) granted within it for the erection of a dwellinghouse, and a pre-application enquiry relating to the proposed development now the subject of the application under consideration (reference number 2016/196/PREAPP) was made.

### **2. Statutory Development Plan Policies**

#### **Shetland Local Development Plan**

GP1 - Sustainable Development

GP2 - General Requirements for All Development

GP3 - All Development: Layout and Design

ED1 - Support for Business and Industry

ED2 - Commercial and Business Developments

W5 - Waste Management Plans and facilities in all new developments

TRANS 1 - Integrated Transport

TRANS 3 - Access and Parking Standards

WD2 - Waste Water

WD3 - SuDs

### **3. Safeguarding**

- Tingwall 10km Safeguarding - Tingwall 10km Safeguarding: Wind Turbine applications require consultation with Airport.
- 30km Radius Scatsta - 30km Sumburgh Scatsta: 2
- Crofting Apportionments - Croft: 1332

- Crofts - Holding ID: 5674
- Decrofted - Decrofted: 5674
- Landscape Character Assessment - Landscape Character Assessment: Inland Valleys

#### 4. Consultations

Planning - Flooding Drainage Coastal was consulted on the 26 June 2017. Their comments dated 27 June 2017 can be summarised as follows:

##### Background

This is an application for construction of a storage shed and hardstanding area at Strom.

The submitted plan shows surface water draining to a SUDs soakaway.

##### Comments

To comply with the Water Framework Directive the drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred before the development.

A suitably designed soakaway would meet this attenuation requirement.

The submitted plan shows roof water from the proposed shed being piped to the soakaway, but it is not clear how surface water runoff from the hardstanding area will be collected and directed there.

Any SUDs device making use of infiltration should be at least 5m from any house or public road or site boundary.

The location shown appears to be acceptable.

During extreme rainfall events surface water flows may exceed the capacity of the drainage systems and back up, or flow over the ground.

Flows from higher ground may also exceed the capacity of any cut off ditches or drains which may be proposed to protect the site.

The landscaping / ground levels on the site should therefore be designed to ensure that these potential overland flows of water would not cause a flooding problem to the proposed *house (sic)*:- the site levels should guide water flowing over the ground away from properties and towards a suitable place for them to re-enter a drainage system.

There do not appear to be any site specific issues in this regard.

Roads Traffic was consulted on the 26 June 2017. Their comments dated 5 July 2017 can be summarised as follows:

##### Recommend Refusal

1. The required visibility splays must be provided before any building works start on site and must be maintained during the course of the works and thereafter.

The applicant should show that they have control over any ground required to provide and maintain the required visibility splays.

a. A visibility splay of 2.5 metres by 90 metres must be provided to the north of the junction of the access with the public road. This is available at present.

b. A visibility splay of 2.5 metres by 120 metres must be provided to the south of the junction of the access with the public road. This is not available at present.

This visibility splay could be achieved if the roadside fence to the south of the proposed access is set back 2.5 metres from the road edge and if ground levels are trimmed down at the back of the ditch.

2. No fence, wall, bushes or other potential obstruction to visibility should be permitted within 2.5 metres of the edge of the public road.

3. The gradient of the access should not exceed 5% (slope of 1 in 20) for at least the first 10 metres from the edge of the public road. The initial access gradient should be no greater than 3 percent more or less than the crossfall/ camber of the public road at the junction.

This is required to provide a safe stopping platform before entering the public road.

4. The access should be surfaced in bitmac or double coat hot tar surface dressing for at least the first 10 metres from the edge of the public road. This requirement is not currently met.

This is required to prevent damage to the road edge and minimise the possibility of loose material being dragged onto the public road.

5. The access should be designed in order that it does not shed surface water from the site onto the public road.

6. Site drainage should be designed, provided and maintained such that no surface water from the site shall be permitted to drain or run onto the public road.

It is an offence under the Roads (Scotland) Act 1984 to allow water to shed onto the public road as it can create a significant hazard, particularly in winter.

7. The junction onto the public road shall be formed with 9 metre radiuses between the access and the public road edge. This requirement is not currently met.

8. That the public road shall be widened to 3.3 metres over the frontage of the proposed junction bellmouth. This will require the roadside ditch to be set back and re-graded as necessary to create a verge of at least 1 metre in width, and to accommodate any pipe under the access.

This is required to prevent damage to the road edge and verges through over-running by turning vehicles.

9. The access should be piped with at least a 225mm diameter culvert with concrete headwalls provided at either end of the pipe. The pipe shall be set back from the edge of the road such that a minimum 1 metre verge width is achieved. The pipe shall be set to a self-cleansing gradient. The adjacent ditches may have to be re-graded / re-aligned to accommodate the pipe.

This is required to protect the effectiveness of the public road drainage infrastructure.

10. 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. A Road Opening Permit must be obtained from The Shetland Islands Council Roads Service prior to carrying out any works to form an access onto the public road.  
It is illegal to carry out works within or adjacent to the public road without first obtaining the necessary consents from the Roads Authority. This is a separate legal process from the Planning process.
11. Any gate should be set back a minimum of 10 metres from the edge of the public road.  
This is to allow a vehicle to stand clear of the road while the gate is being opened.
12. Parking provision should be made within the site for a minimum of 4 cars. Only 2 spaces are currently shown on the site plan. All parking spaces should be clear of any turning area.
13. Turning provision should be made within the site for a large rigid goods vehicle.  
Adequate parking and turning within the site is required in order to prevent safety or congestion issues being created on the public road in the vicinity of the development.
14. We recommend refusal for the proposed development on the basis that it could result in frequent HGV traffic movements to and from the site which would result in damage to the edges of the road due to its narrow width and bendiness.

It is noted that the applicant intends only to have light insulation materials delivered to site by curtain-side trucks at a frequency of around 2 - 3 times per month. Whilst this level of loading is unlikely to cause significant damage to the road, we, as the Roads Authority, have to consider the possibility of the proposed building being used in a different manner in the future. Such future uses may result in deliveries to site by heavy goods vehicles carrying heavier loads without any requirement for a further planning consent. The Planning Service has advised us that the proposed site is not in an area zoned for commercial/ industrial development. With little or no other commercial/ industrial development currently located in the area we would not wish to set a precedent by accepting this type of development along the Stromfirth/Girlsta road given its alignment and width.

Referring to the supporting statements, the horse boxes and trailers associated with the Shetland Equestrian Centre are lighter in weight than an articulated or large rigid goods vehicle. In addition, an SUV towing a horse box can follow a tighter swept path when compared to an artic, and therefore will be less likely to cause road edge damage on tight bends.

The builder's yard referred to on the former salmon hatchery site does not have planning consent.

It is accepted that the Girlsta/ Stromfirth road is currently used by HGVs. However, most of this HGV use relates to crofting, or is associated with

deliveries to domestic properties in the area. Whilst we have to accept that a certain level of HGV traffic associated with crofting will be present on this road due to its rural location, it would be negligent of us not to oppose the avoidable use of this road by additional traffic of types that would be likely to cause damage.

However, we would not have an objection to the development, on the basis of future roads maintenance burden, if planning consent was granted subject to site use being restricted to the storage of light insulation materials delivered to site by rigid good vehicles. The aim of such a condition would be to prevent, without further application for consent, any change of use that could result in articulated goods vehicles delivering heavier loads. I would be pleased to discuss this point further.

Tingwall Whiteness & Weisdale Community Council Clerk was consulted on the 26 June 2017. There was no response from this consultee at the time of report preparation.

Scottish Water Customer Connections was consulted on the 26 June 2017. Their comments dated 10 July 2017 can be summarised as follows:

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### Water

There is currently sufficient capacity in the Eela Water Water Treatment Works.

However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

#### Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

#### Development Operations

The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB  
Development Operations

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

**General notes:**

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)

[www.sisplan.co.uk](http://www.sisplan.co.uk)

Scottish Water's current minimum level of service for water pressure is 1.0 bar or

10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

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

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link

<https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

**Next Steps:**

**Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

**Trade Effluent Discharge from Non Dom Property:**



Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email

Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

## **5. Statutory Advertisements**

The application was advertised in the Shetland Times on 30.06.2017

A site notice was not required to be posted.

## **6. Representations**

None.

## **7. Report**

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 and these are listed at paragraph 2 above. The determining issues to be considered are whether the proposal complies with Development Plan Policy, or there are any other material considerations which would warrant the setting aside of Development Plan Policy.

Shetland Local Development Plan 2014 (SLDP) Policies ED1 and ED2 promote business and industrial developments where those developments are found to be in compliance with the general policies of the SLDP (Policies GP1, GP2 and GP3). Policy GP1 states that new employment developments should be in or adjacent to existing settlements that have basic services and infrastructure in order to enhance their viability and vitality. Policy GP2 sets out the general requirements for all development, including that development: should be located, constructed and designed so as to minimise the use of energy; should not have a significant adverse effect on existing uses; and should be consistent with National Planning Policy, other Local Development Plan policies and Supplementary Guidance.

To guide the assessment of applications such as this, the draft Supplementary Guidance on Business and Industry (SGBI), which is a material consideration in the determination of planning applications, goes into further depth as to appropriate business and industrial developments.

SGBI Policy SGED1 states that businesses which fall into use classes 4, 5 and 6 will be supported in industrial areas, sites with development potential and brownfield land which meets with other policy requirements.

In order to determine whether SGBI Policy SGED2 or SGED3 applies, it must be determined whether the proposed site is within a rural settlement or is in the open countryside. From site visits, it is clear that the density of residential development in the area is very low. Excluding the dwellinghouse that the applicant has indicated is owned by its manager, the nearest residential properties are 234m, 347m and 355m from the proposed development site. While this in itself does not determine that the site is not within a settlement, the characteristics of the area are of a dispersed crofting pattern of development and it cannot be considered that the site is within a settlement. Therefore SGBI Policy SGED3 applies.

SGBI Policy SGED3 supports business and industrial developments in the open countryside where:

- the applicant can demonstrate that the proposed development cannot be located within a defined industrial area, a site with industrial development potential or an existing settlement;
- the possibility of re-using suitable existing redundant buildings and brownfield sites has been considered and proven to the satisfaction of the Planning Authority to be impracticable;
- the criteria for development outlined in SGED2 can be fully met;
- if appropriate, restoration proposals which enhance biodiversity are agreed at the application stage;

Concerns were raised with the agent regarding the location of the proposed development who was encouraged to provide an additional supporting statement which highlights the specific requirements for the site in planning terms, to identify potential alternative sites that comply with the policy requirements and show why the specific site was chosen in planning terms.

In the subsequently submitted additional supporting statement, the applicant has highlighted the Sites with Development Potential for industrial development within the Shetland Local Development Plan 2014 and concluded that none of the industrial sites are appropriate. The reasons given are that the costs of utilising these sites are too high (Lerwick, Scatsta and Sellaness, Haggrista), that some are not located in a central enough location for the needs of the business (Scatsta and Sellaness, Scatness and Dunrossness, Haggrista) and that one of the sites has already been developed (Decca Station).

No alternative sites outwith Sites with Development Potential have been identified in the additional supporting statement. It is noted that whilst the applicant was requested (through the agent) to show why the application is in compliance with the SGBI, this has not been conducted within the additional supporting statement.

While economic viability is a material planning consideration, it is not considered that a strong enough justification for the choice of the specific site has been provided which would justify that, for reasons of economic viability, no sites in industrial areas, sites with industrial development potential or in an existing settlement can be used.

It is noted that a preapplication response (2016/196/PREAPP) that was provided to the now applicant also raised concerns with the principle of the proposed location and the applicant was advised that if they wished to progress with the application that a sufficient justification should be provided for that site given that it is not within an appropriate location for business or industry.

It has been concluded that there is insufficient material planning justification for the use of a greenfield site in the open countryside when, within a relatively short distance there are industrial areas, Sites with Development Potential for industry, brownfield sites and within settlements that could have been utilised and would have complied with SGBI SGED1 and SGBI SGED2, and consequently SLDP Policies ED1 and ED2. Controlling conditions are not able to bring the proposal into compliance with the above policies.

While the additional supporting statement notes that sustainable materials will be used internally, this would not have a material effect on the requirements for sustainable business and industrial locations for development of this nature.

It is noted that SLDP Policy GP1 regards new employment developments but the proposed development is for the creation of a facility for an existing business. The supporting statement does not indicate that there will be additional employment as a result of the development.

While SLDP Policies TRANS1 and GP1 encourage the use of sustainable transport, the justification given in the additional supporting statement that the specific site should be chosen to encourage sustainable transport (given a reduction in staff travel, delivery travel distances and is adjacent to the applicant's dwellinghouse) does not allay that locations for the proposed development in industrial areas, brownfield land or within settlements in the Central Mainland area would be equally as sustainable in transport terms.

The draft Supplementary Guidance Policy SGED4 on Buildings and Plant seeks to ensure that the appearance of buildings, landscaping and the effects on the surrounding area are properly assessed. This is because industrial and commercial operations often include very large buildings. In terms of layout and design, the proposed structure and the degree of excavation required to accommodate the development would appear intrusive in views obtained of the east facing hillside on which the application site lies by comparison to the small scale of other developments in the area. However, given that there are other, albeit smaller, portal frame buildings for agricultural use and the buildings associated with the Shetland Equestrian Centre in the area, the impact on the landscape and character of the wider area would not be significantly adverse. The proposal complies with SLDP Policy GP3.

A standard consultation response from Scottish Water was received for this application. There appears to be no readily available public sewer and the proposal to install a septic tank can be accommodated. The proposed development complies with SLDP Policy WD2.

The consultation response from the Council's Drainage Engineer confirmed that the proposed SUDS device would be located in an appropriate location and that the approach to overflows has been appropriately considered. The proposed development complies with SLDP Policy WD3.

The consultation response from the Council's Roads Service recommended that the proposed development should be refused. The justification for this recommendation highlighted that frequent HGV traffic movements to and from the site would result in damage to the edges of the road and would set a precedent for further industrial development along the Stromfirth/Girlsta Road which is of a type or quality which could accommodate such traffic. The Roads Service raised that if a condition was attached to an approval of the proposal which ensured only the use of infrequent deliveries for light materials (brought about through the site's use being restricted to the storage of light insulation materials) and the deliveries to the site being through the use of rigid goods vehicles is approved, then the recommendation for refusal would be withdrawn. With the acceptability of this impact of the proposed development being dependant on the identity of the operator, i.e. the applicant, it is

considered that the submission of a traffic management plan and use of the proposed building by the applicant only would provide the surety required that the number and type of vehicle movements can be satisfactorily monitored. Subject to such conditions that require the submission of a traffic management plan and make the permission personal to the applicant, the proposal complies with SLDP Policy TRANS3.

Business and industrial developments should be located in Sites with Development Potential for industry, industrial areas, brownfield sites or within settlements unless a sufficient justification has been provided for the use of an alternative site. The proposal is located on greenfield open crofting land which is not within a settlement, and while justification has been provided for the location it does not provide sufficient material weight for the choice of location for the development. The proposed development is contrary to Shetland Local Development Plan 2014 Policies GP1, GP2, ED1 and ED2 and should be refused.

**8. Recommendation**

Refusal

**Reasons for Council's decision:**

Business and industrial developments should be located in Sites with Development Potential for industry, industrial areas, brownfield sites or within settlements unless a sufficient justification has been provided for the use of an alternative site. The proposal is located on greenfield open crofting land which is not within a settlement and while justification has been provided for the location it does not provide sufficient material weight for the choice of location for the development. The proposed development is contrary to Shetland Local Development Plan 2014 Policies GP1, GP2, ED1 and ED2.

**9. List of Refused plans:**

- Site & Section Plan Drawing No. 1256.01  
Stamped Received. 19.06.2017
- Location Plan Drawing No. 1256.02  
Stamped Received. 19.06.2017
- Elevations Drawing No. 1256.03  
Stamped Received. 19.06.2017
- Supporting Statement Drawing No. 213-01  
Stamped Received. 19.06.2017
- Supporting Statement Drawing No. 213-04  
Stamped Received. 22.09.2017

**10. Further Notifications Required**

None.

11. **Background Information Considered**

None.

2017/213/PPF\_Delegated\_Report\_of\_Handling.doc  
Officer: Dale Hunter  
Date: 13/12/2017

## Section 6. Decision Notice

5<sup>th</sup> June 2018



## **SHETLAND ISLANDS COUNCIL**

### **Town and Country Planning (Scotland) Acts**

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

#### **Applicant Name and Address**

Shetland Heatwise  
Staney Hill Offices  
Staney Hill  
Lerwick  
Shetland  
UK  
ZE2 0QW

#### **Agent Name and Address**

Michael Adamson  
Vega  
Cumliewick  
Sandwick  
Shetland  
United Kingdom  
ZE2 9HH

#### **Reference Number:** 2017/213/PPF

Change of Use of Land, Excavation to Form Car Parking, turning and platform with access to Public road and to construct General Purpose storage shed Class 6:  
North Strom, Stromfirth, WEISDALE

#### **Details of Refused Plans and Drawings:**

- Site & Section Plan Drawing No. 1256.01  
Stamped Received. 19.06.2017
- Location Plan Drawing No. 1256.02  
Stamped Received. 19.06.2017
- Elevations Drawing No. 1256.03  
Stamped Received. 19.06.2017
- Supporting Statement Drawing No. 213-01  
Stamped Received. 19.06.2017
- Supporting Statement Drawing No. 213-04  
Stamped Received. 22.09.2017



## **IMPORTANT INFORMATION**

If you are aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, you may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to: Shetland Islands Council, Planning, Development Services Department, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ. The necessary form can be obtained upon request from the same address.

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

**Reasons for Council's decision:**

Business and industrial developments should be located in Sites with Development Potential for industry, industrial areas, brownfield sites or within settlements unless a sufficient justification has been provided for the use of an alternative site. The proposal is located on greenfield open crofting land which is not within a settlement and while justification has been provided for the location it does not provide sufficient material weight for the choice of location for the development. The proposed development is contrary to Shetland Local Development Plan 2014 Policies GP1, GP2, ED1 and ED2.

18 December 2017



Executive Manager

Proposed Balmoral BST27 2700Litre  
(1-4 person PE) septic tank or  
equivalent product, outfalling to land  
filtration system

Proposed surface water soakaway designed in accordance with BRE Digest 365. Soakaway to be located a minimum 5m from site boundary.  
Soakaway with overflow pipe to existing roadside ditch


Shaded area indicates extent of access to be surfaced with bitmac, 6m back from public road edge.

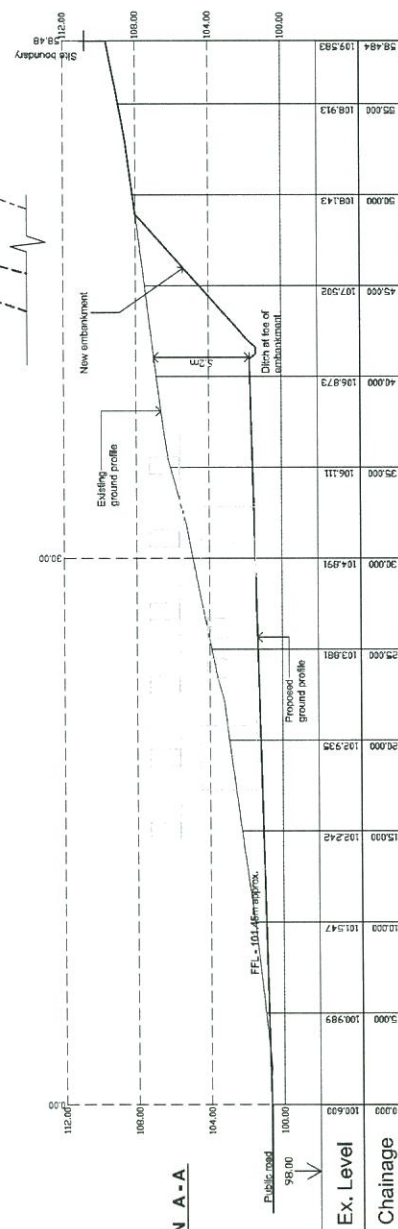
Existing roadside ditch re-aligned to provide minimum 1m verge and concrete head-walls constructed, 225mm Ø culvert under new access laid at self densing gradient

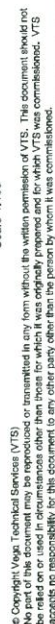
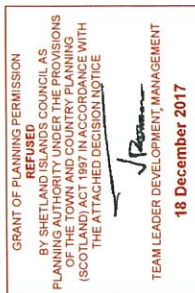
GRANT OF PLANNING PERMISSION  
**REFUSED**  
BY SHETLAND ISLANDS COUNCIL AS  
PLANNING AUTHORITY UNDER THE PROVISIONS  
OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997 IN ACCORDANCE WITH  
THE ATTACHED DECISION NOTICE

TEAM LEADER DEVELOPMENT MANAGEMENT  
18 December 2017

Received  
19th June 2017

Inv	Date	Description
		 <p> <b>VEGA TECHNICAL SERVICES (SHIELAND) LTD</b>            GALENWK • SHINK • WELAND • ZEE 911            01920 243 278            Tel: 01920 243 279            E-mail: <a href="mailto:richard@vega-tech.zee.com">richard@vega-tech.zee.com</a> </p>
Prepaid		<p> <b>PROPOSED GENERAL PURPOSE STORAGE            SHED FACILITY FOR SHETLAND HEATHWISE,            STROMFORTH, WEISDALE, SHETLAND</b>            Site plan and site section         </p>
Drawings issued		<p>           Drawing No: 1256/01            Drawing Name: <b>PLANNING</b>            Rev: 1         </p>
		<p>           Date: 19.11.17            1256/01.03            1250            1200            1100            1000            900            800            700            600            500            400            300            200            100            0         </p>





<div style="border: 1px solid black; padding: 10px; text-align: center;"> <p>Received 19th June 2017</p> </div>	<p>VEGA TECHNICAL SERVICES (SHETLAND) LTD.  <small>AN AFFILIATE OF THE SHETLAND COUNCIL</small></p>	<p>Telephone</p>	<p>303.117</p>	<p>303.117</p>	<p>0844 844 626</p>	<p>0844 844 626</p>	<p>0844 844 626</p>
<p>Proposed</p>	<p>PROPOSED GENERAL PURPOSE STORAGE          SHED FACILITY FOR SHETLAND HEATHWIDE,          STROMFORTH, WEISDALE, SHETLAND</p>	<p>Building elevations</p>	<p>Drawings Number</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>	<p>1:1000</p>
<p>Planning</p>	<p>Planning</p>	<p>Planning</p>	<p>Planning</p>	<p>Planning</p>	<p>Planning</p>	<p>Planning</p>	<p>Planning</p>
<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>
<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>	<p>Drawings</p>



213-04

Telephone: [REDACTED]

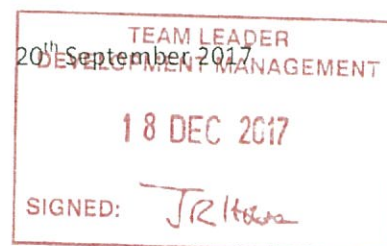
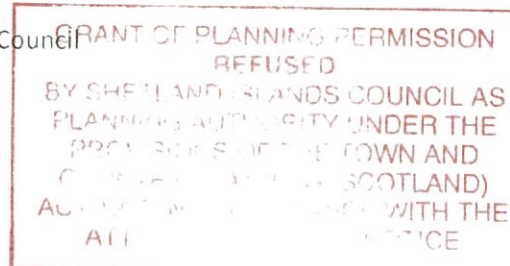
Fax: [REDACTED]

Mob: [REDACTED]



Shetland Heatwise,  
Staney Hill Offices,  
Staney Hill,  
North Road,  
Lerwick,  
Shetland,  
ZE1 0QW

Dale Hunter  
Planning Officer  
Shetland Islands Council  
8 North Ness  
Lerwick  
Shetland  
ZE1 0LZ



Dear Sir

**SIC Planning - 2017/213/PPF. Shetland Heatwise Store, North Strom**

We refer to your email dated 15<sup>th</sup> August and as requested, we have undernoted some additional points regarding the above application.

Firstly, we would like to comment on the issues raised by the SIC Roads Department.

The land surrounding the site is owned by Shaun and Kevin Rennie, the manager of Shetland Heatwise, and this means that permission is readily available for the proposed conditions regarding splays, drainage, culverts, gate etc.

Shetland Heatwise also confirm that they are willing to accept a formal condition that the use of the site be permanently restricted to the storage of light insulation materials to be delivered by rigid goods vehicles.

We would now like to develop how the project fits with the Shetland Local Development Plan:

**GP.1 – Sustainable Development**

Shetland Heatwise is an award winning Community Enterprise of 25 years standing and is a major contributor to Shetland's targets for tackling fuel poverty and achieving climate change targets.

The project will also make a contribution to Shetland's CO2 reduction targets due to a reduction in vehicle movements due to the proposed new building being within a three mile radius of 65% (9) of where the labour force lives.

There will also be a reduced travel mileage to the West Side, North Mainland and the North Isles where a large part of our work is concentrated.

We are also aware of the Scottish Government's proposal to make the use electric vehicles mandatory and we foresee that we will require to plan the replacement of our works vehicles over the next 5-10 years.

If we develop on the Strom site, we will have the opportunity to charge these vehicles overnight at minimal cost using a mix of a small wind generator and battery back-up.

Email: [REDACTED]

Website: [www.shetlandheatwise.co.uk](http://www.shetlandheatwise.co.uk)

Follow us on Facebook

Registered Office: Staney Hill Offices, North Road, Lerwick  
Registered in Scotland No. 110012

We would also plan in due course to make the building a role model of energy efficiency using innovative insulation techniques combined with wind energy.

#### **GP.2 – General Requirements**

(a) The development will not adversely affect the integrity of a site designated for landscape and natural heritage values. The site had previous planning permission for the development of a house site.

(b) The development will not be below the 5 metre Ordnance Datum

As stated under GP1 our long term plan is to use our 25 years' experience in this field to develop the building as a role model of energy efficiency techniques.

The building will not affect flooding and there will be minimum water stress.

(d) Appropriate water, waste and surface water drainage will be designed in compliance with planning regulations.

(e) The basic ethos of our organisation is to design and install energy efficiency solutions for a range of building types in Shetland and the list includes private houses, commercial buildings and Community Halls, etc – we therefore see this proposed new building as an opportunity to develop a showcase of the range of insulation methods that we have developed.

(f) We will provide access, car parking, and turning as recommended by SIC roads

(g) The building will not affect any buildings of Archaeological or Historic interest

(h) The building will not sterilise mineral reserves

(i) The development will not sterilise allocated sites as identified within the current Shetland Development plan

(j) The development will not have a significant adverse effect on existing uses

(k) There will be no effect on Health and Safety standards or levels

(l) The development will be consistent with National and Local policies and guidance

#### **GP.3 – Development – Layout and Design**

There are 4 buildings of similar design within a 400 metre radius of the proposed site. Therefore we consider that the Portal frame building will merge with existing local and Shetland wide rural developments. The development will be undertaken to comply with the safe traffic measures outlined by SIC Roads.

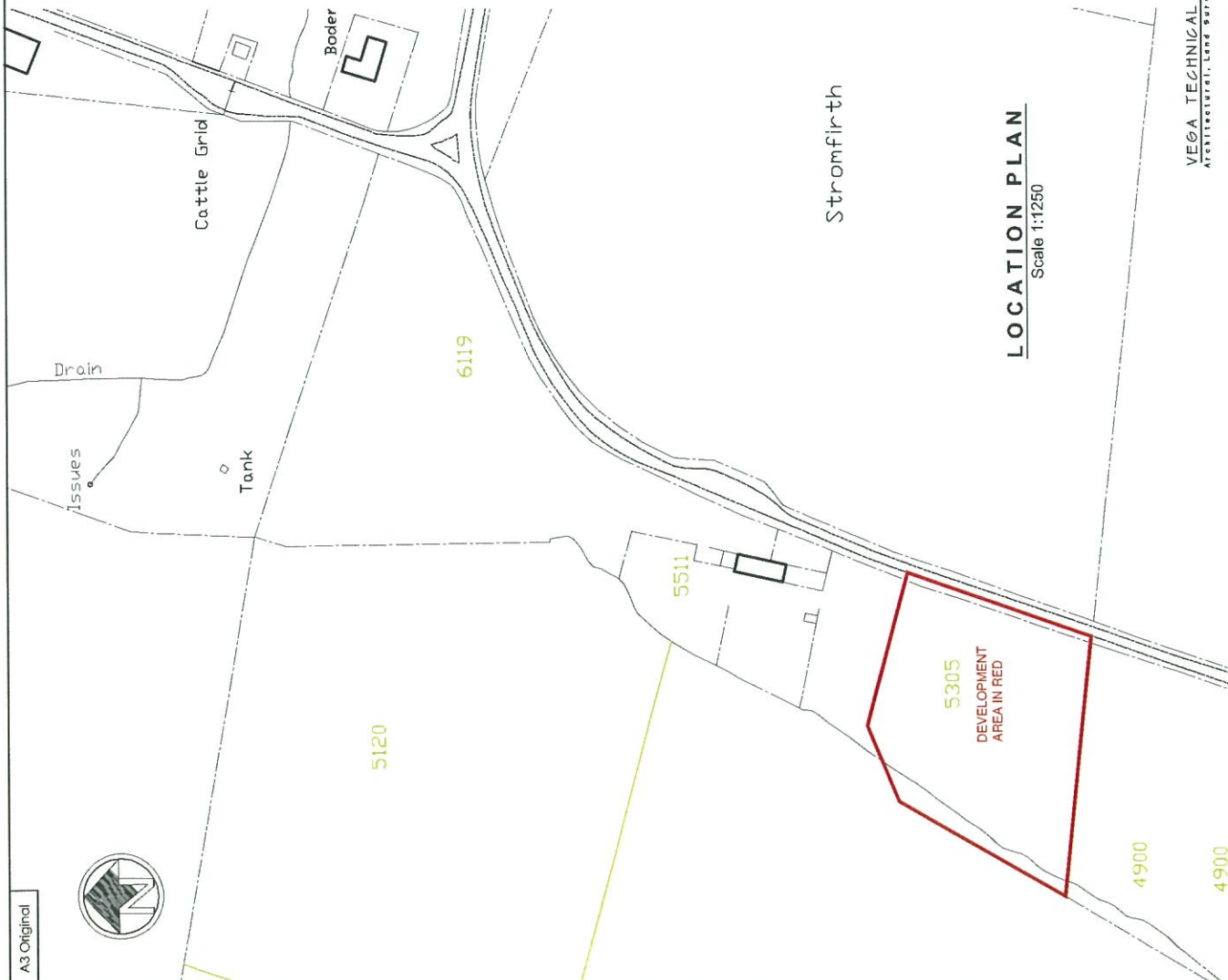
The future plan is for the building to be a show case for Shetland Heatwise clients to visit and observe the effectiveness of the innovative insulation measures that will be installed.

The following potential sites listed in the Shetland Development Plan have been investigated by Shetland Heatwise:

AREA	COMMENT	DECISION MADE
Lerwick sites at Gremista, Rova Head, Blackhill Business Park	These sites are mainly owned by LPA who advised us that the annual lease cost of the area required for our store would be £14,000 per year	The cost of leasing land in Lerwick of the size required for our development is an unsustainable cost for our community enterprise
Various sites at Scatsta and Sellaness	Some of the sites listed have already been developed and some are below the 5 metre contour. The cost of leasing sites in this area are not much cheaper than the cost of development in Lerwick	Again, we concluded that the cost of development and ongoing lease costs makes this option unviable for our community enterprise. The increased travel involved would also result in increased vehicle emissions
Sites at Scatness and Dunrossness		These sites are not central enough for the sustainable development of our business
Decca Station	Site already developed	Site already developed
Haggrista		See comments regarding Scatsta and Sellaness
Westside	There are no potential industrial sites in this area listed under the Shetland Development Plan	We consider that our proposed site at Strom is a good fit with the development and planning policies set out in the Shetland Development Plan

Yours faithfully

Alec Miller  
Chairman



# LOCATION PLAN

Scale 1:1250

**A** OWNER / OCCUPIER  
Shaun E. Rennie,  
The Flat,  
Serrang,  
Stromfirth,  
Shetland,  
ZE2 9LH

**B** OWNER / OCCUPIER  
Andy Abernethy,  
Siebygrind,  
Whiteness,  
Shetland.

# LOCATION PLAN

Scale 1:5000

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

*[Signature]*

TEAM LEADER DEVELOPMENT MANAGEMENT

18 December 2017

Received  
19th June 2017

VEGA TECHNICAL SERVICES (shetland) LLP  
Architectural, Land Surveying and Civil Engineering & Planning



GLENKAY • SANDWICK • SHETLAND • ZE2 9H  
Tel: 01950 431 279  
Mob: 07770 854 578  
E-mail: michael@vegatools.plus.com

Project	Date Drawn
PROPOSED GENERAL PURPOSE STORAGE SHED FACILITY FOR SHETLAND HEATWISE, STROMFORTH, WEISDALE, SHETLAND	12.9.16
Drawing Title	Scale(s) @ A3
Location plan	1:1250 1:5000
Drawing Status	Revision
<b>PLANNING</b>	Drawing Number <b>1256.02</b>
	-



Telephone: [REDACTED]  
Fax: [REDACTED]  
Mob: [REDACTED]

**Received  
19th June 2017**



Shetland Heatwise,  
Staney Hill Offices,  
Staney Hill,  
North Road,  
Lerwick,  
Shetland,  
ZE1 0QW

2<sup>nd</sup> June 2017

To whom it may concern

**Development**      **Proposed Storage Shed and Parking for Shetland Heatwise**  
**Location**          **Stromfirth, Weisdale, Shetland, ZE2 9LH**  
**Applicant Name**   **Kevin Rennie**

Shetland Heatwise has been in existence for 25 years now working throughout Shetland. During this time we have been involved in delivering every home energy programme developed by a range of agencies at present we are delivering work for HEPSABS throughout the SIC Carbon Management Team, delivering Energy Savings measures to the SIC Social Housing Stock and obtaining ECO funding for these measures where possible. We are also working for Warmworks delivering the Warmer Homes Scotland Scheme.

We have identified a site that is available for Shetland Heatwise at an affordable price this is very important to start with as we are a non-profit distributing company limited by guarantee. The work we do as noted above is mainly grant assisted with tight budgets meaning not much excess cash.

We have historically had planning permission for storage containers in Stromfirth which expired in 2007 with no issues caused by this. The reason we stopped the container use was that we were offered a cost effective larger storage area in Lerwick by the Lerwick Port Authority, this has now been demolished and we are temporarily storing insulation material in containers again.

The choice of site also means as I have access to the adjoining land the potential is there for a small scale wind turbine and a small scale hydro turbine to charge electric vehicles for surveying, testing, etc, again helping reduce our carbon footprint.

The site also offers us more security for our materials equipment, etc, as I live next door and it is very central for the majority of our workforce thus reducing our carbon footprint. Along with reducing time wasted in morning/evenings collecting materials tools, etc, as we will not be in the Lerwick morning rush, thus helping us make efficient use of the limited grant funds that are available for our works.

There has historically been various various builders and Aquaculture projects operating in Stromfirth on and off for over fifty years. There is currently an Equestrian business operating in Stromfirth and the old trout farm/hatchery is currently being used as a builders yard.

All that we are proposing is a portal frame storage shed with parking that will have minimal effect on the local area.

Stromfirth currently has seven large portal frame sheds, with planning for another one recently approved, so this development will not have any major impact on the location. The Stromfirth road is currently used as through road by all manner of traffic so we will not add any significant traffic to this usage.

[REDACTED]  
Kevin Rennie  
Manager

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



**TEAM LEADER DEVELOPMENT MANAGEMENT**

Registered Office: Staney Hill Offices, North Road, Lerwick  
**18 December 2017**  
Registered in Scotland No 140012

Email: [REDACTED]  
Website: [www.shetlandheatwise.co.uk](http://www.shetlandheatwise.co.uk)

 Follow us on Facebook

Telephone: [REDACTED]  
Fax: [REDACTED]  
Mob [REDACTED]



Shetland Heatwise,  
Staney Hill Offices,  
Staney Hill,  
North Road,  
Lerwick,  
Shetland,  
ZE1 0QW

**Received  
19th June 2017**

6<sup>th</sup> March 2017

Shetland Islands Council  
Roads  
Infrastructure Services Department  
Gremista  
Lerwick  
Shetland  
ZE1 0PX

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

**TEAM LEADER DEVELOPMENT MANAGEMENT**

**18 December 2017**

Dear Sirs

**Planning Pre-Application Enquiry: Storage Shed Facility for Shetland Heatwise at Stromfirth**

With reference to your letter dated 7<sup>th</sup> February 2017, Ref IAL/SMG/R/GZ/TW, the proposed shed is for light insulation materials. The road is already frequently used as a through-road by artics, fuel tankers, trucks, readymix trucks, etc. There are also three resident HGV drivers residing in Stromfirth who take trucks home on frequent occasion. We therefore do not see our proposal increasing traffic in any large way.

We will have possibly two to three Buildbase curtainside trucks per month, delivering light insulation materials. The proposed shed will take the place of containers we already have planning permission for in Stromfirth, first granted 10<sup>th</sup> April 2002.

Stromfirth previously had the Trout/Salmon Hatchery with the use of heavy trucks associated with it. One of the old hatchery sites is currently being used as a builders yard. There has also been a stonemason (now retired) based in Stromfirth. Shetland Equestrian Centre based in Stromfirth sees horseboxes and trailers on a regular basis. All these enterprises would incur a heavier traffic load than we propose. I personally have had five artic loads of hay and straw delivered to our croft in Stromfirth since August 2016.

So whilst I appreciate your concerns our deliveries will not be large loads and should have little, if any, impact on the current state of the road, or increase the traffic of large heavy vehicles.


Please do not hesitate to contact me if you require any further information, and I look forward to hearing from you.

Yours faithfully [REDACTED]

Kevin Rennie  
Manager

Cc: Michael Adamson

Email: [REDACTED]  
Website: [REDACTED]

 Follow us on Facebook

Registered Office: Staney Hill Offices, North Road, Lerwick  
Registered in Scotland No 140012

## Section 7. Notice of Review



FOR OFFICIAL USE ONLY

Development Services Department  
Shetland Islands Council

Ref No:

Date of Receipt:

## NOTICE OF REVIEW

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

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)  
(SCOTLAND) REGULATIONS 2013

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2013

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

Use BLOCK CAPITALS if completing in manuscript

### 1. Applicant(s)

Name

Address   
North Road  
Lerwick  
Shetland

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

### 2. Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail\*

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

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

Yes ☒ No ☐

### 3. Application Details

Planning authority's application reference number

2017/213/PPF

Site address

North Strom, Stromfirth, Weisdale

Description of proposed development

Change of use from **approved house site** to construct **general purpose storage shed class 6** form car parking and turning platform to suit

Date of application

19/06/2017

Date of decision (if any)

18/12/2017

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

### 4. Nature of application

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

### 5. Reasons for seeking review

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

### 6. Review procedure

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

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

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

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

n/a

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## 7. Statement of Grounds of Review

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

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

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

We are willing to accept a formal condition that the use of the site be permanently restricted to the storage of light insulation materials to be delivered by rigid goods vehicles, This was a suggestion by SIC Roads Department and no comment was made regarding this in SIC formal decision dated 18<sup>th</sup> December 2017

The decision dated 18<sup>th</sup> December 2017 also states that the proposed development is located on greenfield open crofting land and no recognition appears to have been taken about the fact that the site has already been de-crofted and approved for development as a housing site (2009/187/PCD), and therefore should not be classified as "greenfield open crofting land" as stated in the letter of refusal 18<sup>th</sup> December 2017

The Planning Department has historically approved various aquaculture developments in the Stromfirth Valley. Originally a trout farm which was developed into a Salmon hatchery, this is now used as a Builders Yard (with apparently no planning permission). Further to this there is also a vehicle repair workshop with planning permission further east in the Brunt Hamarsland road at Girlsta, a similar single track road possibly poorer quality than the Stromfirth road

## 8. New Matters

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

Yes ☒ No ☐

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

The only thing we have not mentioned in previous correspondence is the vehicle repair workshop in Girlsta, which is similar to our proposal. We now think this could be relevant as it is a similar development that has been approved in the general area

## 9. List of documents and evidence

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

All relevant documents are already submitted to SIC Planning Department

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

## 10. Checklist

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

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

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

## Declaration

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

Signed



Date

14 / 3 / 18

**Please send this completed form to:**

Shetland Islands Council Planning Local Review Body, c/o Planning, Development Services Department, c/o Train Shetland, North Gremista Industrial Estate, Lerwick, Shetland, ZE1 0PX.

Telephone: 01595 744293 e-mail: [development.management@shetland.gov.uk](mailto:development.management@shetland.gov.uk) Visit: [www.shetland.gov.uk](http://www.shetland.gov.uk)



## Section 8. Representations/Hearing Statements



11th May 2018

Shetland Isles Council  
Development Management North Gremista Ind Est  
Lerwick  
ZE1 0PX

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - [REDACTED]  
E-Mail - [REDACTED]  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner,

**ZE2 WEISDALE Stromfirth North Strom**  
**PLANNING APPLICATION NUMBER: 2017/213/PPF**  
**OUR REFERENCE: 760873**

**PROPOSAL: Change of Use of Land, Excavation to Form Car Parking, turning and platform with access to Public road and to construct General Purpose storage shed Class 6**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- This proposed development will be fed from Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms/pre-development-application)

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission**

has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

## **Foul**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

## **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

## **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**

**Tel:** [REDACTED]

**Email:** [REDACTED]

**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

#### **Next Steps:**

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on [REDACTED] or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Christopher O'Brien**

Development Operations Technical analyst  
[REDACTED]





<b>Meeting(s):</b>	Planning Committee	05 June 2018
<b>Report Title:</b>	2018/040/PPF – To retain existing emergency helicopter landing site on a permanent basis (Retrospective Application)	
<b>Reference Number:</b>	PL-03-18-F	
<b>Author / Job Title:</b>	Richard MacNeill - Planning Officer, Development Management	

### 1.0 Decisions / Action required:

- 1.1 That the Planning Committee RESOLVE to grant approval of the application, subject to conditions.

### 2.0 High Level Summary:

- 2.1 This is an application for full planning permission to retain the emergency helicopter landing site at South Lochside, Lerwick, on a permanent basis. This application is recommended for approval.

### 3.0 Corporate Priorities and Joint Working:

- 3.1 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.

### 4.0 Key Issues:

- 4.1 Policy CF1 of the Shetland Local Development Plan 2014 encourages proposals for the provision of community facilities, services and infrastructure. Policy GP2 aims to ensure that development will not have a detrimental impact on the surrounding natural or built environment. The main thrust of the policy is that development should not have a significant adverse effect on existing uses and should not compromise acceptable health and safety standards or levels.
- 4.2 The application concerns the retention of the helipad and not the actual landing of the Search and Rescue helicopter which uses the infrastructure which has been put in place. It is accepted that the pilot has the right to land at this location irrespective of the landing pad being in place. However, the provision of the helipad infrastructure directs the focus of the landings to the application site.
- 4.3 Monitoring has established that if Statutory Nuisance criteria were employed (which cannot be in this instance as aviation noise is excluded from statutory nuisance) the activity at the helipad would be regarded as causing disturbance to local residents. The frequency of landings has been monitored as averaging 1.6 a month.

4.4	The decision needing to be made, on the basis of consideration of the attached report of handling and representations received, is whether the adverse impact on amenity of the surrounding area in terms of noise arising from the resultant short term events of an emergency helicopter landing and taking off through use of the helipad, is offset by the important benefits the facility brings in compliance with Policy CF1 of the Shetland Local Development Plan 2014 i.e. is the proposal considered an acceptable departure from Policy GP2 of the Shetland Local Development Plan 2014.
<b>5.0</b>	<b>Exempt and/or confidential information:</b>
	None.
<b>6.0</b>	<b>Implications</b>
<b>6.1 Service Users, Patients and Communities:</b>	Lerwick Community Council was consulted and had no objections to the proposals. Four representations were received from neighbouring properties.
<b>6.2 Human Resources and Organisational Development:</b>	None.
<b>6.3 Equality, Diversity and Human Rights:</b>	None.
<b>6.4 Legal:</b>	In the event of a refusal of the application, the applicant has a right of appeal to the Scottish Ministers in terms of the Town and Country Planning (Scotland) Act 1997 as amended. Decisions of the Committee may also be subject to judicial review.
<b>6.5 Finance:</b>	None.
<b>6.6 Assets and Property:</b>	None.
<b>6.7 ICT and new technologies:</b>	None.
<b>6.8 Environmental:</b>	It is considered that the 2 year monitoring has established that each landing of the aircraft has resulted in a level of noise and disturbance which would be a Statutory Nuisance if that legislation was capable of being applied to Search and Rescue aircraft. It is not considered that it is therefore necessary to impose an ongoing monitoring condition as the facts of the level of impact have already been established.



<b>6.9 Risk Management:</b>	If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of planning application contrary to the officer's recommendation be given and minuted. This is in order to provide clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.	
<b>6.10 Policy and Delegated Authority:</b>	The application is for planning permission made under the terms of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 43A of the 1997 Act, which provides for applications for local developments to be determined by a person appointed by the planning authority for that purpose, 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'. As the decision on the original application was made by the Planning Committee, and was for approval for a temporary two year period to allow for a period of monitoring for noise and disturbance to local residents, it is considered that the decision to determine this application should be presented to the Planning Committee.	
<b>6.11 Previously considered by:</b>	Not previously considered.	

**Contact Details:**

Richard MacNeill - Planning Officer, Development Services  
[Richard.macneill@shetland.gov.uk](mailto:Richard.macneill@shetland.gov.uk) / 01595 744803  
 24 May 2018

**Appendices:**

Appendix 1 Report of handling on planning application  
 Appendix 2 Location Plan R/L/A 19-01  
 Appendix 3 Site Plan R/L/A 19-5

**Background Documents:**

[Shetland Local Development Plan 2014](#)  
[Planning Permission 2014/190/PPF](#)  
[Planning Permission 2015/301/PPF](#)



### **Delegated Report of Handling**

**Development:** To retain existing emergency helicopter landing site on a permanent basis (Retrospective Application)

**Location:** South Lochside, Lerwick, Shetland, ZE1 0PJ,

**By:** Ingrid Gall

**Application Ref:** 2018/040/PPF

#### **1. Introduction**

This is an application for full planning permission to retain the emergency helicopter landing site at South Lochside on a permanent basis.

On 25th September 2014 full planning permission was granted for the construction of a helipad with a 10 diameter landing circle and an associated 3.5 metre wide access road with a turning head at South Lochside, Lerwick. (2014/190/PPF)

A proposal made to increase the 10 metre landing circle to 15 metres in diameter was granted under Planning Permission 2015/301/PPF in November 2015.

The approvals were made the subject of a condition that the permission timescale of two years would commence on the date of the first helicopter landing. This has been recorded as taking place on the 12th March 2016.

A noise monitoring scheme was also required by condition which had a commencement date to coincide with the first landing.

#### **2. Statutory Development Plan Policies**

##### **Shetland Local Development Plan**

GP3 - All Development: Layout and Design  
CF1 - Community Facilities and Services (incl. Education)  
GP2 - General Requirements for All Development  
WD 3 SuDS

#### **3. Safeguarding**

5m Contour Area - 5m Contour Area: 1

Main Areas of Best Fit - Main Areas of Best Fit: Lerwick

Core Paths - Core Paths: CPPL03

Sites with Development Potential - Sites with Development Potential: Staney Hill  
Lerwick  
Landowner: SIC

Landscape Character Assessment - Landscape Character Assessment: Inland  
Loch

Landscape Character Assessment - Landscape Character Assessment: Farmed  
and Settled Voes and Sounds

Landfill - TBL Landfill: 2A1 - Clickimin phase 1

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. **Consultations**

**Planning - Flooding Drainage Coastal** was consulted on the 3 April 2018. Their comments dated 4 April 2018 can be summarised as follows:

##### Background

This is an application to retain an emergency landing site at Lerwick on a permanent basis.  
The application form states that SUDs drainage will not be used.

##### Comments

To comply with the Water Framework Directive the drainage design should include sufficient attenuation to at least reduce flows during 1 in 10 year rainfall events to the level which would have occurred before the development.  
The application form states that SUDs drainage will not be used, but the landing site is drained by sheet run off from the access road and landing pad onto the surrounding grassed playing field, and that arrangement is effectively a SUDs filter strip, which is a device which would meet the SUDs requirements.

There do not appear to be any drainage issues with the proposals.

**Outdoor Access Officer** was consulted on the 3 April 2018. Their comments

dated 18 April 2018 can be summarised as follows:

Core Path CPPL03 runs adjacent to the development to the east and west (see below), but should not be directly affected by the development. During construction safe passage would need to be ensured for members of the public using the route.

To the best of my knowledge there are no public rights of way affected by this development. Please note that this does not preclude that possibility that public rights may exist which are yet to be claimed.

**Tingwall Airport** was consulted on the 3 April 2018. There was no response from this consultee at the time of report preparation.

**Lerwick Community Council Clerk** was consulted on the 3 April 2018. The response received on the 8<sup>th</sup> May is below;

This item was discussed at the Lerwick Community Council this evening and there were no objections to the application.

**Environmental Health** was consulted on the 19 April 2018. Their response received on the 3<sup>rd</sup> May 2018 is below:

As stated before, Statutory Nuisance law enforced by this department specifically excludes aviation noise. Some of the elements of a Statutory Nuisance assessment are however relevant to concerns raised. Data collected in a nuisance assessment would include: impact, locality, time, frequency, duration, convention, importance and avoidability. These are areas that could also be taken into account in any objective assessment of the noise from the helipad.

Monitoring has established that if statutory nuisance criteria were employed (which we know they cannot be) the activity of the helipad would cause disturbance to local residents. There is a balance the infrequent short term noisy events, which may negatively impact some individuals and their health, against the important benefits that the facility delivers.

Emergency situations are infrequent and obviously cannot be anticipated. Helicopters are by their nature noisy and these are emergency situations where the creation of the noise cannot be avoided. In addition, the Search and Rescue helicopter does not need to use a helipad would very likely choose that location regardless of planning controls.

### 5. **Statutory Advertisements**

The application was advertised in the Shetland Times on 06.04.2018

A site notice was not required to be posted.

### 6. Representations

Representations were received from the following properties:

Mrs Philomena Leask, 11 South Lochside,  
Lerwick

Mrs Loretta Leask, 7 South Lochside,  
Lerwick

M Groat, 9 South Lochside,  
Lerwick

Gail & Alexander McMillan, 13 South Lochside,  
Lerwick

The issues raised can be summarised as follows.

The site is causing me health problems.

I have suffered two heart attacks and still in poor health.

Why would Council consider keeping heli-pad in this highly populated area close to school and halls of residence?

There are other areas not any further from the hospital which would be safer if anything went wrong with aircraft.

The SIC and the CAA have a duty to reassess the site now with the high school very close by.

The site is only 80 metres from my house and causes problems with several hours of missed sleep.

Aircraft coming in at all times of day and night.

SIC were meant to get back to residents about noise readings.

Who will be responsible for damage to property?

SIC or CAA should fit triple glazing to limit noise.

Why have other sites not been considered?

No form of transport has a hundred percent safety record.

Vehicles slowing down and stopping to watch helicopter.

Emergency services do a super job.

I have severe Tinnitus which can be made worse by bouts of high volumes of noise.

House vibration and glass moving in and out.

Is helicopter permitted to fly over houses to land?

Decibel levels are higher than permitted level of 55 Decibels.

Helipad was supposed to be temporary.

No choice made to live next to helicopter landing site, reduction in rates?

If I was to buy helicopter would I be able to get use of it?

### 7. Report

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) 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 and these are listed at paragraph 2 above. The determining issues to be considered are whether the proposal complies with Development Plan Policy, or there are any other material considerations which would warrant the setting aside of Development Plan Policy.

The Shetland Local Development Plan (2014) is the current development plan for Shetland and contains policies that guide all new development. The general policies GP1, and GP3 set out the basic requirements for all development and require new development to be located within or adjacent to existing settlements that have basic services and infrastructure, and to be sited and designed to respect the character and local distinctiveness of the site and its surroundings.

Policy GP2 sets out the general requirements for all development and its aim is to ensure that the development will not have a detrimental impact on the surrounding natural or built environment. The main thrust of the policy is that development should not have a significant adverse effect on existing uses and should not compromise acceptable health and safety standards or levels.

As described in the introduction full planning permission was granted on the 25th September 2015 for the construction of a helipad with a 10 diameter landing circle and an associated 3.5 metre wide access road with a turning head at South Lochside, Lerwick. (2014/190/PPF). A proposal to increase the 10 metre landing circle to 15 metres in diameter was granted under Planning Permission 2015/301/PPF in November 2015.

No issues or concerns have been raised by the Planning Engineer in relation to water run-off as the site has a SuDS capability and is considered to comply with Policy WD 3.

The Outdoor Access Officer has not identified any conflicts with Core paths accessibility or use and there are no public rights of way affected.

## Appendix 1

The Lerwick Community Council has been consulted on the application and no objections by it have been raised.

The supporting statement submitted with the application contains comments from the Search and Rescue Helicopter Unit based in Sumburgh, the HM Coastguard Shetland and National Air Ambulance Service, which have all supported the retention of the helipad.

The principle of siting a helipad (on a temporary basis) has been established with the granting of the previous consents. The issues of noise and potential damage to property as a result of downdraft have been considered previously by the Planning Authority, and resulted in the imposition of conditions relating to noise monitoring and helicopter landing management measures. What requires to be considered now is whether this temporary permission can be made permanent taking into account the results of the monitoring and the impact on the amenity of the area.

The applications previously approved were made the subject of a condition that the permission timescale of two years would commence on the date of the first helicopter landing. This first landing has been recorded as taking place on the 12th March 2016 and the supporting statement has shown that the total number of landings between then and the 10<sup>th</sup> December 2017 was 40. A further number of landings were made at Sumburgh Airport which totalled 22, and at Tingwall Airport which totalled 60.

The figures show that that while some months have had as many as 5 landings other months have had only 1 or none at all. The calculated average using the figures provided for the recorded period, ending on the 10<sup>th</sup> December 2017, is 1.6 landings a month.

A main concern of those that have objected to the proposal is that of noise and disturbance and the impact that this has on health. The safety element of the operation of the aircraft in the area of the school and the residential area is also raised.

A noise monitoring report as required by condition has been submitted with the application and as such Environmental Health (EH) were consulted on the proposal. EH have responded that the current Statutory Nuisance law enforced by them specifically excludes aviation noise.

EH further commented that some of the elements of what can be classed as Statutory Nuisance assessment are however relevant to concerns raised by objectors. The type of data collected in a nuisance assessment would include: impact, locality, time, frequency, duration, convention, importance and avoidance. These are areas that could also be taken into account in any objective assessment



of the noise from the helipad.

Monitoring has established that if Statutory Nuisance criteria were employed (which cannot be in this instance) the activity at the helipad would cause disturbance to local residents. It is accepted that the persons who have objected to the activity of the helicopter landing do consider that there is a negative impact in terms of noise and disturbance to their lives and potentially their health.

It is noted that this application concerns the retention of the helipad and not the actual landing of the Search and Rescue helicopter which uses the infrastructure which has been put in place. It is accepted that the pilot has the right to land at this location irrespective of the landing pad being in place.

However, the provision of the helicopter landing infrastructure cannot be considered in isolation in terms of the impact on the amenity of the surrounding area when taking into account the provisions of Policy GP2 cited above and the evidence now provided as a result of the monitoring, that at the time of the landings, noise levels equivalent to those of a statutory noise nuisance are likely to occur.

In assessing the acceptability of this proposal a balance has to be made between the impact on the surrounding uses and the important community benefit which results from the proposal. The evidence strongly suggests that at the time of the helicopter landings the noise generated would result in a departure from the terms of policy GP2 in that there is a significant adverse impact to the amenity of the surrounding area.

However the balance that has to be made is between a short term adverse impact on nearby residents and the long term benefits to those requiring emergency medical treatment of having such a facility in close proximity to a medical facility. Notwithstanding that the helicopter does not require implicit permission to land anywhere, it is accepted that the provision of the helipad infrastructure directs the focus of the landings to the application site, resulting in an activity which can be regarded as a departure from Policy GP2.

This is not however considered to be a significant departure from policy as the landing site is still to be used for emergency helicopter use only and is not intended for routine transport needs. Emergency landings have operated now for two years and any additional amenity impact experienced by the nearest residential properties and recreational users has been kept to a minimum as evidenced by the figures on the amount of landings which have been submitted. The supporting information submitted with the application has shown that only emergency landings have taken place, other landings having occurred at Sumburgh and Tingwall airports.

This restriction of the site for 'emergency' use only and the demonstrated frequency

of that use, an average of less than 2 per month, and the proposal to continue limiting the use of the site only in 'emergency' situations allows the proposal to be considered as being an acceptable departure from Policy GP2 of Shetland Local Development Plan.

It is considered that the 2 year monitoring has established that each landing of the aircraft has resulted in a level of noise and disturbance which would be a Statutory Nuisance if that legislation was capable of being applied to Search and Rescue aircraft. It is not considered that it is therefore necessary to impose an ongoing monitoring condition as the facts of the level of impact have already been established.

### 8. **Recommendation**

Grant subject to conditions.

#### **Reasons for Council's decision:**

( 1.) The landing site is still to be used for emergency helicopter use only and is not intended for routine transport needs. Emergency landings have operated now for two years and any additional amenity impact experienced by the nearest residential properties and recreational users has been kept to a minimum. The supporting information submitted with the application has shown that only emergency landings have taken place, other landings having occurred at Sumburgh and Tingwall airports. This restriction of the site for 'emergency' use only and the demonstrated frequency of that use, an average of less than 2 per month, and the proposal to continue limiting the use of the site only in 'emergency' situations allows the proposal to be considered as being an acceptable departure from Policy GP2 of the Shetland Local Development Plan 2014, with the adverse impact on amenity of the surrounding area in terms of noise arising from the resultant short term events of an emergency helicopter landing and taking off through its use being offset by the important benefits the facility brings in compliance with Policy CF1 of the Shetland Local Development Plan 2014.

### 9. **List of approved plans:**

- Location Plan R/L/A19-01                      15.03.2018
- Site Plan R/L/A19-5                      27.03.2018

### 10. **Conditions:**

( 1.) The development hereby permitted shall not be carried out other than

wholly in accordance with the following plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority:

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

( 2) 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.

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 principles of Shetland Local Development Plan 2014 Policies GP2 and GP3.

### 11. **Further Notifications Required**

Letters to objectors regarding decision.

### 12. **Background Information Considered**

2014/190/PPF and 2015/301/PPF

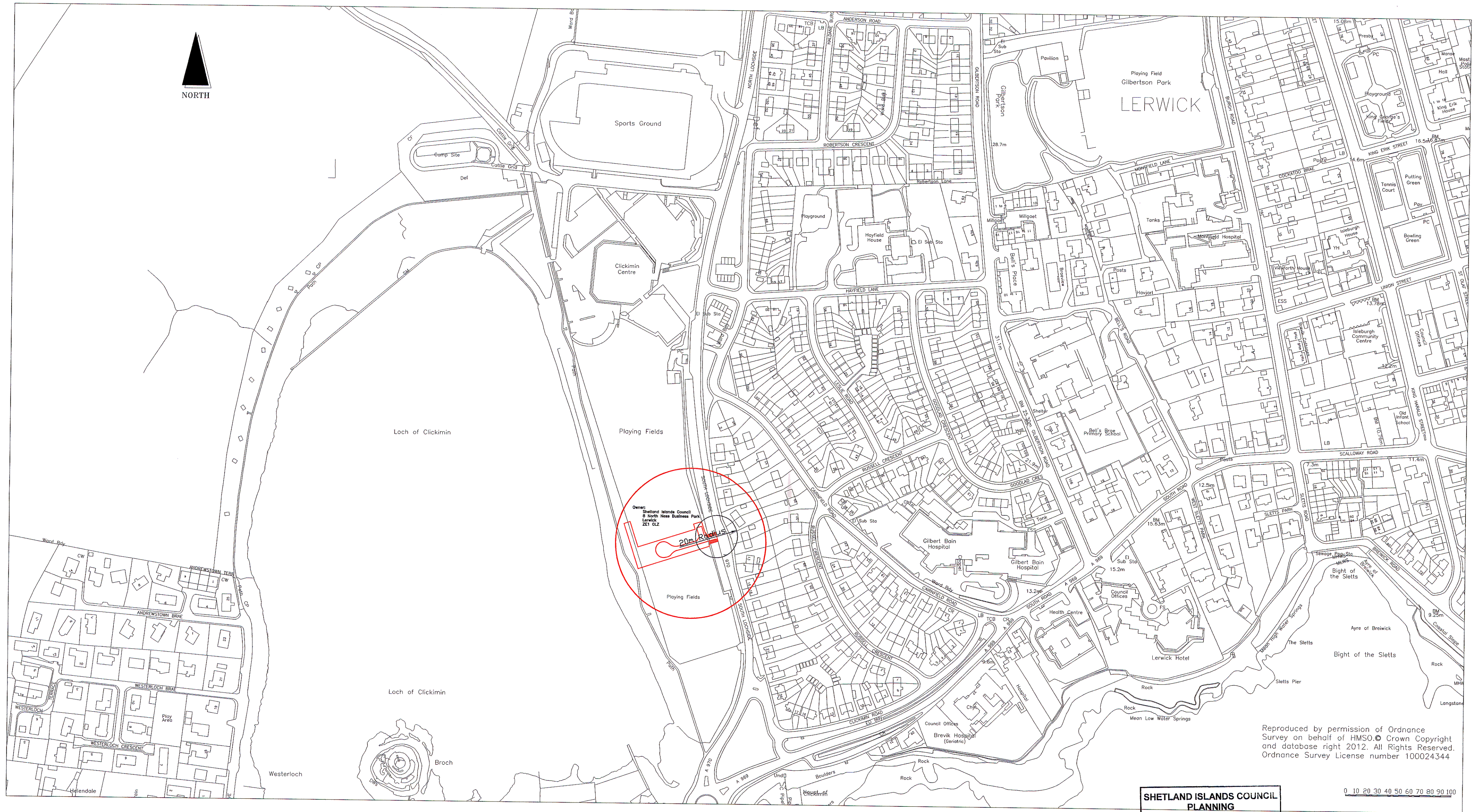
2018/040/PPF\_Delegated\_Report\_of\_Handling.doc

Officer: Richard MacNeill

Date: 8 May 2018







LOCATION PLAN

**SHETLAND ISLANDS COUNCIL**  
**PLANNING**

**14 MAR 2018**

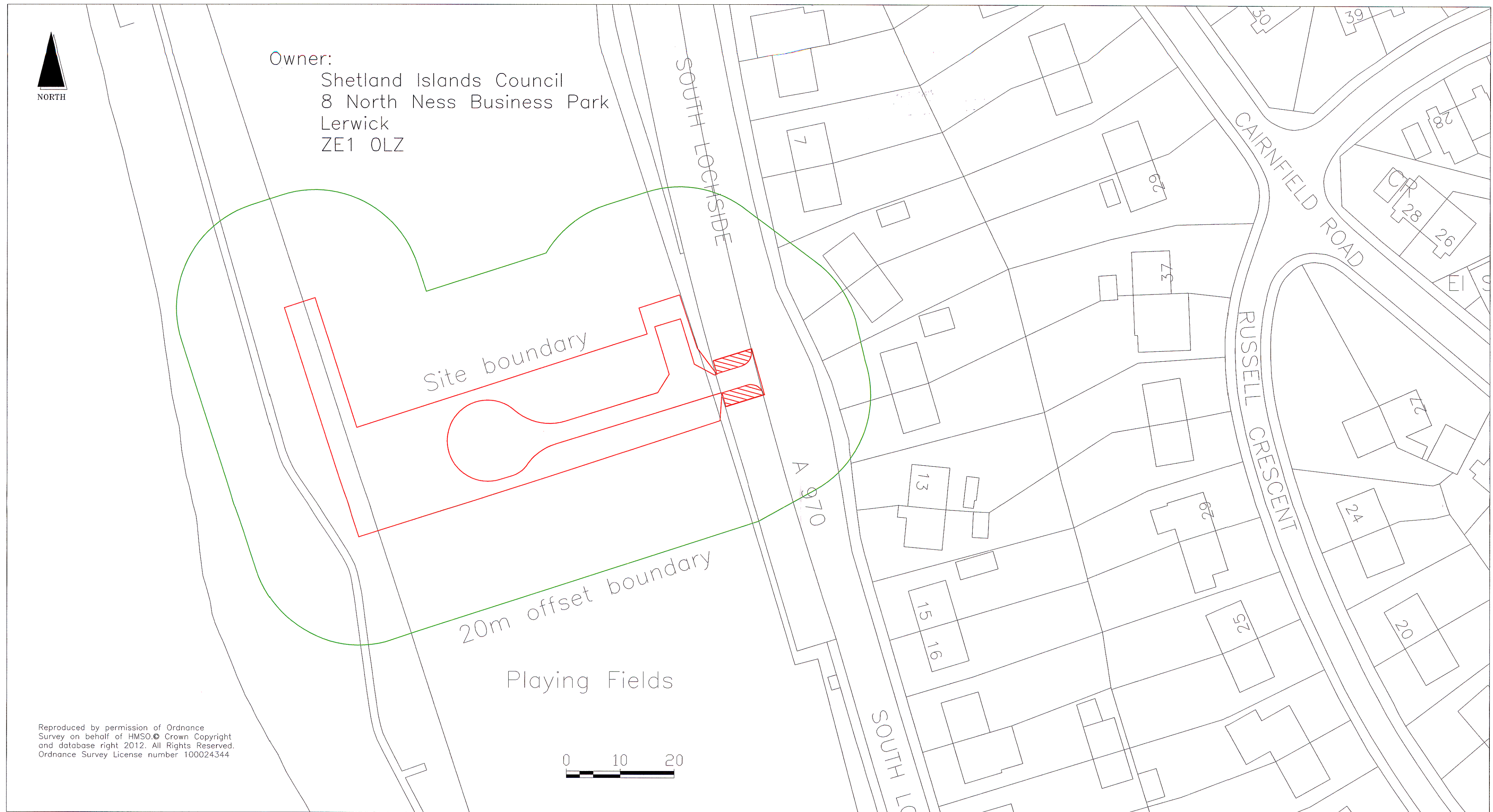
PASS TO ACTION

SCALE 1:2500

Rev.	Date	By	Revision	Ch'k'd
Scheme				
CLICKIMIN HELIPAD				
Title				
LAYOUT PLAN 15m DIA CIRCLE				
Shetland Islands Council				
Infrastructure Services				
Roads Service				
Gremista, Lerwick, Shetland, ZE1 0PX				
Telephone: Lerwick (01595) 744866				
Fax: Lerwick (01595) 744869				
Date	Aug 2015	Drawn	TGL	Ch'k'd
File No.		Dra No.		Scale
				As Shown







SITE PLAN

SCALE 1:500

**SHETLAND ISLANDS COUNCIL  
PLANNING**

**27 MAR 2018**

PASS TO *MB* ACTION *166599*

Rev.	Date	By	Revision	Ch'k'd
Scheme				
CLICKIMIN HELIPAD				
Title				
SITE PLAN				
<b>Shetland Islands Council</b> Infrastructure Services Roads Service Gremista, Lerwick, Shetland, ZE1 0PX Telephone: Lerwick (01595) 744866 Fax: Lerwick (01595) 744869				
Date	Drawn	Ch'k'd	Scale	
MAR 18	M.I.P		As Shown	
File No.	Drg.No.	Rev.		