

Item: 4

Planning Committee: 14 February 2024.

Erect Four Self-catering Units with Air Source Heat Pumps, with Associated Parking Landscaping and Drainage Infrastructure, including Outfall, at Furrowend, Eday (part retrospective).

Report by Corporate Director for Neighbourhood Services and Infrastructure.

1. Summary

1.1.

Planning permission (part retrospective) is sought for the erection of four self-catering units with air source heat pumps and associated parking, landscaping and drainage infrastructure at Furrowend, Eday. Since the initial submission of the application, various amendments have been submitted, with significant material changes being the subject of re-consultation and notification. This application was initially reported to the Planning Committee on 29 November 2023; however, following an allegation that work had commenced without planning permission, the application was deferred to allow officers to further investigate. It was confirmed that works had commenced, and this is addressed, including the application being made part-retrospective. One objection has been received regarding the suitability and use of the existing access; the objection is not of sufficient weight to merit refusal of the application. Accordingly, the application is recommended for approval, subject to conditions.

Application Number:	22/469/PP.
Application Type:	Planning permission.
Proposal:	Erect four self-catering units with air source heat pumps, and associated parking, landscaping and drainage infrastructure (part retrospective).
Applicant:	Orissor Trust Ltd, 14 Craigmore Road, Rothesay, Isle of Bute, PA20 9LB.
Agent:	John D. Crawford Ltd, 72 New Wynd, Montrose, DD10 8RF.

1.2.

All application documents (including plans, consultation responses and representations) are available for members to view [here](#) (click on “Accept and Search” to confirm the Disclaimer and Copyright document has been read and understood, and then enter the application number given above).

2. Consultations

2.1. Roads Services

2.1.1.

No objection, subject to conditions regarding a condition / dilapidation survey being carried out by the developer in conjunction with Roads Services, both prior to works commencing and on completion. The applicant would be responsible for funding the condition / dilapidation survey and the cost of any repairs required to the public road, attributed to this development.

2.1.2.

This condition is required so that the developer assumes financial responsibility for the cost of any repairs, as a direct result of the construction phase of the development. Matters to be agreed prior to commencement of the survey include the methodology, as well as the length of the public road that the survey requirement would apply to. Part of the uncertainty in this case is because it is not known where construction traffic will originate from; the developer for this application has a planning application under consideration for a temporary construction compound/shed to the east of the current application site but has also been operating/transporting materials from another compound to the south of the site. Therefore, the appropriate section of road requiring survey may vary until planning decisions/issues are resolved for other sites, and it is appropriate that the wording of the condition includes some flexibility.

2.2. Development and Marine Planning – Environment

2.2.1.

Following re-consultation in respect of the part-retrospective nature of the development, planning conditions are recommended.

2.2.2.

Advice was previously provided on 20 October 2023, and it was noted that some works have taken place and so are now retrospective. The previous otter survey report has been resubmitted since the meeting of the Planning Committee held on 29 November 2023, in response to the condition previously proposed to be attached. Much of the previous advice remains valid, however the wording of some of the advice has been updated to reflect the partial retrospective nature of the proposed development.

2.2.3.

As the application was submitted prior to the publication of NPF4, consideration of the environmental effects has been made against the 2017 Local Development Plan policies, and conditions remain a requirement for otter (a European Protected Species) and breeding birds. No objection, subject to conditions including protection of European Protected Species (otter) and (breeding birds) and wider biodiversity.

2.3. Scottish Water

No objection, noting that there is Scottish Water infrastructure in proximity of the development.

2.4. Islands Archaeologist

No objection. Furrowend includes Orkney vernacular buildings that date back at least 140 years. These buildings are of historic interest and required to be recorded before demolition. The Islands Archaeologist therefore recommended a photographic building survey; this has been completed to the satisfaction of the Islands Archaeologist and is therefore on file, rather than being a requirement of planning condition.

2.5. Development and Marine Planning – Access

It is recommended that a condition be attached to protect the route believed to be a public right of way (O24) adjacent to the proposed development, which leads to a pier used by the public. This route must not be obstructed, encroached upon, nor the surface disturbed during or as a result by any development without the written agreement of the Council. It is recommended that a photographic record of condition of the route be taken and agreed with the Council prior to the commencement of any development and that any damage to the surface of the route be reinstated to at least its present standard.

2.5. Environmental Health

2.5.1.

No objections provided a suitably worded condition is attached in respect of air source heat pump noise.

2.5.2.

No objection in relation to noise from an existing small wind turbine. This turbine is located within 250 metres of the site; on the basis there are intervening buildings, and on the basis no noise complaints have been received from the properties around the turbine, a noise assessment is not required.

3. Representations

3.1.

One objection (including subsequent submissions) has been received from:

- Mrs Caroline Webster, 51 Shakespeare Road, Hanwell, W7 1LU.

3.2.

The objection is on the grounds of provision and suitability of the access to the site for construction.

4. Relevant Planning History

Reference	Proposal	Location	Decision	Date
99/303/PPF	Erection of a restaurant and function room extension.	Furrowend, Eday.	Grant, subject to conditions.	05.10.1999
82/357/PPF	Extension and conversion of existing building to form a public house.	Furrowend, Eday,	Grant, subject to conditions.	Unknown.

5. Relevant Planning Policy and Guidance

5.1.

The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website [here](#).

5.2.

The key policies, supplementary guidance and planning policy advice listed below are relevant to this application:

- Orkney Local Development Plan 2017:
 - The Spatial Strategy – The Isles Approach.
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 4C – The Isles Approach for Business, Industry and Employment.
 - Policy 8 – Historic Environment and Cultural Heritage.
 - Policy 9 – Wider Biodiversity and Geodiversity.
 - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
 - Policy 14 – Road Network Infrastructure.
- Supplementary Guidance and Planning Policy Advice:
 - Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).
 - Planning Policy Advice: Historic Environment (Topics and Themes) (2017).
 - Supplementary Guidance: Historic Environment and Cultural Heritage (2017).
- National Planning Framework 4:
 - 3 – Biodiversity.
 - 4 – Natural places.

- 9 – Brownfield, vacant and derelict land and empty buildings.
- 10 – Coastal development.
- 13 – Sustainable transport.
- 14 – Design, quality and place.
- 22 – Flood risk and water management.
- 29 – Rural development.
- 30 – Tourism.

6. Legal Aspects

6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “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...”.

6.2.

Annex A of Planning Circular 3/2013: ‘development management procedures’ provides advice on defining a material consideration, and following a House of Lords’ judgement with regards the legislative requirement for decisions on planning applications to be made in accordance with the development plan, confirms the following interpretation: “If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.”

6.3.

Annex A continues as follows:

- The House of Lords’ judgement also set out the following approach to deciding an application:
 - Identify any provisions of the development plan which are relevant to the decision.
 - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
 - Consider whether or not the proposal accords with the development plan.
 - Identify and consider relevant material considerations for and against the proposal.
 - Assess whether these considerations warrant a departure from the development plan.

- There are two main tests in deciding whether a consideration is material and relevant:
 - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
 - It should relate to the particular application.
- The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
- The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
 - Scottish Government policy and UK Government policy on reserved matters.
 - The National Planning Framework.
 - Designing Streets.
 - Scottish Government planning advice and circulars.
 - EU policy.
 - A proposed local development plan or proposed supplementary guidance.
 - Community plans.
 - The environmental impact of the proposal.
 - The design of the proposed development and its relationship to its surroundings.
 - Access, provision of infrastructure and planning history of the site.
 - Views of statutory and other consultees.
 - Legitimate public concern or support expressed on relevant planning matters.
- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

6.4.

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.
- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

6.5.

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

6.6. Status of the Local Development Plan

Although the Orkney Local Development Plan 2017 is “out-of-date” and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.

6.7. Status of National Planning Framework 4

6.7.1.

National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. The statutory development plan for Orkney consists of the National Planning Framework and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of NPF4 and a provision of the Orkney Local Development Plan 2017, NPF4 is to prevail as it was adopted later. It is important to note that NPF4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.

6.7.2.

In the current case, the proposed development is considered to comply with the relevant provisions of both NPF4 and the Orkney Local Development Plan 2017.

7. Assessment

7.1. Principle

7.1.1.

The Spatial Strategy of the Orkney Local Development Plan 2017 confirms that:

“Development within the islands, which support permanent resident populations and are served by public transport services, will be supported where it accords with relevant Plan policies and where it shall not place any unacceptable burden on existing infrastructure and services.”

7.1.2.

Policy 4C ‘The Isles Approach for Business, Industry & Employment’ goes on to state:

“There is a presumption in favour of business and industrial development on the non-linked isles where it accords with ‘The Isles Approach’ set out within the Spatial Strategy.”

7.1.3.

These provisions align with Policy 29 – Rural development, part c), of NPF4 which states:

“c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:

- i. will support local employment;
- ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
- iii. is suitable in terms of location, access, siting, design and environmental impact.”

7.1.4.

Policy 30a – Tourism of NPF4 further supports this form of development provided it is appropriate and does not conflict with other needs or have other impacts.

7.1.5.

The principle of self-catering, tourist accommodation in this location in Eday is therefore acceptable.

7.2. Location and proposal

7.2.1.

The site lies to the north of Eday, situated on the coast overlooking Calf Sound, as indicated in the Location Plan and Site Plan attached as Appendix 1 to this report. The existing building on the site previously operated as a public house with associated accommodation, although this use has been abandoned. The original buildings are of a traditional long house form on an 'H' floor plan. The property has been left empty for a number of years and is now in a very poor state of repair. The access to the property is via the B9063; this road runs the length of the island from the pier to the south. The land surrounding the buildings slopes from south to north towards the coast. Some established earth bunding exists on parts of the site, as well as established planting. The overall site extends to 4,407 square metres.

7.2.2.

The proposed self-catering units are single storey lean-to structures, with a simple form based on a rectangular floor plan. The units would measure 13.2 metres by 4.3 metres, with a decking area to the front facing the coast. The main part of the self-catering units would be prefabricated, with black metal sheet roofing, grey weatherboarded walls, and black windows, doors and rainwater goods. The structures would be heated by air source heat pumps, located at the south of each of the units.

7.2.3.

The part of the application site where the self-catering units would be located is relatively low lying and sits within existing planting, with semi-mature trees and shrubs, and a strip of coastal habitat. The proposed design is acceptable in a landscape context. It is considered that the development would be acceptable in terms of design and appearance and would accord with Policy 1 'Criteria for all Development' and Policy 2 'Design'.

7.2.4.

Annotation is included within submitted drawings in relation to The Caravan Sites and Control of Development Act 1960, and other caravan legislation. For the purposes of this planning application, the structures are assessed as buildings rather than caravans and the site is not considered as a caravan site.

7.3. Amenity and Residential Amenity

7.3.1.

The site is located at sufficient distance from other properties that no unacceptable impact on residential amenity is anticipated.

7.3.2.

A wind turbine is located within 250 metres of the site. Environmental Health has assessed the development in relation to that turbine, and has raised no objections.

7.3.3.

Sufficient amenity and parking space exists within the site. A condition would be attached to ensure that any external lighting used would minimise light pollution as required by Planning Policy Advice 'Amenity and Minimising Obtrusive Lighting' (March 2021) and to ensure the adequate screening between the structures to protect residential amenity.

7.4. Biodiversity

7.4.1.

Policy 3c of NPF4 has a requirement that all local developments include "appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development". This aligns with Policy 9C 'Wider Biodiversity and Geodiversity'. The Policy Officer (Environment) has advised that the site is close to the boundary (40 metres) of the Calf of Eday Special Protection Area (SPA). It is considered that due to the nature, scale and location of the proposed development, it is unlikely to be significantly different to existing land management activities.

7.4.2.

The otter survey identified that the area has been used by otters (in the past), noting that otters use different locations throughout the year. Given that some work has taken place, advice on biodiversity has been updated. A condition is proposed that a species protection plan be provided prior to any further ground preparation, tree/shrub works, construction or other works associated with the development (re)starting. In addition to a breach of condition, if these requirements are not met prior to re-commencement of development, the developer would risk criminal offence in relation to otter protection. Based on the results of the survey, and mitigation measures proposed, a condition could be attached to minimise the risk of effects on otters.

7.4.3.

Birds may use the existing buildings and surrounding area for breeding. All wild birds are legally protected, making it an offence to damage or destroy nests while being used or built. This site is likely to be used by a range of bird species in the breeding season; a condition would therefore be attached to mitigate any potential impact. Given the part-retrospective nature of the application now proposed, the condition proposed has been amended.

7.4.4.

Noting the location close to the coast, a condition would also be attached ensuring that no work takes place on the foreshore, to avoid any impacts on coastal and marine ecosystems.

7.5. Historic Environment

7.5.1.

The existing building on site, which would be partially demolished, is an Orkney vernacular building that dates back at least 140 years, and is therefore of historic interest. However, the building has been left to deteriorate and the external walls have had (a damaging) surface treatment applied. To mitigate the loss of some of the structure and allow its demolition, a photographic survey of the buildings and structures on the site has been submitted, to a quality and providing a sufficient record to the satisfaction of the Islands Archaeologist.

7.5.2.

It is considered that the development would comply with Policies 1 'Criteria for All Development', 8A 'All Development', and 8B(vi) 'Investigation and Recording', Supplementary Guidance 'Historic Environment and Cultural Heritage' (2017), and Planning Policy Advice 'Historic Environment (Topics and Themes)' (2017).

7.6. Access

7.6.1.

Roads Services has no objection regarding capacity of the public road network, provided a condition/dilapidation survey of a relevant section of the public road is carried out at the developer's expense both prior to works commencing and again upon completion of work. The cost of any repairs following any damage to the public road which is attributed to the development would be borne by the developer, to an agreed timescale. Upgrading works would be controlled by condition, in relation to the point where the public road network meets the private access track.

7.6.2.

An objection regarding the suitability of the access to the site for construction traffic has been raised, noting that the access provides access to the Calf Sound slipway as well as the application site, and that the access is not within the ownership of the applicant. The Calf Sound slipway is, and has been historically, used by Eday residents to launch small boats. Submission of details of construction access would be secured by condition.

7.6.3.

During consideration, the application was amended to ensure the access route used by the public to the slipway is not obstructed, and this route has been assessed as a public right of way (O24). Part of the proposed development which crossed this access route in a previous design iteration has been omitted. The Policy Officer (Access) recommended that a condition be attached ensuring that the route to the slipway adjacent to the site remain unobstructed, and not encroached upon, nor the surface disturbed during or as a result by any development.

7.6.4.

The development would be accessed via an existing track, which currently serves the existing buildings and the slipway. It is a private matter for the applicant to be satisfied that legal rights exist for the use of the access track, for the proposed development, and to allow the upgrades required to the access junction.

8. Conclusion and Recommendation

8.1.

The application is acceptable, as a business development, in accordance with the Spatial Strategy and Policy 4C 'The Isles Approach for Business, Industry and Employment' of the Orkney Local Development Plan 2017, and Policy 29 'Rural Development' of National Planning Framework 4. The location of the site is compatible with the existing pattern of development along the coast. The objection is not of sufficient weight to merit refusal of the application.

8.2.

On balance, the development complies with relevant policy provisions of National Planning Framework 4 and the Orkney Local Development Plan 2017 and applicable supplementary guidance. There are no material considerations which would warrant refusal of the application. The development accords with Policies 1, 2, 4, 8, 9, 10, 13 and 14 of the Orkney Local Development Plan 2017 and National Planning Framework 4 Policies 3, 4, 9, 10, 13, 14, 22, 29 and 30. Accordingly, the application is recommended for approval, subject to the conditions attached as Appendix 2 to this report.

9. Contact Officers

Jamie Macvie, Service Manager (Development Management), Email jamie.macvie@orkney.gov.uk

Margaret Gillon, Senior Planner (Development Management), Email margaret.gillon@orkney.gov.uk

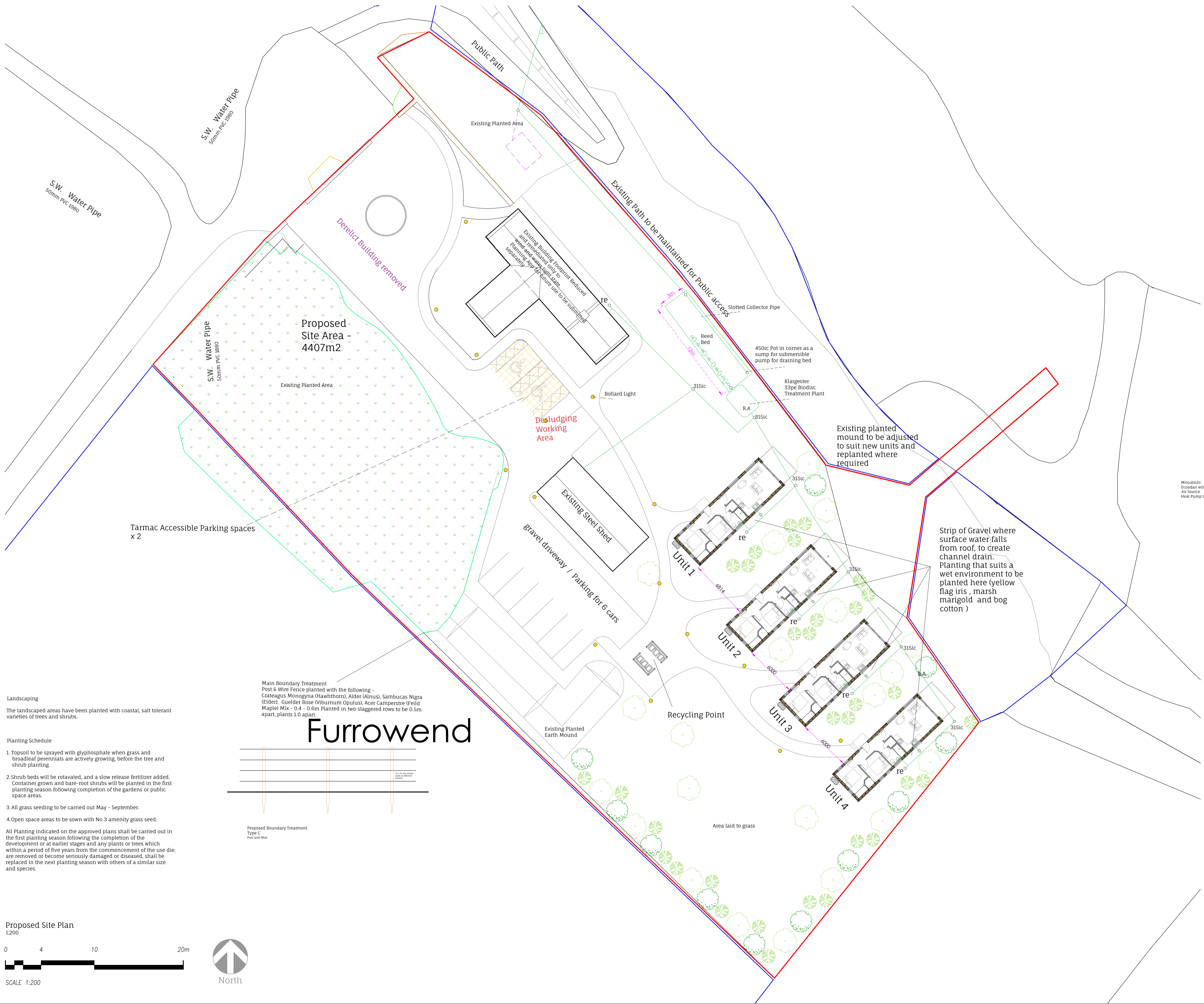
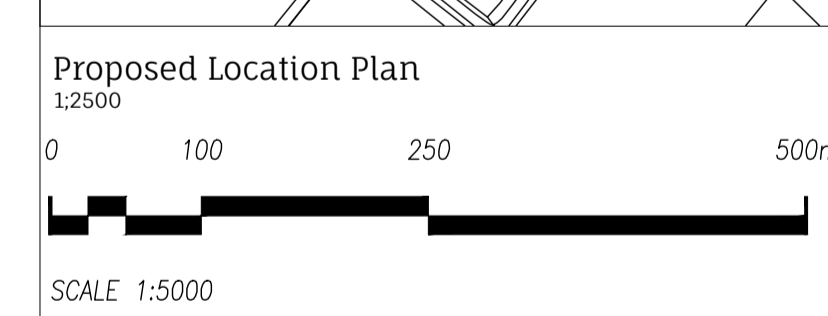
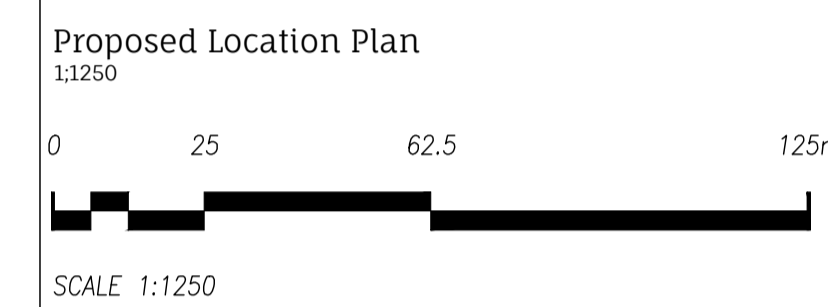
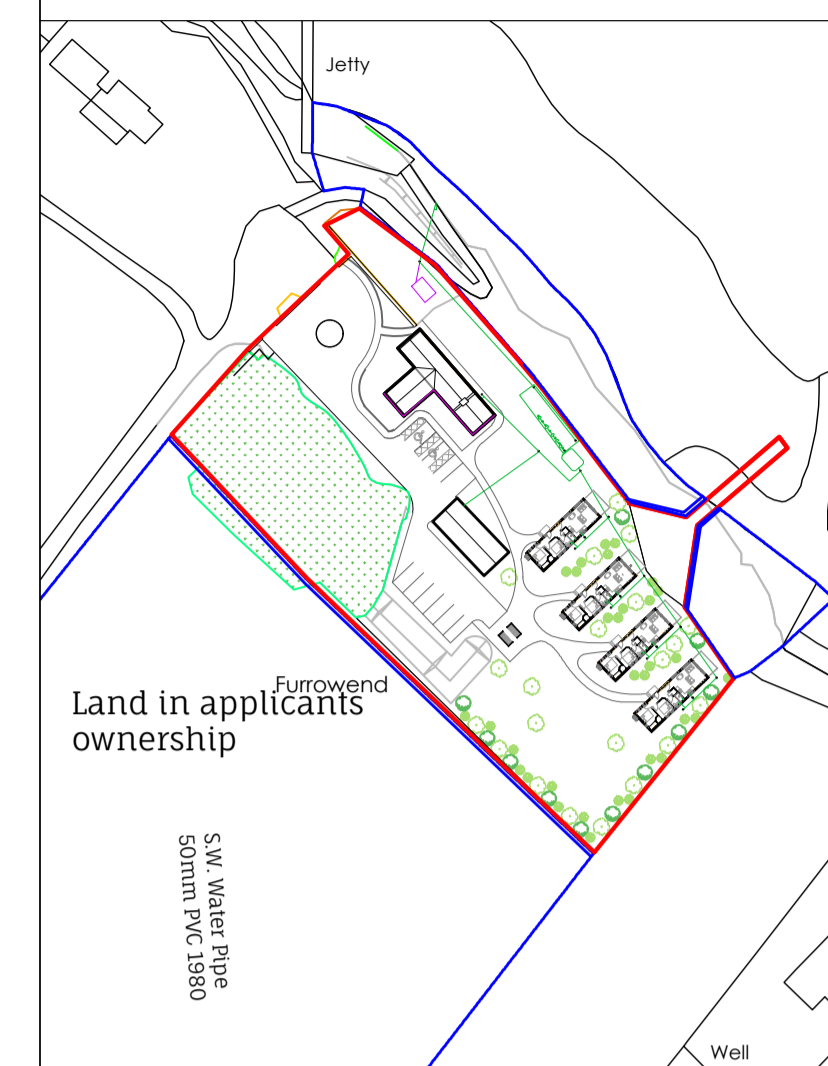
10. Appendices

Appendix 1: Site Plan.

Appendix 2: Planning Conditions.

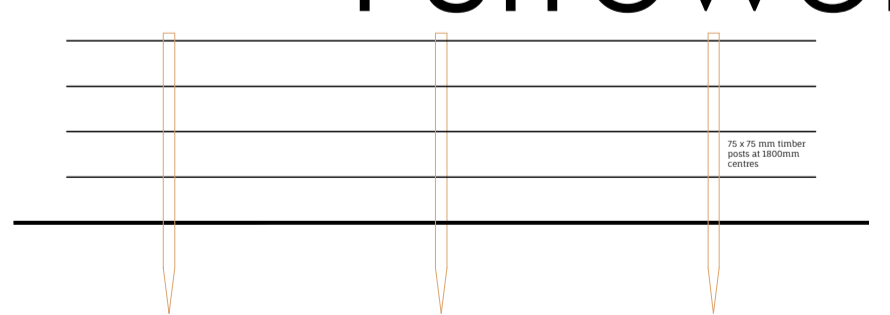
This drawing is solely for the purposes of obtaining Planning Approval. The drawing may be suitable for constructional purposes but it may be necessary to augment/and or amend this information. No liability will be accepted for any omission should the drawing be used for constructional purposes.

Do not scale this drawing for construction purposes.



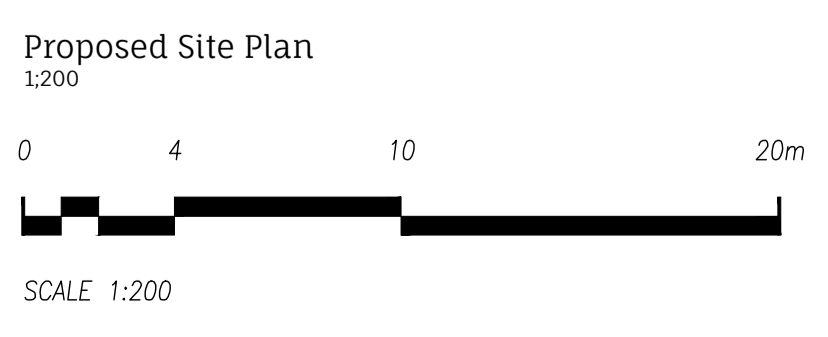
- Landscaping**
The landscaped areas have been planted with coastal, salt tolerant varieties of trees and shrubs.
- Planting Schedule**
1. Topsoil to be sprayed with glyphosphate when grass and broadleaf perennials are actively growing, before the tree and shrub planting.
 2. Shrub beds will be rotavated, and a slow release fertilizer added. Container grown and bare-root shrubs will be planted in the first planting season following completion of the gardens or public space areas.
 3. All grass seeding to be carried out May - September.
 4. Open space areas to be sown with No 3 amenity grass seed.

Main Boundary Treatment
Post & Wire fence planted with the following -
Crataegus Monogyna (Hawthorn), Alder (Alnus), Sambucus Nigra (Elder), Guelder Rose (Viburnum Opulus), Acer Camperstre (Field Maple) Mix - 0.4 - 0.6m Planted in two staggered rows to be 0.5m apart, plants 1.0 apart.



Proposed Boundary Treatment
Type C
Post and Wire

All Planting indicated on the approved plans shall be carried out in the first planting season following the completion of the development or at earlier stages and any plants or trees which within a period of five years from the commencement of the use die; are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species.



Date of Issue	REV												Drawn By JM
	Day	10	07	20	16	30	25	01					
	Month	11	12	01	03	03	08	09					
Year	22	22	23	23	23	23	23	23					
Client:	Orissor Trust Ltd.												
Project:	Proposed erection of four accommodation units for use as self-catering accommodation to let at Furrowend, Eday, Orkney Isles, KW17 2AB												
Title:	Proposed Site/Landscaping Plan												
Drawing Ref:	JDC-1690-A300-PL												
CRAWFORD architecture													
Office Address: 72 New Wynd Montrose, Angus, DD10 5RF													
Tel: 01874 672064 Email: info@crawfordarchitecture.co.uk Web: www.crawfordarchitecture.co.uk													

Appendix 2.

01. The development hereby approved to which this planning permission relates must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

02. Throughout the lifetime of the development hereby approved, surface water shall be managed in accordance with the principles of Sustainable Drainage Systems (SuDS) and the guidance set out in CIRIA's SuDS Manual C753. Requisite surface water drainage measures shall be operational prior to the development being brought into use and shall be maintained as operational thereafter and throughout the lifetime of the development.

All surface water shall be contained within the application site and shall be managed to avoid flow into any adjacent road or other land.

Reason: To ensure appropriate management of surface water drainage, in accordance with Policy 13B 'Sustainable Drainage Systems (SuDS)' of the Orkney Local Development Plan 2017, National Planning Framework 4, and to protect road safety.

03. Any exterior lighting employed shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. The use of automatic cut-out or sensor operated external lighting of limited timed illumination is advocated.

Reason: To ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow', in accordance with Planning Policy Advice 'Amenity and Minimising Obtrusive Lighting' (March 2021).

04. The four self-catering units hereby approved shall be used solely as holiday letting accommodation, and at no time shall any of the self-catering units be used/occupied as an independent house, nor shall they be disposed, operated or be managed independently or separate to each other or the existing buildings at Furrowend. Occupation of the self-catering units shall not exceed a maximum of 28 days by any person or group of persons in total, between 1 March and 31 October in any calendar year. To facilitate the enforcement of such control, the owners of the self-catering units shall maintain, and shall make available to the Planning Authority upon reasonable request, a register of occupiers of the holiday accommodation to which this permission relates.

Reason: To comply with Orkney Local Development Plan Policies 3, 4 and 5, to ensure that the self-catering unit is not used as a full-time residence.

05. No further development shall be undertaken until a condition/dilapidation survey of a defined section of the public road has been carried out by the developer, in conjunction with Roads Services, including any section of the public road used for access/egress to the site by construction traffic. Full details of the survey shall be submitted to, and approved in writing by, the Planning Authority, in conjunction with Roads Services, including the full length of road to be surveyed.

Thereafter, the survey shall be carried out wholly in accordance with approved details and shall be completed again following completion of the development.

This condition/dilapidation survey, and any repairs required to the public road to make good damage which is attributed to this development, including by any vehicles or plant accessing or egressing the sites, shall be funded by the developer. All repairs or other works required to be carried out shall be completed to the satisfaction of the Planning Authority, in conjunction with Roads Services, within three months of completion of the development.

Reason: In the interest of road safety.

06. No development shall commence until the access hereby approved with the public road is constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway.

The access shall be constructed and completed wholly in accordance with these details, and thereafter shall be retained in accordance with these details throughout the lifetime of the development.

Any damage caused to the existing road infrastructure during construction of the development shall be repaired prior to first occupation of the development, to the satisfaction of the Planning Authority, in conjunction with Roads Services.

Reason: In the interests of road safety and to protect the public road infrastructure.

07. A pre-construction otter survey of the application site and an area 200 metres surrounding the application site shall be carried out by a suitably experienced and licensed surveyor, no more than three months before the start of any further works. This shall follow NatureScot guidance. The results of the survey and a species protection plan identifying appropriate mitigation measures based on the survey results, shall be submitted to, and approved in writing by, the Planning Authority prior to any demolition, ground preparation, tree/shrub works, construction or other works associated with the development. The species protection plan shall include, but not be limited to, the following mitigation measures:

- Artificial lighting used on site at any time must be directed away from the coast and turned off overnight.
- Excavations and pipes must be capped/covered or a means of escape provided to prevent entrapment.
- Any potential otter resting places must not be blocked off or obstructed in any way unless a license has been granted by NatureScot in advance.

Reason: To minimise adverse effects on otter, a European Protected Species, and to comply with European Protected Species legislation.

08. No development shall (re)commence (including demolition, ground preparation, tree/shrub works, construction, or any other works) during March to August (inclusive), or (if during these months) until a pre-start walkover of the site and inspection of the existing buildings, structures and vegetation shall be completed by a suitably experienced (and licensed) ecologist, to identify signs of breeding birds and until an appropriate Breeding Bird Protection Plan has been submitted to and approved. In writing, by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with the approved Breeding Bird Protection Plan.

Reason: To avoid adverse effects on breeding birds, to meet the requirements of Policy 9C – Wider Biodiversity and Geodiversity of the Orkney Local Development Plan 2017, and to comply with protected species legislation.

09. Total noise from the Air Source Heat Pumps installed shall not exceed NR25 within any residential property outwith the development, where NR25 is the Noise Rating Curve at 25, (noise measurements to be made with a window of any residential property outwith the development open no more than 50 mm).

Reason: To protect any nearby residents from excessive noise disturbance from the air source heat pumps

10. No further development shall commence until a Construction Traffic Management Plan has been submitted to and approved, in writing, by the Planning Authority. This Construction Traffic Management Plan shall include the means of access to the site from the public road network of all construction-related traffic, for the duration of construction works. Thereafter, the development shall be carried out wholly in accordance with the approved Construction Traffic Management Plan.

Reason: To ensure that adequate construction access can be provided for the development.

11. Hours of work during the demolition works and construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Mondays to Fridays, 08:00 to 13:00 on Saturdays and not at all on Sundays, Christmas or New Year Public Holidays unless otherwise agreed, in writing, with the Planning Authority.

Throughout the demolition works and construction phase of the development there shall be no burning of waste material on site.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of the development.

12. All landscaping works shall be carried out in accordance with the approved scheme and plans, reference 'Proposed Site/Landscaping Plan JDC-1690-A300-PL' within the first planting season following commencement of development. Any trees, bushes, shrubs or plants which, within a period of five years from the completion of the development, die, or for any reason are removed or damaged, shall be replaced in the next planting season with others of the same size and species. The self-catering units shall not be brought into use or occupied until full details of the screening between the units has been submitted to and approved, in writing, by the Planning Authority, and completed in accordance with approved details.

Reason: To ensure appropriate landscaping of the development.

13. Notwithstanding the provisions of Class 14 of Part 4 of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, as amended, the coastal slope between the approved development and the sea shall not be used for the storage of materials, or provision of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being carried out on, in, under or over land adjoining that land.

Reason: Due to the nature of the application in proximity of the coastal slope, and for the avoidance of doubt in the interests of the protection of wildlife and the coastal and marine ecosystem.