



**Item: 3**

**Local Review Body: 6 February 2025.**

**Proposed Reinstatement of Redundant House, Installation of Air Source Heat Pump and Upgrade Access (Resubmission of 21/297/PP) (Retrospective) near Norton House, Northfield Road, Burray (24/019/PP).**

**Report by Corporate Director for Strategy, Performance and Business Solutions.**

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## **1. Overview**

- 1.1. Planning application 24/019/PP in respect of the proposed reinstatement of a redundant house, installation of an air source heat pump and upgrading an access (resubmission of 21/297/PP) (retrospective) on land near Norton House, Northfield Road, Burray, was granted by the Appointed Officer on 3 September 2024.
- 1.2. Under the Town and Country Planning (Scotland) Act 1997 (“the Act”) and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (“the Regulations”), where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council’s Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.
- 1.3. The applicant has submitted a Notice of Review (see Appendix 1) requesting that the decision of the Appointed Officer be reviewed, specifically Condition 08 imposed on the consent by the Appointed Officer. The applicant has indicated that they think the most appropriate way for their review to be conducted is by site inspection and assessment of the review documents only, with no other further procedure.
- 1.4. A letter from the Chief Planner, Scottish Government, issued in July 2011, confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.
- 1.5. Section 21 of the Scheme of Administration states that the Local Review Body will undertake unaccompanied site inspections for all planning applications subject to a review, prior to the meeting to consider the review. The purpose of the site

inspection, together with the procedure to be adopted, are set out in section 21.2 of the Scheme of Administration. The applicant and interested parties have been advised that an unaccompanied site inspection to the site near Norton House, Northfield Road, Burray, is due to be undertaken on 6 February 2025 at approximately 09:30.

1.6. The review procedure is set out in section 4 below.

## **2. Recommendations**

2.1. The Local Review Body is required to:

- i. Determine whether it has sufficient information to proceed to determination of the review, and if so whether to uphold, reverse or vary the decision of the Appointed Officer.

2.2. Should the Local Review Body determine that the decision is reversed or varied, it is required to:

- i. Determine the reasons, and, if applicable, the relevant matters in respect of potential conditions to be attached to the decision notice.

2.3. Should the Local Review Body determine that the decision is reversed or varied, it is recommended that members of the Local Review Body:

- i. Delegates powers to the Corporate Director for Strategy, Performance and Business Solutions, following consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions and informatives to attach to the Decision Notice.

2.4. Should the Local Review Body determine that it does not have sufficient information to proceed to determination of the review, it is required to:

- i. Determine what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:
  - By means of written submissions under the procedure set out in Regulation 15 of the Regulations; and/or
  - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Regulations.

### **3. Planning Authority Decision**

- 3.1. The Planning Handling Report, Planning Services file and the Decision Notice are attached as Appendices 2, 3 and 4 to this report.
- 3.2. On 3 September 2024, the Appointed Officer granted planning application 24/019/PP subject to conditions (see Decision Notice attached at Appendix 4). The Notice of Review relates specifically to Condition 8, attached to the approval, as noted below.
  - Prior to the development hereby approved being brought into use or within three months of the date of this decision notice, whichever is sooner, and in conjunction with the access construction specified in condition 07 above, the existing fence line bounding the A961 on the southernmost side of the access shall be set back a distance of 1.2 metres from its current position, tapering down to the existing fence line over a distance of 80 metres. The first 10 metres of the existing wall on the northernmost side of the hereby approved access, shall be taken down and set back such that the front face of the wall tapers from a point 1.2 metres behind its current location to tie back in with the existing boundary wall adjacent to the A961.

Thereafter and throughout the lifetime of the development the forward visibility splay shall be maintained free from any vegetation in excess of 1.05 metres in height, with the height being measured from the edge of the existing public road carriageway.

Reason: In the interests of road safety.

### **4. Local Review Procedure**

- 4.1. In response to a Notice of Review, “interested parties” are permitted to make a representation to the Local Review Body. “Interested parties” include any party who has made, and not withdrawn, a representation in connection with the application. No further representations were received.
- 4.2. The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer.
- 4.3. All conditions should be in accordance with Planning Circular 4/1998 regarding the use of conditions in planning permissions. As a matter of policy, all conditions should only be imposed when they are:
  - Necessary.

- Relevant to planning.
  - Relevant to the development to be permitted.
  - Enforceable.
  - Precise.
  - Reasonable in all other respects.
- 4.4. Paragraph 85 of Planning Circulate 4/1998 indicates that, in exceptional circumstances, conditions may be imposed to restrict further development which would normally be permitted by the Provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order or the Town and Country Planning (Use Classes) (Scotland) Order 1997.
- 4.5. If the decision is varied, it is proposed that powers are delegated to the Corporate Director for Strategy, Performance and Business Solutions, following consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions and informatives.
- 4.6. If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to follow in the review, or to obtain further information by one or more of the following methods:
- By means of written submissions under the procedure set out in Regulation 15 of the Regulations; and/or.
  - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Regulations.

## **5. Relevant Planning Policy and Guidance**

- 5.1. Section 25 of the Act as amended 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...”
- 5.2. The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and other supplementary planning advice and guidance can be read on the Council website [here](#). Although the Orkney Local Development Plan 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.

5.3. National Planning Framework 4 was approved by Parliament on 11 January 2023 and formally adopted by Scottish Ministers on 13 February 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 National Planning Framework 4 and a provision of the Orkney Local Development Plan 2017, National Planning Framework 4 is to prevail as it was adopted later. It is important to note that National Planning Framework 4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in National Planning Framework 4 and can be used to guide decision-making.

5.4. It is for the Local Review Body to determine which policies are relevant to this application; however the policies listed below were referred to by the Appointed Officer in the Planning Handling Report:

- Orkney Local Development Plan 2017:
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 5E(i) – Housing.
  - Policy 7C – Energy.
  - Policy 9C – Wider Biodiversity and Geodiversity.
  - Policy 9G – Natural Heritage and Landscape.
  - Policy 13B – Sustainable Drainage Systems (SuDS).
  - Policy 13C – Waste Water Drainage.
  - Policy 14B – Sustainable Travel.
  - Policy 14C – Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
  - Housing in the Countryside (2021).
  - Energy (2017).
  - Natural Environment (2017).
- Planning Policy Advice:
  - Amenity and Minimising Obtrusive Lighting (2021).
- Development Management Guidance:
  - Considering and Including Biodiversity in Development.
- National Planning Framework 4:
  - Policy 2 – Climate Mitigation and Adaption.
  - Policy 3 – Biodiversity.

- Policy 11 – Energy.
- Policy 14 – Design, Quality and Place.
- Policy 16 – Quality Homes.
- Policy 17 – Rural Homes.
- Policy 22 – Flood Risk and Water Management.

**For Further Information please contact:**

Susan Shearer, Planning Advisor to the Local Review Body, extension 2433, Email: [susan.shearer@orkney.gov.uk](mailto:susan.shearer@orkney.gov.uk).

**Implications of Report**

1. **Financial:** All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing revenue budgets.
2. **Legal:** The legal implications are set out in the body of the report.
3. **Corporate Governance:** In accordance with the Scheme of Administration, determination of Notices of Review is delegated to the Local Review Body.
4. **Human Resources:** None.
5. **Equalities:** None.
6. **Island Communities Impact:** None.
7. **Links to Council Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Council Plan strategic priorities:
  - Growing our economy.
  - Strengthening our Communities.
  - Developing our Infrastructure.
  - Transforming our Council.
8. **Links to Local Outcomes Improvement Plan:** The proposals in this report support and contribute to improved outcomes for communities as outlined in the following Local Outcomes Improvement Plan priorities:
  - Cost of Living.
  - Sustainable Development.
  - Local Equality.
9. **Environmental and Climate Risk:** None.
10. **Risk:** None.
11. **Procurement:** None.
12. **Health and Safety:** None.
13. **Property and Assets:** None.
14. **Information Technology:** None.
15. **Cost of Living:** None.

### **List of Background Papers**

Orkney Local Development Plan 2017, available [here](#).

National Planning Framework 4, available [here](#).

Planning Circular 4/1998, available [here](#).

### **Appendices**

Appendix 1 – Notice of Review (pages 1 – 6).

Appendix 2 – Planning Handling Report (pages 7 – 13).

Appendix 3 – Planning Services File (pages 14 – 78).

Appendix 4 – Decision Notice (pages 79 – 86).

Pages 1 to 86 can be viewed [here](#), clicking on “Accept and Search” and inserting the planning reference”24/019/PP”.

## 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. Failure to supply all the relevant information could invalidate your notice of review.**

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS  
ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	<input type="text" value="Mr"/>	Ref No.	<input type="text"/>
Forename	<input type="text" value="John"/>	Forename	<input type="text"/>
Surname	<input type="text" value="Laird"/>	Surname	<input type="text"/>
Company Name	<input type="text"/>	Company Name	<input type="text"/>
Building No./Name	<input type="text" value="Southfield"/>	Building No./Name	<input type="text"/>
Address Line 1	<input type="text"/>	Address Line 1	<input type="text"/>
Address Line 2	<input type="text"/>	Address Line 2	<input type="text"/>
Town/City	<input type="text" value="Burray"/>	Town/City	<input type="text"/>
Postcode	<input type="text" value="KW17 2TA"/>	Postcode	<input type="text"/>
Telephone	<input style="background-color: black; color: black;" type="text"/>	Telephone	<input type="text"/>
Mobile	<input style="background-color: black; color: black;" type="text"/>	Mobile	<input type="text"/>
Fax	<input style="background-color: black; color: black;" type="text"/>	Fax	<input type="text"/>
Email	<input style="background-color: black; color: black;" type="text"/>	Email	<input type="text"/>
3. Application Details			
Planning authority	<input type="text" value="Orkney Islands Council"/>		
Planning authority's application reference number	<input type="text" value="24/019/PP"/>		
Site address	Norton House (Land Near), Northfield Road, Burray, Orkney, KW17 2SY		
Description of proposed development	Reinstate a redundant house, install an air source heat pump and upgrade an access.		



Date of application

Date of decision (if any)

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

**4. Nature of Application**

- Application for planning permission (including householder application)
- Application for planning permission in principle
- 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)
- Application for approval of matters specified in conditions

**5. Reasons for seeking review**

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

**6. Review procedure**

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

**7. Site inspection**

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

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

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

The location of the access which is subject to this review is located on a road with a 60 mph speed limit, with only a verge to walk on which is uneven due to the drainage with the verge.

### 8. Statement

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 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.

The reason for the review is to seek a variation to the works required by condition 08 of the decision notice.

The section of the condition that I would consider to be given to is, 'The first 10 metres of the existing wall on the northernmost side of the hereby approved access, shall be taken down and set back such that the front face of the wall tapers from a point 1.2 metres behind its current location to tie back in with the existing boundary wall adjacent to the A961'.

With the condition instead being amended to be, the first 10 metres of the existing boundary wall on the northernmost side of the hereby approved access, shall be reduced in height to a maximum height of 1.05 metres above edge of carriageway level.

As the works to take down and set back the wall appear to be rather onerous when the visibility from the access could be achieved by the lowering of the height of the existing wall.

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes  No

If yes, please explain below a) why you are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

N/A

### 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

N/A

**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 that 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 requesting 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 hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:



Name:

JOHN HAIRD

Date:

19. 11. 2024

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

exceeding 1 metre in height to the site boundary and shall be retained throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

The boundary treatment shall be installed prior to the first occupation of the dwelling and thereafter shall be retained throughout the lifetime of the development.

Reason: In the interests of visual amenity and taking account of the rural location of the site.

06. Any exterior lighting employed on the development hereby approved, 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. External lighting on the building shall meet the requirements for Zone E2 areas (Rural/Small Village locations) as defined by the Institution of Lighting Professionals.

Reason: In order 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 does not result in 'sky glow' and that the external lighting accords with Orkney Local Development Plan 2017 policy 2 - Design and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

07. Prior to the development hereby approved being brought into use or within three months of the date of this decision notice, whichever is sooner, the access hereby approved with the public road shall be 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. Thereafter the access shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

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.

08. Prior to the development hereby approved being brought into use or within three months of the date of this decision notice, whichever is sooner, and in conjunction with the access construction specified in condition 07 above, the existing fence line bounding the A961 on the southernmost side of the access shall be set back a distance of 1.2 metres from its current position, tapering down to the existing fence line over a distance of 80 metres. The first 10 metres of the existing wall on the northernmost side of the hereby approved access, shall be taken down and set back such that the front face of the wall tapers from a point 1.2 metres behind its current location to tie back in with the existing boundary wall adjacent to the A961.

Thereafter and throughout the lifetime of the development the forward visibility splay shall be maintained free from any vegetation in excess of 1.05 metres in height, with the height being measured from the edge of the existing public road carriageway.

Reason: In the interests of road safety.

**polefarmorkney@gmail.com**

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**From:** John Laird [REDACTED]  
**Sent:** 12 November 2024 13:31  
**To:** polefarmorkney@gmail.com  
**Subject:** Review

Hello

Regarding the highlighted part on 0.8 , I would like to propose that the ten metres of wall be left where it is & be lowered by 0.4 of a metre to create the same road safety sight line as moving the wall .

Regards  
John Laird

## Planning Handling Report

### Determination under delegated powers

Planning Application No.:	24/019/PP
Application address:	Norton House (Land Near) Northfield Road, Burray, Orkney
Proposal:	Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)

This proposal has been considered against relevant development plan policies and has been judged to comply. There have been no objections and any matters raised by consultees have been addressed by planning conditions. There are no other material considerations that warrant a decision other than approval. Full details of the proposal, plans and consultation replies can be viewed via the Online Planning facility on the Orkney Islands Council web site.

Reasons for approval or refusal:	<p>The proposed development was advertised on 22 February 2024 in the 'Orkadian' newspaper under the Town and Country (Development Management Procedure) (Scotland) Regulations 2013 Notice Under Regulation 20 and the proposal was on the Weekly List dated 5 February 2024 which is freely available to view on the Council's Planning Website. No representations or objections have been received.</p> <p>The current application supersedes the previous approval for a two for one replacement dwellings proposal on the site that was granted under 21/297/PP (and previously to that under 20/448/PP).</p> <p><b>Planning History</b></p> <table border="1"> <thead> <tr> <th>Application Ref.</th> <th>Address</th> <th>Proposal</th> <th>Decision &amp; Date</th> </tr> </thead> <tbody> <tr> <td>21/297/PP</td> <td>Norton House (land near), Burray</td> <td>Reinstate redundant house, erect replacement house and Air Source Heat Pump (amendment to 20/448/PP)</td> <td>Grant subject to conditions 12.10.2021</td> </tr> <tr> <td>20/448/PP</td> <td>Norton House (land near), Northfield Road, Burray</td> <td>Reinstate a redundant house and install an air source heat pump and erect a replacement house with an air source heat pump (two for one) and upgrade an access</td> <td>Grant subject to conditions 31.03.2021</td> </tr> </tbody> </table> <p><b>Proposal and Site</b> This proposal seeks the reinstatement of the redundant house on the site at Dale (near Norton House, Burray) only, and supersedes the previous approval for the two for one development that was approved under planning reference 21/297/PP on 12</p>	Application Ref.	Address	Proposal	Decision & Date	21/297/PP	Norton House (land near), Burray	Reinstate redundant house, erect replacement house and Air Source Heat Pump (amendment to 20/448/PP)	Grant subject to conditions 12.10.2021	20/448/PP	Norton House (land near), Northfield Road, Burray	Reinstate a redundant house and install an air source heat pump and erect a replacement house with an air source heat pump (two for one) and upgrade an access	Grant subject to conditions 31.03.2021
Application Ref.	Address	Proposal	Decision & Date										
21/297/PP	Norton House (land near), Burray	Reinstate redundant house, erect replacement house and Air Source Heat Pump (amendment to 20/448/PP)	Grant subject to conditions 12.10.2021										
20/448/PP	Norton House (land near), Northfield Road, Burray	Reinstate a redundant house and install an air source heat pump and erect a replacement house with an air source heat pump (two for one) and upgrade an access	Grant subject to conditions 31.03.2021										

October 2021. Works have already been undertaken on the development and therefore the current proposal is retrospective.

The site is located off the A961 and, unlike the previous application, the proposed new access would be from the public road (A961) and via the track that runs to Dale, rather than off the road to Northfield and along the boundary with the property at Norton House.

#### **National Planning Framework 4**

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. In the current case, there is not considered to be any incompatibility between the majority of the provisions of NPF4 and the provisions of the Orkney Local Development Plan 2017, to merit any detailed assessment in relation to individual NPF4 policies, however, there are some new/amended provisions, and the proposed development has been assessed against these as appropriate.

#### **Housing Policy**

The proposal seeks the retention and reinstatement of a derelict building to form a house. The site is located within the countryside.

The principle of replacing an existing building or structure within the countryside, and the retention and reinstatement of an existing derelict dwelling to a new house is supported in principle under the Orkney Local Development Plan 2021 (OLDP 2021) policy 5E(i), provided that the proposal also meets the criteria set out under that policy together with other policies of the Plan, relevant Supplementary Guidance and other material planning considerations.

It was established under the previous approval (21/297/PP) that the reinstatement of the former dwelling to a house dwelling as part of a two for one proposal under OLDP 2017 Policy 5E(iii) would comply in principle with relevant policy guidance at that time. Although the current proposal would not be for a two for one under OLDP 2017 Policy 5E(iii), it has been assessed under OLDP 2017 Policy 5E(i) 'The reinstatement of a former dwelling house', which is relevant to the current proposal, and it is considered that, in principle, the development would be able to comply with the requirements that (1) it would bring a former house back into use as a house, (2) the former house displayed domestic features, (3) the renovation is sympathetic, (4) the development would provide a housing opportunity and retains the embodied energy of the original structure. Therefore, the proposal would comply with OLDP 2017 Policy 5E(i) and Supplementary Guidance: Housing in the Countryside (2021).

Under NPF4 14 – Design, Quality and Place, there is a requirement that developments comply with the “*six qualities of successful places*”, which includes being healthy, pleasant, connected, distinctive, sustainable and adaptable and that any proposals that cannot meet these six qualities or are poorly designed or would be “*detrimental to the amenity of the surrounding area*” will not be supported.

Under NPF4 Policy 16 – Quality Homes, where relevant, the proposal should be consistent with the policy provision for Rural Homes (Policy 17).

Relevant requirements for support under NPF4 Policy 17 – Rural Homes, include:

*a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development*

*b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.*

*c) Development proposals for new homes in remote rural areas will be supported where the proposal:*

*i. supports and sustains existing fragile communities;*

ii. supports identified local housing outcomes; and Part 2 – National Planning Policy National Planning Framework 4

iii. is suitable in terms of location, access, and environmental impact.

For clarification, under the Scottish Government's Classification 6-fold Maps (2020) of rural classification (which should be used to identify remote rural areas when using the NPF4), Orkney as a whole is classified as 'Remote Rural' (<https://www.gov.scot/publications/scottish-government-urban-rural-classification-2020/documents/>). The accessibility classification system is based upon drive times to an urban area/settlement with a population of 10,000 or more and remote is classified as areas that are a 30 minute drive from a settlement with a population of at least 10,000. Burray comes under the category of remote under this classification.

Taking account that the development is for a single house, classified as remote by Government Classification and that there is Policy support for the reinstatement of former dwelling back into houses, in principle, the proposal would comply with OLDP 2017 Policies 1(i, ii) – Criteria for All Development, Policy 5E(i) – The Reinstatement of a Former Dwelling House and NPF4 Policies 16 – Quality Homes and 17 – Rural Homes. However, the proposal also has to be fully considered against other policies of the OLDP 2017, NPF4, relevant guidance and material considerations, and the following report continues the assessment.

#### **Design and Appearance**

The proposed dwelling would remain as single storey. The extension that projected to the rear (north) of the former dwelling, has been increased in size and height and is now at the same height as the main part of the house.

The proposed materials on the reinstated dwelling are similar to those that were previously approved under 21/297/PP and include black rainwater goods, Caithness/Orkney stone slates to the roof (salvaged from existing buildings on the site), dark grey uPVC rooflights, window and door frames and the existing skews would be retained. This is considered acceptable.

It is considered that the proposed materials and that the design and scale of the development is acceptable.

The boundary treatment would include the retention of an existing stone dyke and timber fencing.

The development includes the installation of an air source heat pump which is acceptable and would increase the use of renewable energy within Orkney.

It is considered that the proposed development would comply with OLDP 2017 Policies 1 (vii) – Criteria for All Development, 2 – Design, Supplementary Guidance: Energy (2017) and NPF4 Policies 2 – Climate Mitigation and Adaptation and 14 – Design Quality and Place.

#### **Water, Sewerage and Drainage**

The proposed dwelling would connect to the public water supply, which would comply with NPF4 Policy 22 (d) - Flood Risk and Water Management.

The proposed dwelling would connect to the public sewerage system which would accord with the requirements of OLDP 2017 policy 13C – Waste Water Drainage.

A standard condition regarding SuDS would be attached to an approval, which would accord with OLDP 2017 Policy 13B – Sustainable Drainage Systems (SuDS) and NPF4 Policy 22 (c) – Flood Risk and Water Management.

#### **Access/Road Safety**

The access would be taken from the public road (A961) using an existing track (rather than the access proposed under the previous application 21/297/PP, which proposed the access to be along the boundary with the dwelling at Norton. The currently proposed access is longer and a less direct route, but after the full assessment of the current access proposed into the site, Roads Services have responded that they do not object, and whilst *“the access in its current form fails to meet the requirements for forward visibility and construction...both matters could be resolved by applying the conditions and informative...”* As required, these would be attached to any approval, and, if complied with, the development would be able to comply with OLDP 2017 Policy 14C – Road Network Infrastructure.



### **Residential Amenity**

The domestic curtilage would not exceed 1500 square metres and would be of sufficient size to provide adequate amenity space and parking provision for the occupants of the house. The dwelling would not exceed more than one third of the site.

The site is over 150m from the closest third party dwelling at Norton. Due to the separation distance between the development site from other dwellings and the scale of the development, it is considered unlikely that there would be significant impacts upon third party dwellings due to overlooking, overshadowing or privacy.

It is considered that the proposal would comply with OLDP 2017 Policy 1 (iv) – Criteria for All Development and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

The development proposal includes the installation of an air source heat pump. This is acceptable under OLDP 2017 Policy 7C and NPF4 Policy 11 – Energy, and would increase the use of renewable energy within Orkney. A condition, limiting noise from the air source heat pump would be attached to any favourable decision, in the interest of the protection of residential amenity.

As is a requirement under OLDP 2017 Policy 2(vi) and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (March 2021), a condition would be attached to an approval requiring that any external lighting used on the development would minimise obtrusive light and would be downward facing, to further protect the residential amenity of the area.

### **Character of the Area/Visual Amenity/Landscape**

There has been no change to the location of the development site relating to this house as previously under 21/297/PP whereby it was Plot 1, and after the consideration of the current application the same assessment has been made with regard to the impact of the development upon the character of the area, visual amenity and the wider landscape.

*“The development site is located within a whaleback island landscape as defined by the SNH Orkney Landscape Character Assessment. The main sensitivities of this landscape, that are relevant to the current proposal are potential abandonment of property, that development should not be located on the skyline (on higher ground), new buildings being sympathetic to traditional buildings and building groups, poorly sited development and the lack of maintenance of drystone walls. There is also support for the restoration of traditional buildings.”*

The development would be seen from some vantage points in the area, however, due to the proposed dwelling being single storey, that it is the reinstatement of a former dwelling (with extension) and the terrain, it is partially concealed from some vantage points, and therefore, it is considered that the development could be accommodated on the site and within the landscape and would be unlikely to have a significant impact upon the character of the area, visual amenity or the wider landscape.

Taking the above into account, it is considered that the proposed development would comply with OLDP 2017 Policies 1 (ix) – Criteria for All Development and 9G – Landscape (2017).

### **Natural Heritage**

The site is not located within a designated natural heritage site or local nature conservation site (LNCS). The Carbon and Peatland 2016 Map does not indicate that the site is located on an area of peat or carbon rich soils.

### **Biodiversity**

Since the approval of the previous application on the site (21/297/PP), NPF4 Policies have come into force, and there is a new requirement for all local developments to take account of biodiversity within proposals. Policy 3 c) of NPF 4 requires that, *“Proposals for local development will 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.”*

The applicant submitted a biodiversity enhancement form outlining biodiversity measures that would be employed in the development, which has been fully

	<p>assessed by the Council's Environmental Planner, who has advised Planning that although they have no objection of the proposal and that the Biodiversity measures proposed are proportionate to the nature and scale of the proposed development, a condition is required to ensure that biodiversity measures are carried out and would meet the requirements of NPF4 policy 3 – Biodiversity. The required condition would be attached to any approval, which would comply with OLDP 2017 Policy – 9C – Wider Biodiversity and Geodiversity, NPF4 Policy 3C – Biodiversity and Supplementary Guidance: Natural Environment (2017).</p> <p><b><u>Historic Environment</u></b> There is no known underlying archaeology on the site or Listed Buildings or Scheduled Ancient Monuments (SAMs) within the immediate area that would be significantly affected by the proposed development.</p> <p><b><u>Conclusion</u></b> It is considered that the proposed development would be acceptable in terms of scale and design and provided that the attached conditions can be complied with, that the development would be unlikely to have a significant impact upon residential amenity, the wider landscape, character of the landscape, visual amenity or road safety and the proposal would accord with OLDP 2017 policies 1, 2, 5E(iii), 7C, 9C, 9G, 13B, 13C, 14B, 14C, Supplementary Guidance: Housing in the Countryside (2021), Supplementary Guidance: Energy (2017), Supplementary Guidance: Natural Environment, Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021), Development Management Guidance: Considering and Including Biodiversity in Development and NPF4 Policies 2, 3, 11, 14, 16, 17 and 22.</p>
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**Delegated decision:**

**RECOMMENDATION**

**Approve subject to conditions**

01. The development hereby approved under 24/019/PP supersedes the development approved under 21/297/PP. No further development approved under 21/297/PP shall be undertaken on the site.  
  
Reason: In the interests of residential amenity and to clarify that the development approved under 24/019/PP supersedes development granted under 21/297/PP.
02. No building or structure shall be constructed upon land raised above its current level within the site.  
  
Reason: To ensure that land-raising does not result in a building or structure constructed at a height such that it gives rise to either visual or residential amenity concerns.
03. Throughout the life of the development, the total noise from the Air Source Heat Pump hereby approved and installed shall not exceed NR25 within any residential property outwith the development site, 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 50mm).  
  
Reason: to protect any nearby residents from excessive noise disturbance from the air source heat pump.
04. 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, NPF4 Policy 22(c), and to protect road safety.

05. The approved sewerage system shall be connected and fully operational prior to the first occupation of the house hereby approved.

The developer shall consult the Scottish Environment Protection Agency (SEPA) with regard to authorisations required for discharges of sewerage effluent to land or water.

SEPA (Orkney) can be contacted at Norlantic House, Hatston, Kirkwall (Telephone: 01856 871080). Further information may also be found on SEPA's website at: <https://www.sepa.org.uk/>.

Reason: In the interests of environmental protection and to accord with OLDP 2017 Policy 13C 'Waste Water Drainage'.

06. Any existing stone wall(s) to boundaries of the site shall be retained. The boundary treatment to other boundaries as indicated outlined in red on John Winstanley Site Plan (OIC-02) stamped approved and attached to the Decision Notice, shall comprise timber boarded fencing (with gaps for windbreak) not exceeding 1 metre in height to the site boundary and shall be retained throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

The boundary treatment shall be installed prior to the first occupation of the dwelling and thereafter shall be retained throughout the lifetime of the development.

Reason: In the interests of visual amenity and taking account of the rural location of the site.

07. Any exterior lighting employed on the development hereby approved, 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. External lighting on the building shall meet the requirements for Zone E2 areas (Rural/Small Village locations) as defined by the Institution of Lighting Professionals.

Reason: In order 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 does not result in 'sky glow' and that the external lighting accords with Orkney Local Development Plan 2017 policy 2 – Design and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

08. The access hereby approved with the public road shall be 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 prior to any other works commencing on of the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

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.

09. The existing fence line bounding the A961 on the southernmost side of the hereby approved access shall be set back a distance of 1.2 metres from its current position, tapering down to the existing fence line over a distance of 80 metres or thereby. The first 10 metres of the existing wall on the northernmost side of the hereby approved access, shall be taken down and set back such that the front face of the wall tapers from a point 1.2 metres behind its current location to tie back in with the existing boundary wall adjacent to the A961.

All works required to relocate the existing fence and wall adjacent to the hereby approved access to enable an adequate forward visibility splay to be provided, shall be completed prior to the hereby approved development coming into use.

Thereafter and throughout the lifetime of the development the forward visibility splay shall be maintained free from any vegetation in excess of 1.05 metres in height, with the height being measured from the edge of the existing public road carriageway.

Reason: In the interests of road safety.

10. The biodiversity measures described in the submitted Biodiversity form (version published 20 March 2024) and shown on the site plans contained within the form, shall be implemented in full no later than the first planting season following granting of planning permission. Thereafter the biodiversity measures shall be permanently retained in accordance with the approved details, including replacement of any planting that does not survive, is removed, or is damaged, unless otherwise agreed in writing with the planning authority.

Reason: To ensure biodiversity measures are implemented as required by National Planning Framework 4 policy 3.

11. Hours of work during the 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 7.30am to 6pm Monday to Friday and 8am to 1pm Saturdays, not at all on Sundays, Christmas or New Year Public Holidays unless otherwise agreed in writing with the Planning Authority.

Throughout the 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 this development.

**Informatives:**

01. This application was subject to consultations with agencies and other interested parties. It would be helpful for you to look at the full terms of their response(s) as they include advice and contact details that are relevant to you. You can access these details by following the Online Planning link on the Council's website and then entering either the application address or the planning application number.

02. **Roads Services Advice:** It is an offence under Section 56 of the Roads (Scotland) Act 1984 to carry out any excavations within the boundary of the public road without written permission from the roads authority. Therefore, one or more separate consents will be required from the Council's Roads Services to carry out any works within the road boundary, prior to any works commencing. These consents may require additional work and/or introduce additional specifications. You are therefore advised to contact Roads Services for further advice as early as possible.

During the period of construction, any temporary or incomplete access shall be maintained to a standard acceptable to the Council's Roads Services.

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.

It is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain beyond the working day, on a public road from any vehicle or development site.

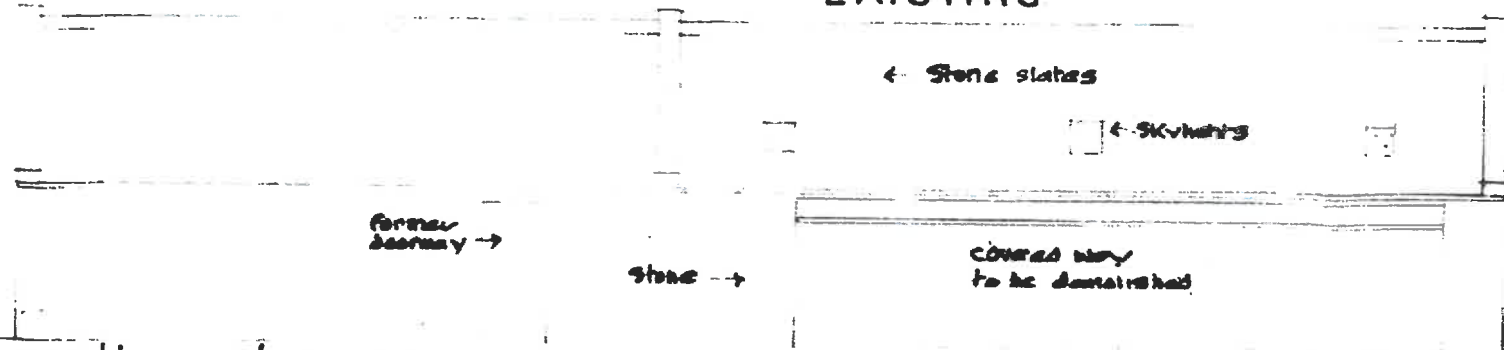
03. **Scottish Water Advice (Connection):** The developer is advised to contact Scottish Water directly regarding connection requirements:

Scottish Water, Customer Connections, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow G33 6FB. Telephone: 0800 389 0379, e-mail: [developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk), website: <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network>

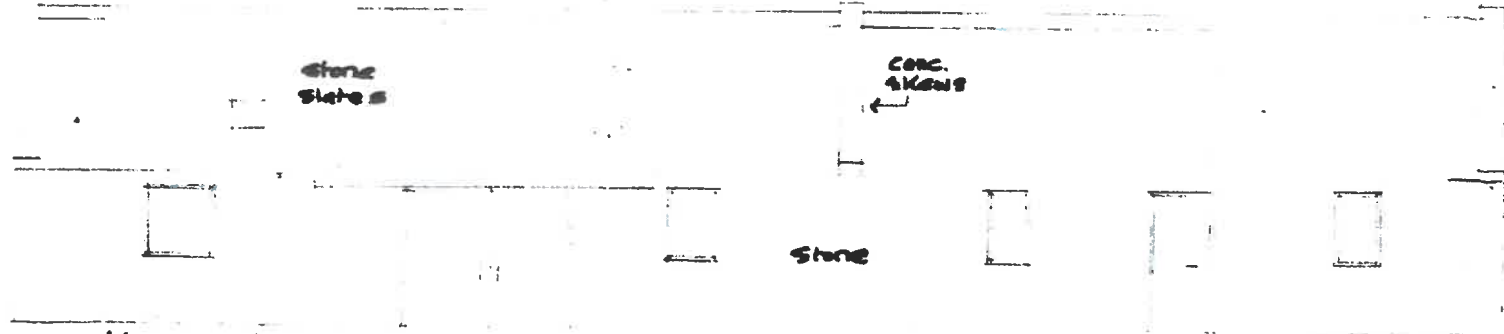
In addition, there is also a quick reference guide that can be found on the Scottish Water website: <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

Mrs Sue Doyle  
Planning Officer  
Date: 5 August 2024

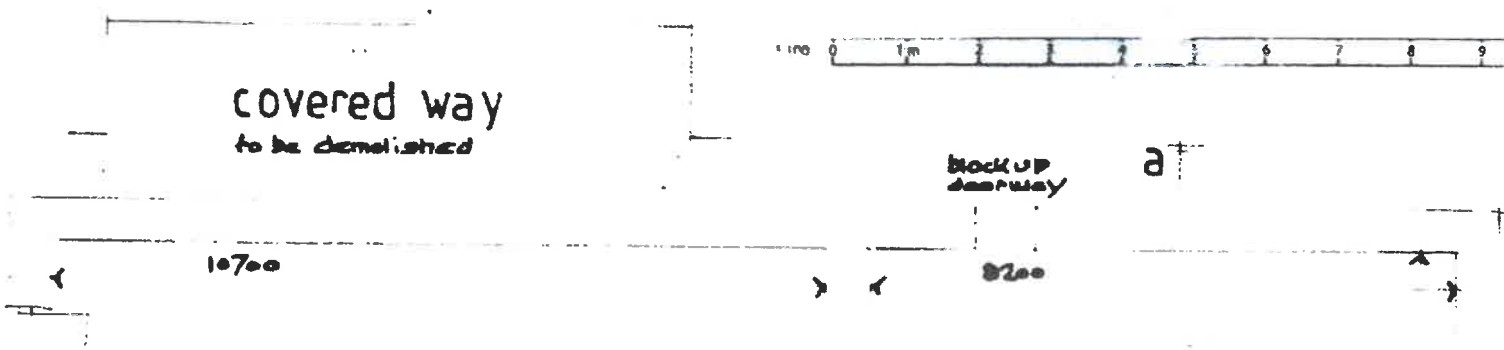
EXISTING



north west 1:100



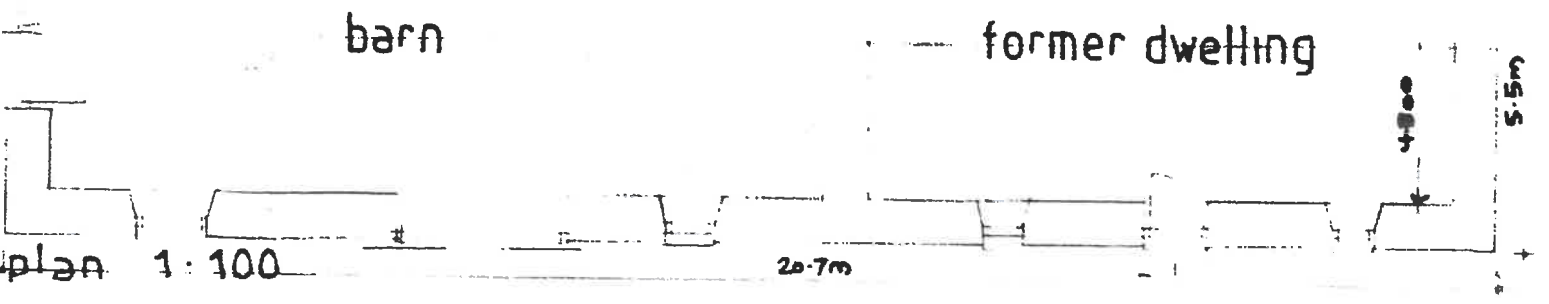
south east



north east



south west

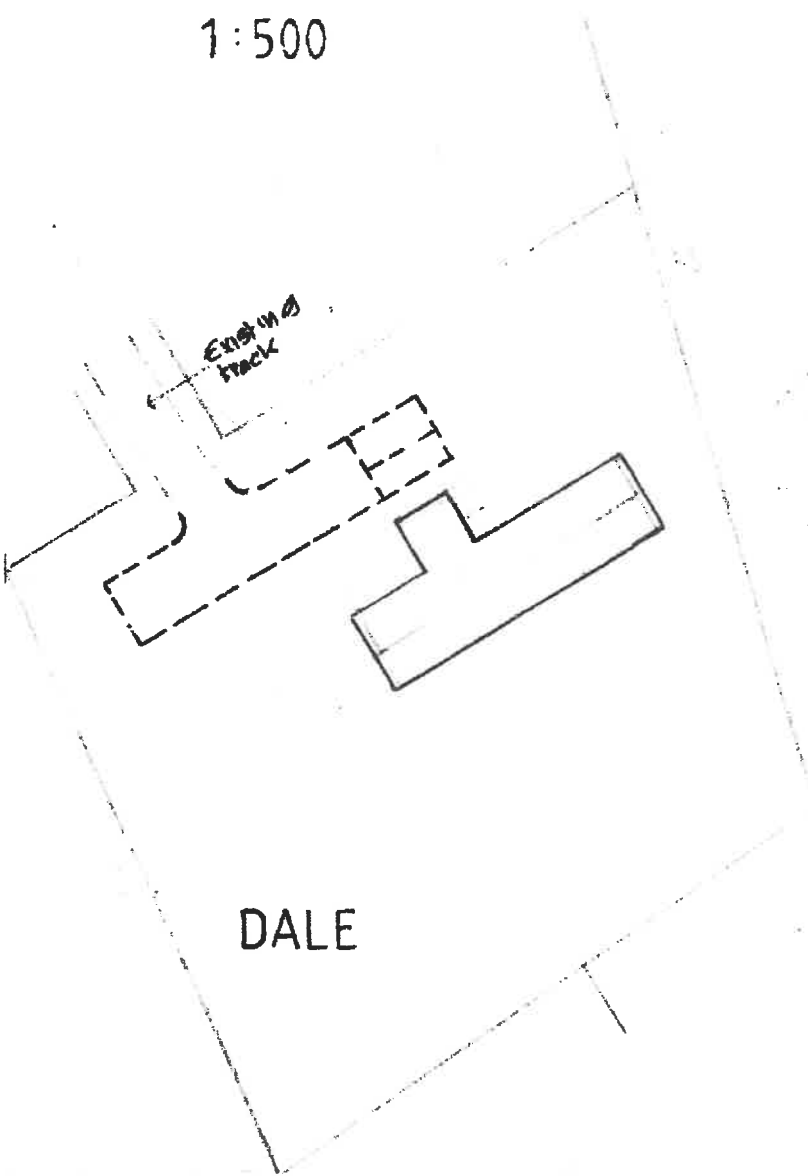


plan 1:100

# Site Plan



1:500



# Location Plan



1:2500

# NEIGHBOURHOOD SERVICES AND INFRASTRUCTURE

**Corporate Director:** Hayley Green, MBA (Public Service)  
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 Website: [www.orkney.gov.uk](http://www.orkney.gov.uk)  
Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)



**ORKNEY**  
ISLANDS COUNCIL

6th February 2024

John Laird  
c/o John Winstanley  
West Manse  
Deerness  
Orkney  
KW17 2QH

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, as amended DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013 INVALID APPLICATION

Dear John Winstanley

Ref No: 24/019/PP  
Type: Planning Permission  
Location: Norton House (Land Near) Northfield Road, Burray, Orkney  
Proposal: Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)

### Invalid application

Your recent application has been assessed on 6th February 2024 and we are writing to confirm that your submission is not sufficient to legally validate the application.

An invalid application is one where the form and/or the content of information submitted has not met the requirements of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

An application must be accompanied by all relevant plans and drawings as are considered necessary by the planning authority to describe the development to which the application relates (Regulation 9(3)) and other matters, including the correct forms, certificates and appropriate fee.

In this case, the application was assessed as invalid in the following matters:

01. **Location Plan**  
Confirm the access track red lines: the plan measures 233m from Dale to the corner, the actual length is 243m; and 138m from the corner to the road, the actual length is 144m  
[Note these are the same invalid points provided in relation to the returned 23/272/PP]
02. **Site Plan**  
Landscaping, including the extent and type of all hard and soft landscaping (including as included in the biodiversity plan)
03. **Fee**  
£750

Please note that the application cannot be made valid until all the above listed information is provided in accordance with statutory requirements.

To avoid further delay, all required information should be submitted as soon as possible. If the information is not submitted **within 28 days** of this correspondence, the application and all associated documents (and fee) will be returned to you and the application will not be processed.

Should you have any queries about the information required above please contact Development Management by email at [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk) or by telephone at the below number, using the extension provided.

Validation checks and issuing any requests for further information are carried out by different staff on different days. As such, there is no requirement to contact any particular member of staff in response to this invalid letter, and any queries can be answered by a technician on any given day.

Should you contact Development Management, simply confirm the application reference and that your contact is in relation to an invalid application.

Yours sincerely

Development Management,  
Neighbourhood Services and Infrastructure,  
Council Offices, School Place, Kirkwall, Orkney, KW15 1NY

Tel: 01856 873535 ext. 2504  
Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)



## **Consultee List**

Application Number 24/019/PP

- Roads Services
- Scottish Water
- Development & Marine Planning - Environment

Laird Dale Burray Nov 2023

BIODIVERSITY FORM FOR PLANNING APPLICATIONS

Planning reference  
or address of development

Dale,  
Burray

Date of form completion

Dec 9th 2023

Person/Company completing form

Jill Lamont, Nature Knowe,  
Knowe of Quindry, SaintMargarets Hope,  
KW17 2TW

[jill.lamont@natureknowe.co.uk](mailto:jill.lamont@natureknowe.co.uk)

01856831421

There are three sections included referring to Plans 1,2&3

Plan 1 Original Pre-Development Features

Plan 2 Site as existing Nov 2023

Plan 3 Proposed Areas for Diversity Enhancement

Laird Dale Burray Nov 2023

## BIODIVERSITY FORM FOR PLANNING APPLICATIONS

Baseline - what's there?

Plan 1 Original pre development features

The original building was a cottage adjoining a barn with a lean to construction on the North side of the building. it was a mixed farm croft with rough grazing for cows, sheep, pigs, hens, horses etc with cultivated ground for vegetables. When the building ceased to be lived in and the roof became dilapidated, it was then occupied by many pigeons.

Laird Dale Burray Nov 2023

Existing Site Nov 23    PLAN 2

view from S



View from NW



view from SE



view from west



## Laird Dale Burray Nov 2023

### Plan 2 Existing site Nov 23

The building at present is surrounded by barley fields, and there are the standard plants of agricultural land which has previously been grazed:- dockens, nettles, thistles, dandelions, buttercups, daisies, chickweed, cow parsnip, plantain, ragwort. The soil is a good mixed loam.

*There is a wet patch on the N side of the building in the service area.*

The existing dry stone dyke has a good section, and a poor section that will need repair.

Cultivated plants remaining on site are rhubarb and New Zealand Flax (*Phormium tenax*).

The whole site is very exposed in all directions.

One pigeon was seen flying over and there are many rabbits( See Photo 'view from West' above)  
Geese and Pheasants are known to visit.

(2)

EXISTING SITE NOV 23

LARD  
 DALE BURRAY  
 1:200  
 NOV 2023  
 JILL LAMONT, NATURE KNOWE

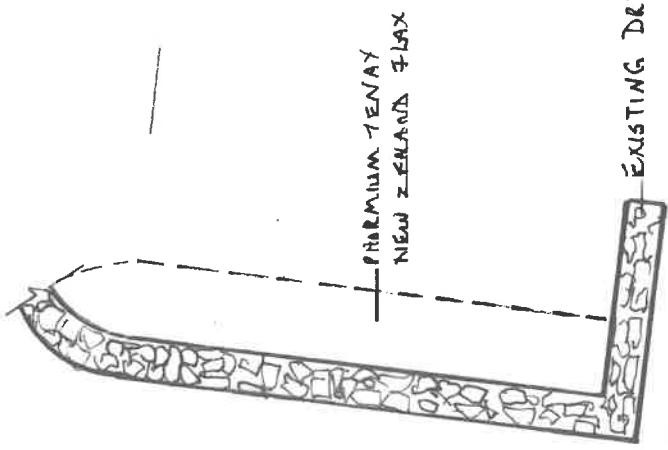
ACCESS TRACK

MOUND OF LOOSE SOIL & STONES

CAR PARK

MOUND OF LOOSE SOIL & STONES

SERVICES AREA



EXTENSION

BARN CONVERSION

ORIGINAL HOUSE

BARLEY FIELD

BARLEY FIELD

ALLEN FIELD

EXISTING POST & RAIL FENCE

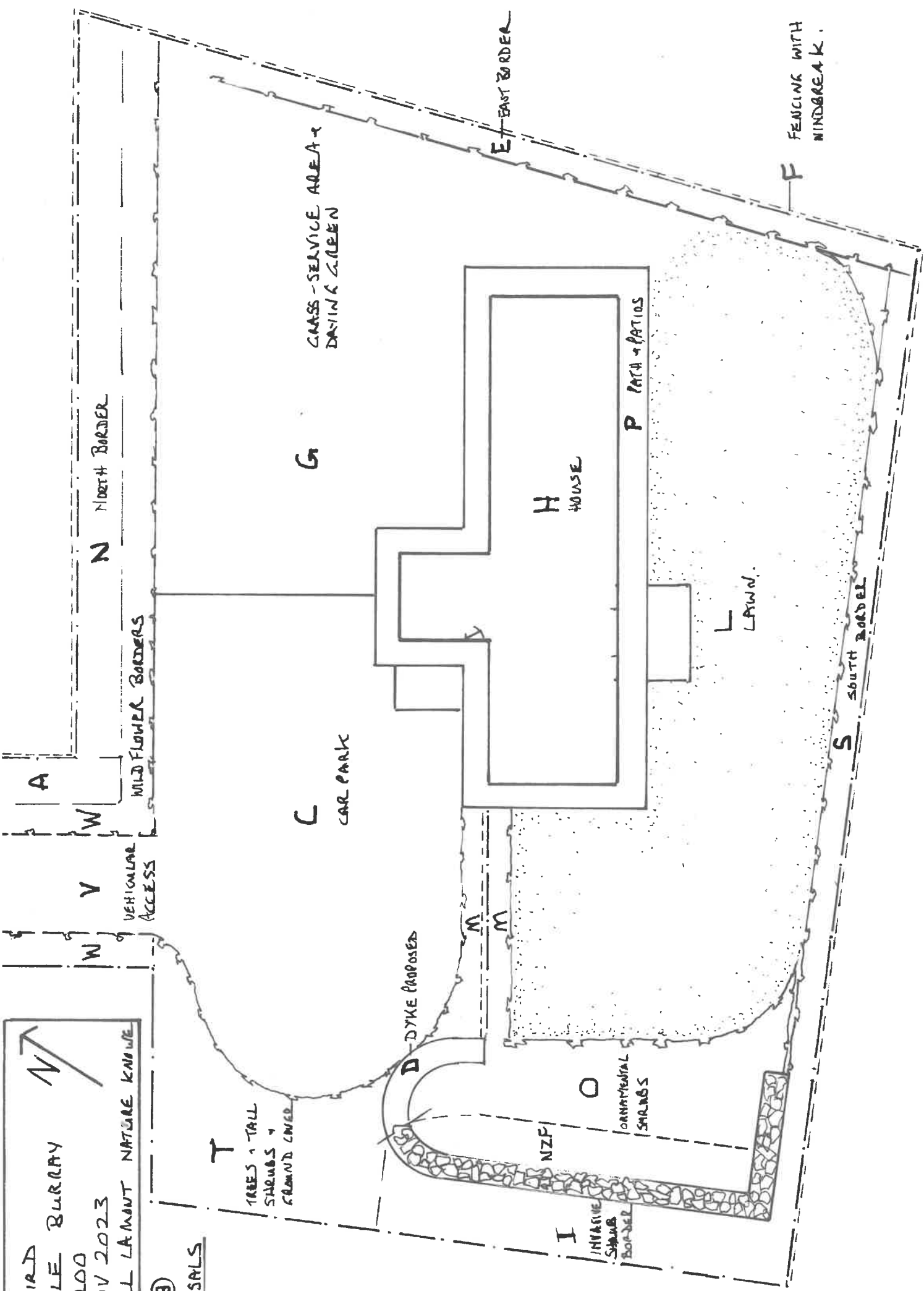
Laird Dale Burray Nov 2023

Plan 3 Proposals

LAIRD  
DALE BURRY  
1:200  
NOV 2023  
JILL LA MONT NATURE KNOWE



③ PROPOSALS





## Laird Dale Burray

Plan 3

Proposed areas for Biodiversity enhancement:-

### A Access Road, NE side border.

Hedgerow planting.

*Salix balfourii* on the NE edge where it will tolerate the N exposure and provide shelter for *Olearia traversii*, planted to the SW of that, which will tolerate the SW wind but not the N. The Balfour willow catkins in spring are enjoyed by the bees, and the evergreen *Olearia* provides all year round shelter and cover for birds.

Both species require annual trimming to encourage bushy growth.



### B Border :- mid north and mid south divided by a wooden fence with windbreak netting.



Mid north:-

*Cornus alba sibirica* Westonbirt - Dogwood, hedge to be trimmed in March annually.

*Ribes sanguinum* Flowering Currant, provides early flowers for insects.

*Lonicera periclymenum* - Honeysuckle, to climb on the fence provides flowers and berries.

Mid south:-

Mixed shrub border providing flowers and fruit through the seasons.

*Brachyglottis sunshine* - Senecio

*Ceanothus thyrsiflorus repens*

Escallonia Apple Blossom/Donnard Seedling

*Hebe x franciscana*

*Hebe albicans*

*Potentilla fruticosa*

*Ribes nigrum* - Blackcurrant

*Spiraea nipponica* Snowmound

*Hypericum x inodorum*

*Weigela Florida follis purpureis*

## Laird Dale Burray

**C** Car Park:-  
Borders to SW, SE and NE

**D** Dry stone dyke existing and proposed.  
The existing dry stone dyke needs some repair.



It is proposed to extend the drystone dyke following the existing curve using the stone on site.



**E** East boundary border.



A low hedgerow is proposed using :-Orkney native willow *Salix aurita* and *Lonicera pileata*

**F** Fencing on North, East, South and mid borders :- up to 1m wooden with windbreak netting attached.



## Laird Dale Burray

**G** Grassed area over utility supplies and drying green.

**H** House has extensive views to E, SE and S.  
To retain this panoramic view, but also to provide some shelter it is proposed that a wooden fence 1m be erected with windbreak netting attached and low planting to the inside of the fence.  
When necessary, stock proof fencing be put outside of this fence.

**I** Invasive shrub planting area.



To the West of the existing dyke it is suggested that *Rosa rugosa*, and *Rubus fruticosus*, (bramble or blackberry) be planted, providing flowers for insects and autumn fruits for the birds. The area is bounded by a post and wire fence, the dry stone dyke and the existing New Zealand Flax, *Phormium tenax*, which should limit the spread. Rough grass to be retained between plants.

**L** Lawn

**M** Middle windbreak border NW and SE facing. Wooden fence with windbreak netting attached.

**N** North boundary border mixed trees.



SW end:- Orkney native willows. *Salix aurita* eared, *Salix Phylicifolia* tea and *Salix cinerea* grey.

Also other willows eg goat, red stem, osier etc

NE end:- e.g. *Alnus glutinosa* -Alder, O/N *Betula pubescens*- Downy birch, *Fraxinus excelsior* -Ash, *Ulmus Glabra* - Wych elm, *Sorbus intermedia* - Swedish white beam, *Acer campestre* -Field Maple, *Sambucas niger* - Elder,

## Laird Dale Burray

### O

Ornamental shrub and plant border.

*Buddleia fallowiana*, *Hebe x franciscana*, *Hebe albicans*, *Olearia semi dentata*, *Cotoneaster lacteus*, *Cotoneaster microphyllus*, *Cotoneaster Skogholm*, *Berberis thunbergii* *Berberis darwinii*, *Spiraea nipponica* *Vanhouttei*, *Salix lanata* -Woolly willow, *Chaenomeles superba* 'Nicolene', *Potentilla fruticosa*, *Syringa vulgaris* Lilac, *Weigela Bristol Ruby*, Geraniums - hardy blue, *Euphorbia*, *Malus sylvestris* - Crab apple, *Malus spp.var.*

Perennial herbaceous plants. Fruit bushes, gooseberry, raspberry, strawberries.

### P

Path and two patios.

### S

South border.



Low hedge of Orkney native willow, *Salix phylicifolia*, Tea leaved willow, which has much associated fauna which attracts bird life.

*Libertia grandiflora*, New Zealand Satin Flower, a low level evergreen windbreak and shelter, with flowers and seeds for wildlife.

### T

Tree and tall shrub planting, ground cover and bulbs.

TREES - *Alnus glutinosa* - Alder, O/N *Betula pubescens* - Downy Birch, *Coryllus avellana* - Hazel, *Fagus sylvatica* -Beech, *Fraxinus excelsior* - Ash, *Crataegus monogyna* - Hawthorn, *Prunus spinosa* -Blackthorn, *Sorbus intermedia* -Swedish Whitebeam, *Acer campestre* - Field maple, *Ilex aquifolium* -Holly, *Aesculus hippocastanum* - Horse Chestnut, *Castanea sativa* - Sweet Chestnut, *Larix europaeus* -Larch, *Pinus mugo* - Mountain Pine, *Pinus contorta* - Lodgepole pine, *Populus tremula* -Aspen, *Quercus spp* - Oak.

SHRUBS - *Buddleia davidii*, *Escallonia rubra macrantha*, *Cotoneasters*, *Rosa eglantine*, *Rosa* O/N, *Berberis stenophylla*, *Fuchsia magellanica*, *Lonicera involucrata ledbourii* - Bush Honeysuckle, *Olearia macrantha* -New Zealand Holly, *Olearia hastii* - New Zealand Daisy bush, *Griselinia littoralis*, *Ligustrum ovalifolium* Privet, *Spiraea silicifolia*,

CLIMBERS & CREEPERS - *Clematis Montana rubens*, *Hedera hibernica*, *Vinca major*, *Ajuga reptans*.

BULBS - Bluebells - *Endymion non scriptus*,

### V

Existing vehicular access road, 38m to corner.

### W

Wild Flower banks flanking access road.

Plant with *Primula vulgaris* - primrose, *Primula veris* - cowslip, spring bulbs :*Scilla verna* -Spring squill, *Campanula rotundifolia* -Scottish Bluebell, Scottish/Orkney wild flower seed - scabious, wild violets, *Prunella vulgaris* -self heal, vetches, yarrow, plantain, *Armeria maritima* - sea pinks, *Trifolium pratense* - Red clover, etc.

## Laird Dale Burray

### Minimising effects on existing biodiversity

There has not been or will not be a bad effect on existing biodiversity.

### Provenance of plants and seeds.

Wherever possible plants and seeds will be locally sourced from Orkney grown stock and Orkney suppliers. Otherwise suppliers such as Christie-Elite, Forres, and Scotia Seeds will be used for supply.

### Monitoring and Maintenance of enhanced biodiversity

Shrubs and trees will be pruned as required.  
The drystone dyke and fences will be kept in good order.

This work will be carried out by the owner of the property

Advice was given and plan prepared by Allan and Jill Lamont, Nature Knowe, Knowe of Quindry, Saint Margarets Hope. 01856 831421

**INTERNAL MEMORANDUM TO: Development & Marine Planning - Environment**

Date of Consultation	19th February 2024
Response required by	11th March 2024
Planning Authority Reference	24/019/PP
Nature of Proposal (Description)	Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)
Site	Norton House (Land Near) Northfield Road, Burray, Orkney
Proposal Location Easting	347819
Proposal Location Northing	997563
Area of application site (Metres)	5323
Supporting Documentation URL	<a href="http://planningandwarrant.orkney.gov.uk/online-applications/">http://planningandwarrant.orkney.gov.uk/online-applications/</a>  Please enter - 24/019/PP
PA Office	Development Management
Case Officer	Mrs Sue Doyle
Case Officer Phone number	(01856) 873535 Ex2503
Case Officer email address	Sue.Doyle@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments:

**Advice provided by:** Nina Caudrey, Environmental Planner **Date of assessment:** 21 February 2024

**Is the advice final or interim?**  
(if interim then further information is needed, see detailed advice) interim

**SUMMARY ADVICE (must be read in conjunction with detailed advice)**

Unfortunately there are some issues with the biodiversity information that require to be addressed – **further information is required.**

**Are condition(s) required/ recommended in the detailed advice?** no

**Separate consideration of need for a Habitat Regulations Appraisal required? (9.A.1 / NPF4 4.b)** no

**If yes, which European site(s) may need further consideration?**

n/a

**DETAILED ADVICE**

**Which natural heritage interests have the potential to be significantly affected by the proposed development? Is further information or survey work required before final advice can be given? Are conditions required?**

– SSSIs

(9.A.2 / NPF4 4.c)

- **Local Nature Conservation Site, Local Nature Reserve,**  
(9.A.3 / 4.d)
- **Protected species**  
(9.B / NPF4 4.f)
- **Wider biodiversity**  
(9.C / NPF4 3)

### **Wider biodiversity**

A lot of planting is included in the submitted biodiversity information, which is welcome, however there are two issues that require revised information from the applicant. **The applicant should use the OIC Biodiversity form template** (available from <https://www.orkney.gov.uk/Service-Directory/B/Biodiversity.htm> – or a Word version can be provided on request) **to submit revised biodiversity information that addresses the following issues, along with a revised site plan that relates to the information within the form:**

- The applicant should use the NatureScot invasive non-native species list referred to in the OIC Considering and including biodiversity in development guidance (available from the above link) to revise the planting list to exclude invasive non-native species (for example *Rosa rugosa*, buddleia, cotoneaster).
- Biodiversity measures are secured by planning condition and are required to deliver long term biodiversity benefits for the lifetime of the proposed development. So requiring the retention of the measures that could impede on the use and enjoyment of the garden ground by future owners or occupiers would not be appropriate.

For example, the ornamental shrub planting identified as O in the submitted information (which future owner/occupiers may wish to alter) and the wood fencing with wind break netting identified as B, H and M (which future owner/occupiers may wish to remove for aesthetic reasons / will degrade over time and require to be replaced).

For the purposes of meeting planning policy requirements in relation to biodiversity, it is recommended that the features that create boundaries and shelter are included in a Biodiversity form and shown on a revised site plan, but that other planting/features (eg as outlined above) are not included. (That does not mean to say that the applicant should not implement the other planting that they have proposed, just that it would not be appropriate for them to be included as biodiversity measures for the purposes of the planning application.)

The Environmental Planner would be happy to provide informal advice on a draft revised form (with associated site

plan) prior to resubmission, should the applicant find that useful.

**Once a Biodiversity form and associated information is resubmitted, it should be possible to provide further advice in relation to NPF4 policy 3.c.**

- **Water environment**  
(9.D / NPF4 20, 22.e, 3.d)
- **Peat and soils**  
(9.E / NPF4 5)
- **Trees or woodlands of significant ecological, landscape, shelter or recreational value**  
(9.F / NPF4 6, 3.d)
- **Natural coastal resources**  
(12.A.ii / NPF4 10)
- **Coastal and marine ecosystems, geomorphology**  
(12.A.iii / NPF4 10)
- **Aquaculture habitats and species, designated sites, biodiversity, PMFs**  
(12.D.i.a / NPF4 32.d)
- **SUDS in relation to ecology and habitat enhancement**  
(13.B.ii.e / NPF4 22.c, 22.e, 3.d)
- **Have any opportunities been included in the proposed development to enhance biodiversity and promote ecological interest?** (9.C.ii, 9.D.i.b / NPF4 3)

See advice for **Wider biodiversity**.



# NEIGHBOURHOOD SERVICES AND INFRASTRUCTURE

**Corporate Director:** Hayley Green, MBA (Public Service)  
Council Offices, Kirkwall, Orkney, KW15 1NY

Tel: (01856) 873535 Website: [www.orkney.gov.uk](http://www.orkney.gov.uk)  
Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)



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26th February 2024

John Laird  
c/o John Winstanley  
West Manse  
Deerness  
Orkney  
KW17 2QH

## TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013 REQUEST FOR FURTHER INFORMATION

Dear John Winstanley,

Ref No: 24/019/PP  
Type: Planning Permission  
Location: Norton House (Land Near), Northfield Road, Burray, Orkney  
Proposal: Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)

I refer to your planning application, details of which are given above, and advise that further information is required in support of the proposal. The Environmental Planner requires further information regarding proposed biodiversity enhancement measures to enable them to fully assess the proposal and to provide advice and comment to Planning.

The full response from the Environmental Planner can be viewed on the application file, which is available to view on the Council's website at: [https://www.orkney.gov.uk/Service-Directory/D/application\\_search\\_submission.htm](https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm) and by following the links to search for an application. However, for your immediate reference, please find relevant parts of the consultation response attached below:

### Wider Biodiversity

*A lot of planting is included in the submitted biodiversity information, which is welcome, however there are two issues that require revised information from the applicant. **The applicant should use the OIC Biodiversity form template** (available from <https://www.orkney.gov.uk/Service-Directory/B/Biodiversity.htm> – or a Word version can be provided on request) **to submit revised biodiversity information that addresses the following issues, along with a revised site plan that relates to the information within the form:***

- *The applicant should use the NatureScot invasive non-native species list referred to in the OIC Considering and including biodiversity in development guidance (available from the above link) to revise the planting list to exclude invasive non-native species (for example *Rosa rugosa*, *buddleia*, *cotoneaster*).*
- *Biodiversity measures are secured by planning condition and are required to deliver long term biodiversity benefits for the lifetime of the proposed development. So requiring the retention of the measures that could impede on the use and enjoyment of the garden ground by future owners or occupiers would not be appropriate.*

*For example, the ornamental shrub planting identified as O in the submitted information (which future owner/occupiers may wish to alter) and the wood fencing with wind break netting identified as B, H and M (which future owner/occupiers may wish to remove for aesthetic reasons / will degrade over time and require to be replaced).*

*For the purposes of meeting planning policy requirements in relation to biodiversity, **it is recommended that the features that create boundaries and shelter are included in a Biodiversity form and shown on a revised site plan**, but that other planting/features (eg as outlined above) are not included. (That does not mean to say that the applicant should not implement the other planting that they have proposed, just that it would not be appropriate for them to be included as biodiversity measures for the purposes of the planning application.)*

*The Environmental Planner would be happy to provide informal advice on a draft revised form (with associated site plan) prior to resubmission, should the applicant find that useful.*

The Environmental Planner (Nina Caudrey) can be contacted by E-mail at: [Nina.Caudrey@orkney.gov.uk](mailto:Nina.Caudrey@orkney.gov.uk) or by Telephone: 01856 873535 extension 2812.

I should be obliged if you could provide me with this information by 11 March 2024. If you are unable to comply with this request within this time, please let me know when you will be able to do so, and if you are agreeable to the 2 month period for determination of the application being extended accordingly.

Yours sincerely

Mrs Sue Doyle  
Planning Officer

Monday, 04 March 2024



Local Planner  
Development Management, Development and Infrastructure  
Orkney Islands Council  
Kirkwall  
KW15 1NY

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

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)



Dear Customer,

**Land near Norton House, Northfield Road, Burray, Orkney, KW17 2SY**  
**Planning Ref: 24/019/PP**  
**Our Ref: DSCAS-0104899-N9Z**  
**Proposal: Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)**

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

## **Audit of Proposal**

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. Please read the following carefully as there may be further action required. Scottish Water would advise the following:

## **Water Capacity Assessment**

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ This proposed development will be fed from Kirbister Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently 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 via [our Customer Portal](#) or contact Development Operations.

## **Waste Water Capacity Assessment**

- ▶ 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.

## Please Note

- ▶ 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 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: 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 information on how to submit application to Scottish Water at [our Customer Portal](#).
- 

## **Next Steps:**

### **▶ All Proposed Developments**

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) 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 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-Domestic 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 laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely 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 [here](#).
- ▶ 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 5kg 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)

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely,

**Ruth Kerr.**

Development Services Analyst

[PlanningConsultations@scottishwater.co.uk](mailto:PlanningConsultations@scottishwater.co.uk)

### **Scottish Water Disclaimer:**

*"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."*

**From:** Sue Doyle  
**Sent:** Tuesday, March 12, 2024 11:46 AM  
**To:** Donald Wilson  
**Subject:** Sue - Outstanding Roads consultation responses

Donald,

Please find attached below, a list of applications that I am currently waiting Roads Services consultation responses for – please could you let me have Roads Services consultation responses as soon as possible for these.

Thank You.

Sue

Application Ref:	Address	Proposal	Date Consulted /Response by	Notes

24/019/PP	Norton House (land near), Northfield Road, Burray	Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)	19.02.2024  (Response requested by: 11.03.2024)	

Sue Doyle BA, MSc URP  
 Planning Officer, Development Management  
 Planning and Community Protection  
 Neighbourhood Services and Infrastructure  
 Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

Telephone 01856 873535 Extension 2503

Advice given is without prejudice to any decision that may be taken by the Council on receipt of a formal planning application.



Officers should only be contacted directly in relation to current applications. Pre-application advice, general enquiries, or enforcement or other correspondence regarding determined applications should be sent to [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

Correspondence seeking pre-application advice will be allocated to an officer; Development Management has a target date of 20 working days to provide responses. As priority is given to planning applications over other enquiries, it would be appreciated if Development Management is not further contacted within that period, and note that workloads may result in delays to the target date. However, be assured that your correspondence will be dealt with as quickly as possible.

Laird Dale Burray Nov 2023

BIODIVERSITY FORM FOR PLANNING APPLICATIONS

Planning reference  
or address of development

Dale,  
Burray

Date of form completion

Dec 9th 2023

Person/Company completing form

Jill Lamont

There are three sections included referring to Plans 1,2&3

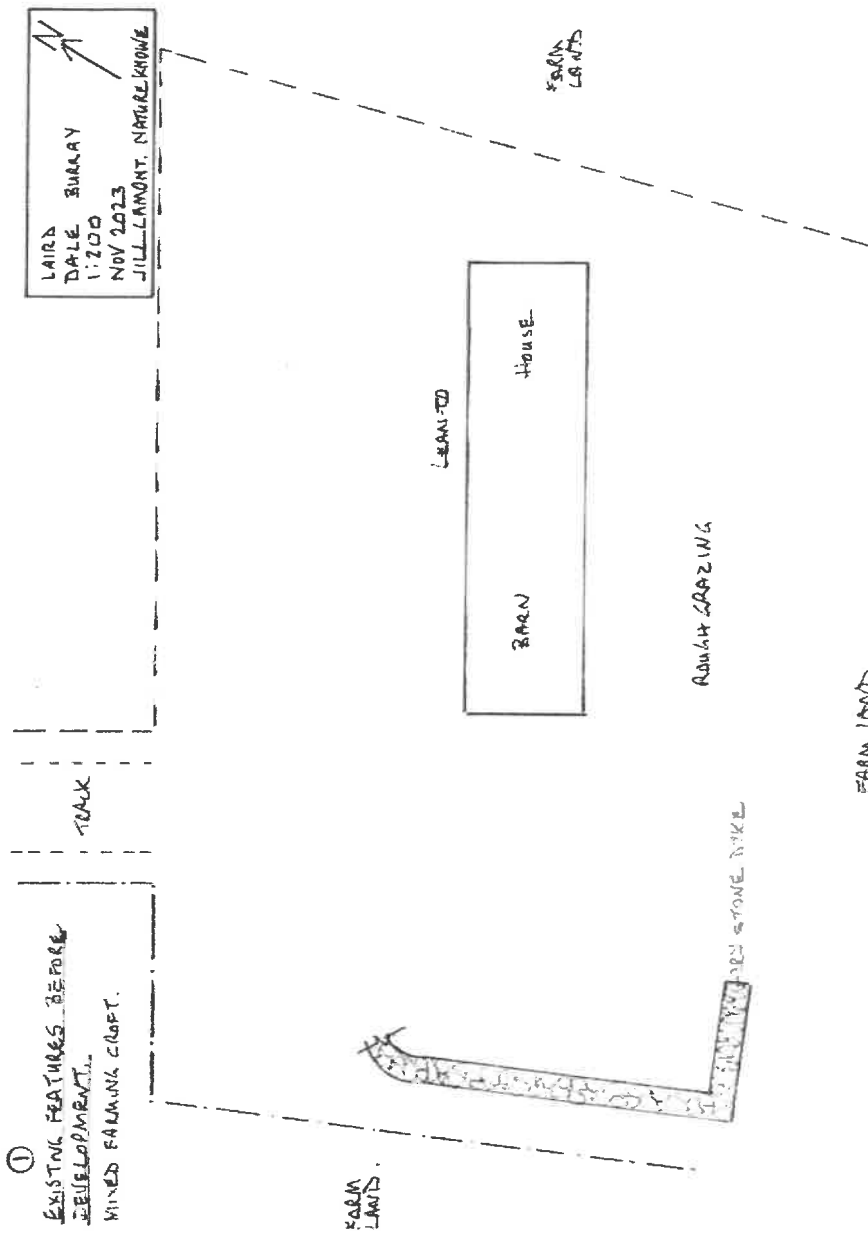
Plan 1 Original Pre-Development Features

Plan 2 Site as existing Nov 2023

Plan 3 Proposed Areas for Diversity Enhancement

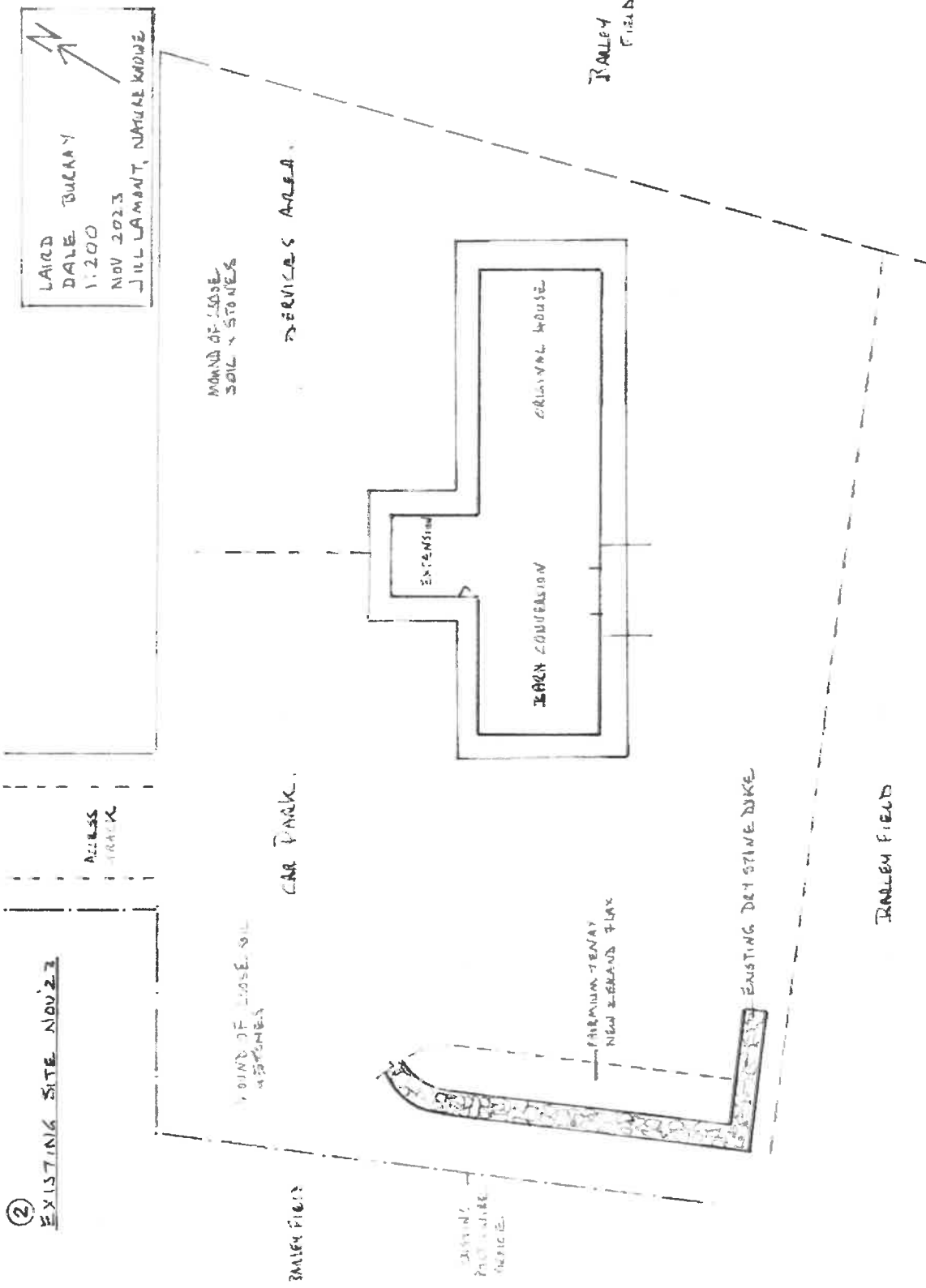
Baseline - what's there?

# Plan 1 Original pre development features



The original building was a cottage adjoining a barn with a lean to construction on the North side of the building. It was a mixed farm croft with rough grazing for cows, sheep, pigs, hens, horses etc with cultivated ground for vegetables. When the building ceased to be lived in and the roof became dilapidated, it was then occupied by many pigeons.

Plan 2 Existing Site Nov 23



Laird Dale Burray Nov 2023

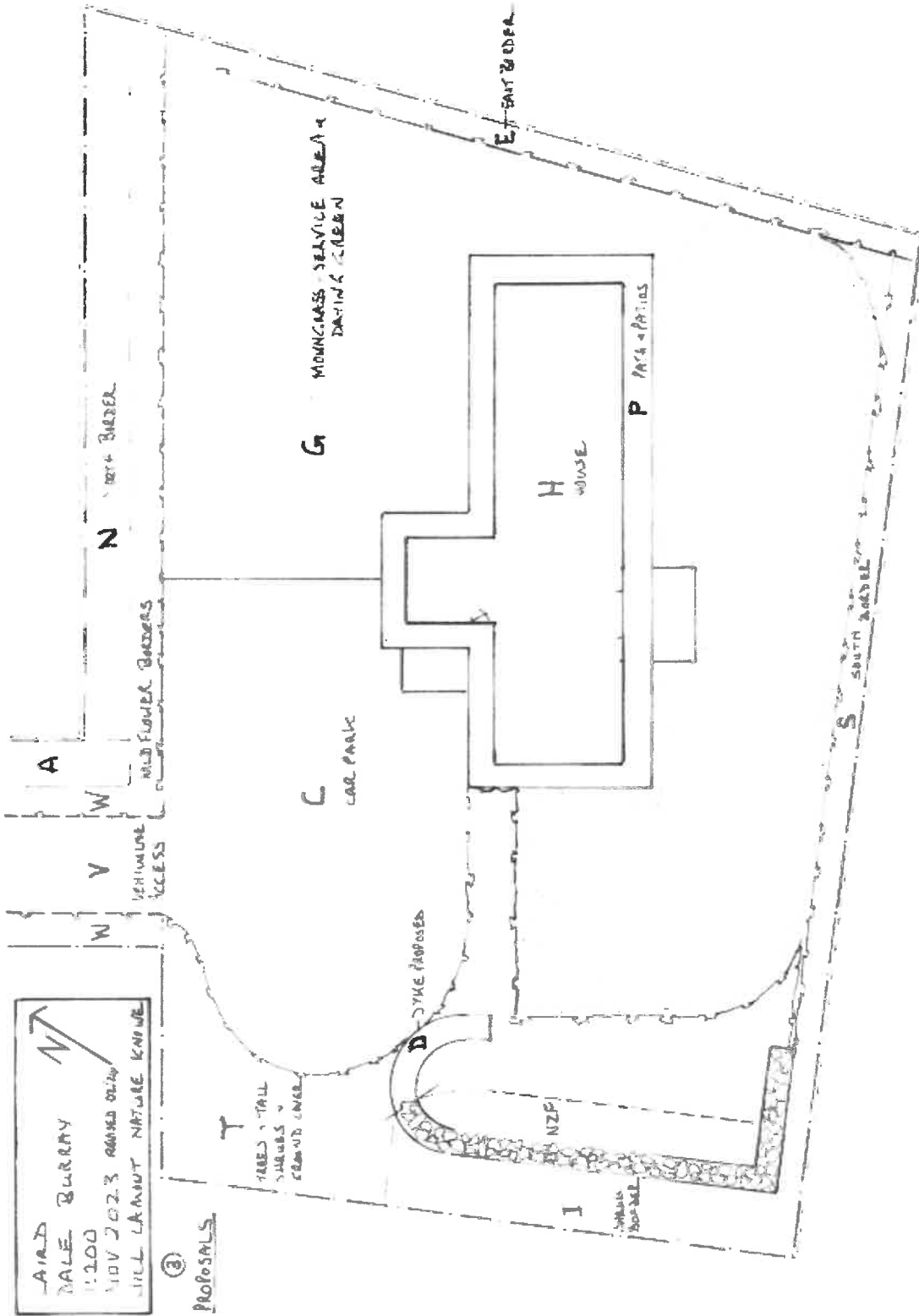
## Plan 2 Existing site Nov 23 contd

The building at present is surrounded by barley fields, and there are the standard plants of agricultural land which has previously been grazed:- dockens, nettles, thistles, dandelions, buttercups, daisies, chickweed, cow parsnip, plantain, ragwort. The soil is a good mixed loam.

The existing dry stone dyke has a good section, and a poor section that will need repair. Cultivated plants remaining on site are rhubarb and New Zealand Flax (*Phormium tenax*). The whole site is very exposed in all directions.

One pigeon was seen flying over and there are many rabbits( See Photo 'view from West' above) Geese and Pheasants are known to visit.

# Plan 3 Proposals



## Plan 3 Proposals contd.

### Proposed areas for Biodiversity enhancement:-

**A**

Access Road, NE side border.

Hedgerow planting.

*Salix balfourii* on the NE edge where it will tolerate the N exposure and provide shelter for *Olearia traversii*, planted to the SW of that, which will tolerate the SW wind but not the N.

The Balfour willow catkins in spring are enjoyed by the bees, and the evergreen *Olearia* provides all year round shelter and cover for birds.

Both species require annual trimming to encourage bushy growth.



**C**

Car Park:-

Borders to SW, SE and NE

**D**

Dry stone dyke existing and proposed.

The existing dry stone dyke needs some repair.



It is proposed to extend the drystone dyke following the existing curve using the stone on site.



**E** East boundary border.



A low hedgerow is proposed using :-Orkney native willow *Salix aurita* and *Lonicera pileata*

**G** Grassed area over utility supplies and drying green.



**H** House has extensive views to E, SE and S.

To retain this panoramic view, but also to provide some shelter, 1m low planting of Orkney native *Salix aurita* - eared willow, and *Lonicera pileata* is proposed.

**I** Shrub planting area.



To the West of the existing dyke it is suggested that Orkney native Downy Rose -*Rosa caesia/ mollis*, *Lonicera periclymenum* - honeysuckle, *Rubus fruticosus*, (bramble or blackberry) be planted, providing flowers for insects and autumn fruits for the birds. The area is bounded by a post and wire fence, the dry stone dyke and the existing New Zealand Flax, *Phormium tenax*. Rough grass to be retained between plants.



**N** North Boundary border mixed trees



SW end:- Orkney native willows. *Salix aurita* eared, *Salix Phylicifolia* tea and *Salix cinerea* grey. Also other willows eg goat, red stem, osier etc

NE end:- e.g. *Alnus glutinosa* -Alder, O/N *Betula pubescens*- Downy birch, *Fraxinus excelsior* -Ash, *Ulmus Glabra* - Wych elm, *Sorbus intermedia* - Swedish white beam, *Acer campestre* -Field Maple, *Sambucas niger* - Elder,

**S** South border.



Low hedge of Orkney native willow, *Salix phyllicifolia*, Tea leaved willow, which has much associated fauna which attracts bird life.

*Libertia grandiflora*, New Zealand Satin Flower, a low level evergreen windbreak and shelter, with flowers and seeds for wildlife.

**T** Tree and tall shrub planting, ground cover and bulbs.

TREES - *Alnus glutinosa* - Alder, O/N *Betula pubescens* - Downy Birch, *Coryllus avellana* - Hazel, *Fagus sylvatica* -Beech, *Fraxinus excelsior* - Ash, *Crataegus monogyna* - Hawthorn, *Prunus spinosa* -Blackthorn, *Sorbus intermedia* -Swedish Whitebeam, *Acer campestre* - Field maple, *Ilex aquifolium* -Holly, *Aesculus hippocastanum* - Horse Chestnut, *Castanea sativa* - Sweet Chestnut, *Larix europaeus* -Larch, *Pinus mugo* - Mountain Pine, *Pinus contorta* - Lodgepole pine, *Populus tremula* -Aspen, *Quercus* spp - Oak.

SHRUBS - *Escallonia rubra macrantha*, *Rosa eglantine*, *Rosa* O/N, *Berberis stenophylla*, *Fuchsia magellanica*, *Lonicera involucrata ledbourii* - Bush Honeysuckle, *Olearia macrantha* -New Zealand Holly, *Olearia hastii* - New Zealand Daisy bush, *Grisellinia littoralis*, *Ligustrum ovalifolium* Privet, *Spiraea silicifolia*,

CLIMBERS & CREEPERS - *Clematis Montana rubens*, *Hedera hibernica*, *Vinca major*, *Ajuga reptans*.

BULBS - Bluebells - *Endymion non scriptus*,

**W** Wild Flower banks flanking entrance to car park from access road.

Plant with Primula vulgaris - primrose, Primula veris - cowslip, spring bulbs :Scilla verna -Spring squill, Campanula rotundifolia -Scottish Bluebell, Scottish/Orkney wild flower seed - scabious, wild violets, Prunella vulgaris -self heal, vetches, yarrow, plantain, Armeria maritima - sea pinks, Trifolium pratense - Red clover, etc.

Minimising effects on existing biodiversity

There has not been or will not be a bad effect on existing biodiversity.

Provenance of plants and seeds.

Wherever possible plants and seeds will be locally sourced from Orkney grown stock and Orkney suppliers. Otherwise suppliers such as Christie-Elite, Forres, and Scotia Seeds will be used for supply.

Monitoring and Maintenance of enhanced biodiversity

Shrubs and trees will be pruned as required.  
The drystone dyke will be kept in good order.

This work will be carried out by the owner of the property

Advice was given and plan prepared by Allan and Jill Lamont

## **Consultee List**

Application Number 24/019/PP

- Development & Marine Planning - Environment

**INTERNAL MEMORANDUM TO: Development & Marine Planning - Environment**

Date of Consultation	21st March 2024
Response required by	28th March 2024
Planning Authority Reference	24/019/PP
Nature of Proposal (Description)	Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)
Site	Norton House (Land Near) Northfield Road, Burray, Orkney
Proposal Location Easting	347819
Proposal Location Northing	997563
Area of application site (Metres)	5323
Supporting Documentation URL	<a href="http://planningandwarrant.orkney.gov.uk/online-applications/">http://planningandwarrant.orkney.gov.uk/online-applications/</a>  Please enter - 24/019/PP
PA Office	Development Management
Case Officer	Mrs Sue Doyle
Case Officer Phone number	(01856) 873535 Ex2503
Case Officer email address	Sue.Doyle@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

Comments:

**Advice provided by:** Nina Caudrey, Environmental Planner **Date of assessment:** 22 March 2024

**Is the advice final or interim? (if interim then further information is needed, see detailed advice)** final

**SUMMARY ADVICE (must be read in conjunction with detailed advice)**

Biodiversity enhancement measures proportionate to the nature and scale of the proposed development have been included and should be secured by condition.

**Are condition(s) required/ recommended in the detailed advice?** yes

**Separate consideration of need for a Habitat Regulations Appraisal required? (9.A.1 / NPF4 4.b)** no

**If yes, which European site(s) may need further consideration?**

n/a

**DETAILED ADVICE**

**Which natural heritage interests have the potential to be significantly affected by the proposed development? Is further information or survey work required before final advice can be given? Are conditions required?**

– SSSIs

(9.A.2 / NPF4 4.c)

- **Local Nature Conservation Site, Local Nature Reserve,**  
(9.A.3 / 4.d)
- **Protected species**  
(9.B / NPF4 4.f)
- **Wider biodiversity**  
(9.C / NPF4 3)

#### **Wider biodiversity**

A revised Biodiversity form and plan has been submitted, which is welcome.

Biodiversity measures proportionate to the nature and scale of the proposed development have been included, as described in the submitted Biodiversity form (version published 20 March 2024) and shown on the site plans contained within the form. A condition is required to ensure the proposed biodiversity measures are carried out and therefore contribute to meeting the requirements of National Planning Framework 4 (NPF4) policy 3 on biodiversity:

**Condition:** That the biodiversity measures described in the submitted Biodiversity form (version published 20 March 2024) and shown on the site plans contained within the form, are implemented in full no later than the first planting season following granting of planning permission. Thereafter the biodiversity measures shall be permanently retained in accordance with the approved details, including replacement of any planting that does not survive, is removed, or is damaged, unless otherwise agreed in writing with the planning authority.

**Reason:** To ensure biodiversity measures are implemented as required by National Planning Framework 4 policy 3.

- **Water environment**  
(9.D / NPF4 20, 22.e, 3.d)
- **Peat and soils**  
(9.E / NPF4 5)
- **Trees or woodlands of significant ecological, landscape, shelter or recreational value**  
(9.F / NPF4 6, 3.d)
- **Natural coastal resources**  
(12.A.ii / NPF4 10)
- **Coastal and marine ecosystems, geomorphology**  
(12.A.iii / NPF4 10)
- **Aquaculture habitats**

**and species,  
designated sites,  
biodiversity, PMFs**  
(12.D.i.a / NPF4 32.d)

- **SUDS in relation to  
ecology and habitat  
enhancement**  
(13.B.ii.e / NPF4 22.c,  
22.e, 3.d)

- **Have any opportunities been included in the proposed development to enhance  
biodiversity and promote ecological interest?** (9.C.ii, 9.D.i.b / NPF4 3)

See advice for **Wider biodiversity**.


**From:** Sue Doyle  
**Sent:** Monday, April 8, 2024 1:36 PM  
**To:** Donald Wilson  
**Subject:** Sue - Outstanding Roads Consultation Responses

Donald,

Please find attached below, a list of applications that I am currently waiting Roads Services consultation responses for – please could you let me have Roads Services consultation responses as soon as possible for these.

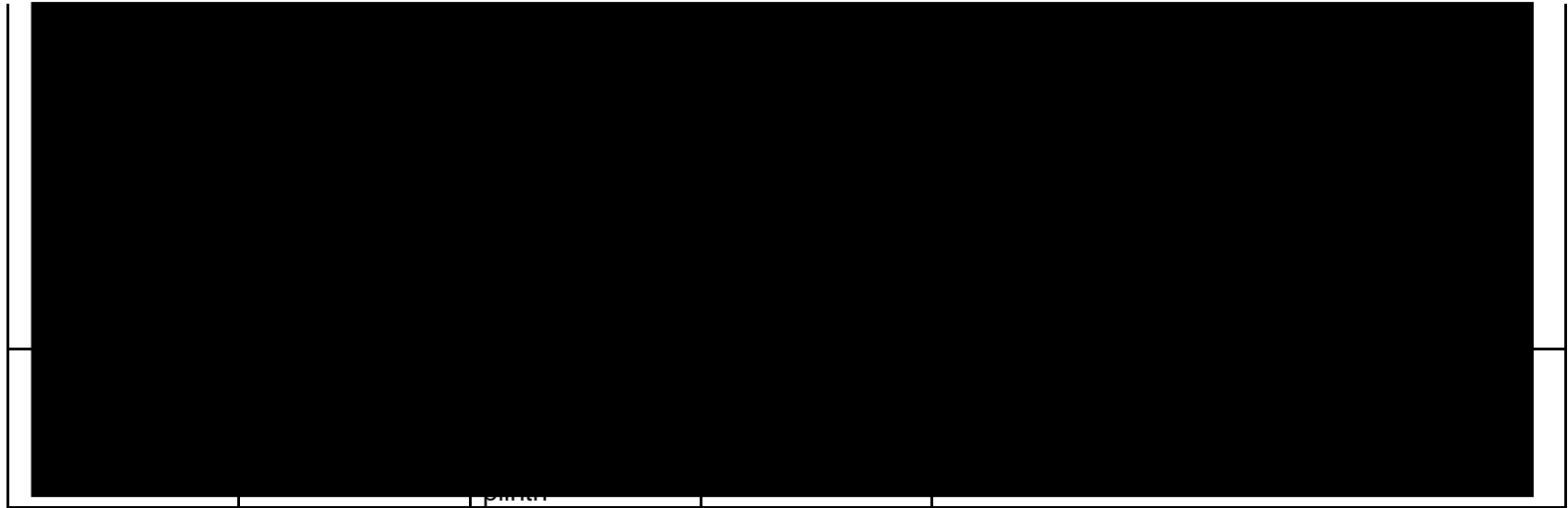
Thank You.

Sue

<b>Application Ref:</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Consulted/ Response by</b>	<b>Notes</b>
				




24/019/PP	Norton House (land near), Northfield Road, Burray	Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)	19.02.2024  Response by 11.03.2024	



Sue Doyle BA, MSc URP  
Planning Officer, Development Management  
Planning and Community Protection  
Neighbourhood Services and Infrastructure  
Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

Telephone 01856 873535 Extension 2503

Advice given is without prejudice to any decision that may be taken by the Council on receipt of a formal planning application.

Officers should only be contacted directly in relation to current applications. Pre-application advice, general enquiries, or enforcement or other correspondence regarding determined applications should be sent to [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

Correspondence seeking pre-application advice will be allocated to an officer; Development Management has a target date of 20 working days to provide responses. As priority is given to planning applications over other enquiries, it would be appreciated if Development Management is not further contacted within that period, and note that workloads may result in delays to the target date. However, be assured that your correspondence will be dealt with as quickly as possible.

**From:** Sue Doyle  
**Sent:** Monday, April 29, 2024 10:27 AM  
**To:** Donald Wilson  
**Subject:** Sue - Outstanding Roads Consultation responses - 29.04.2024

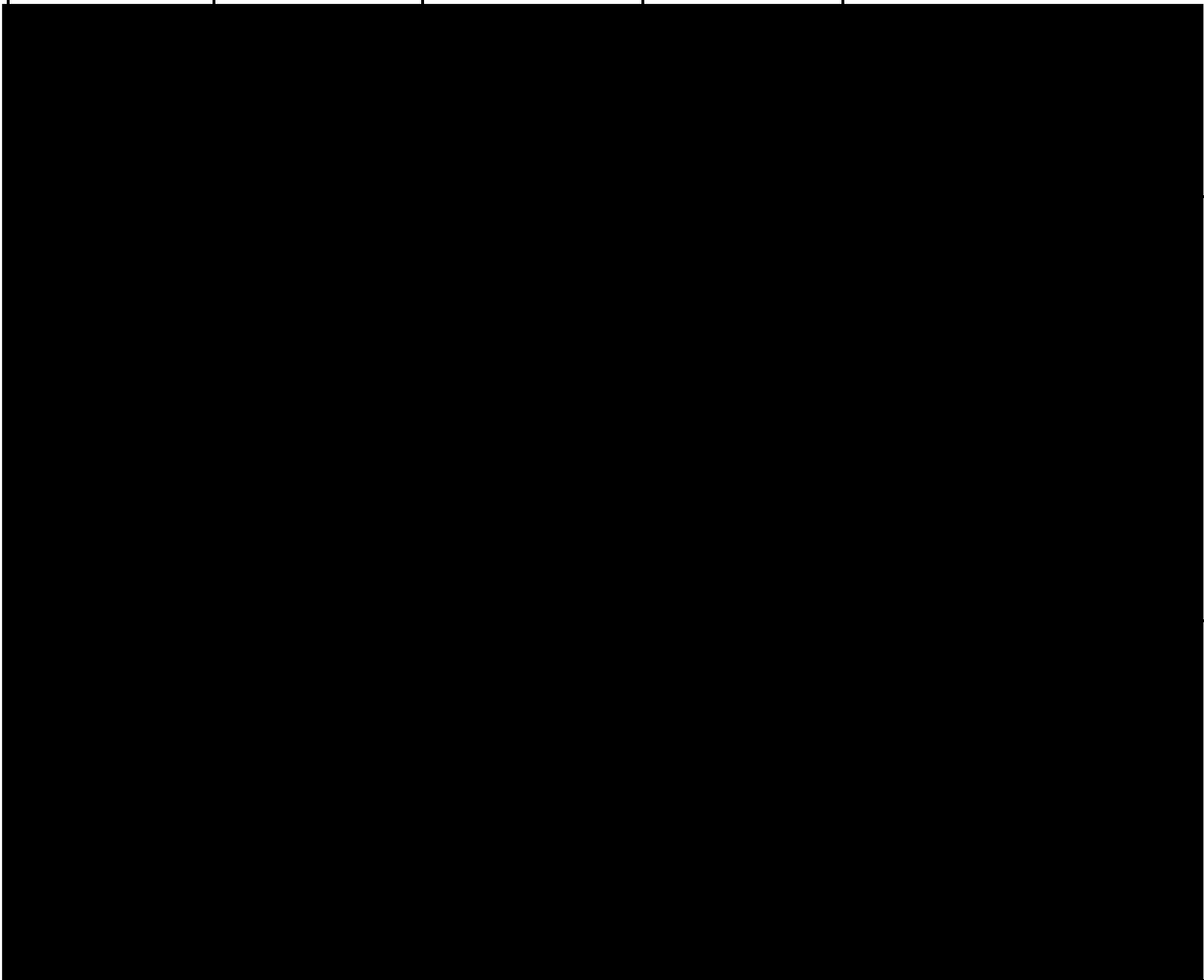
Donald,

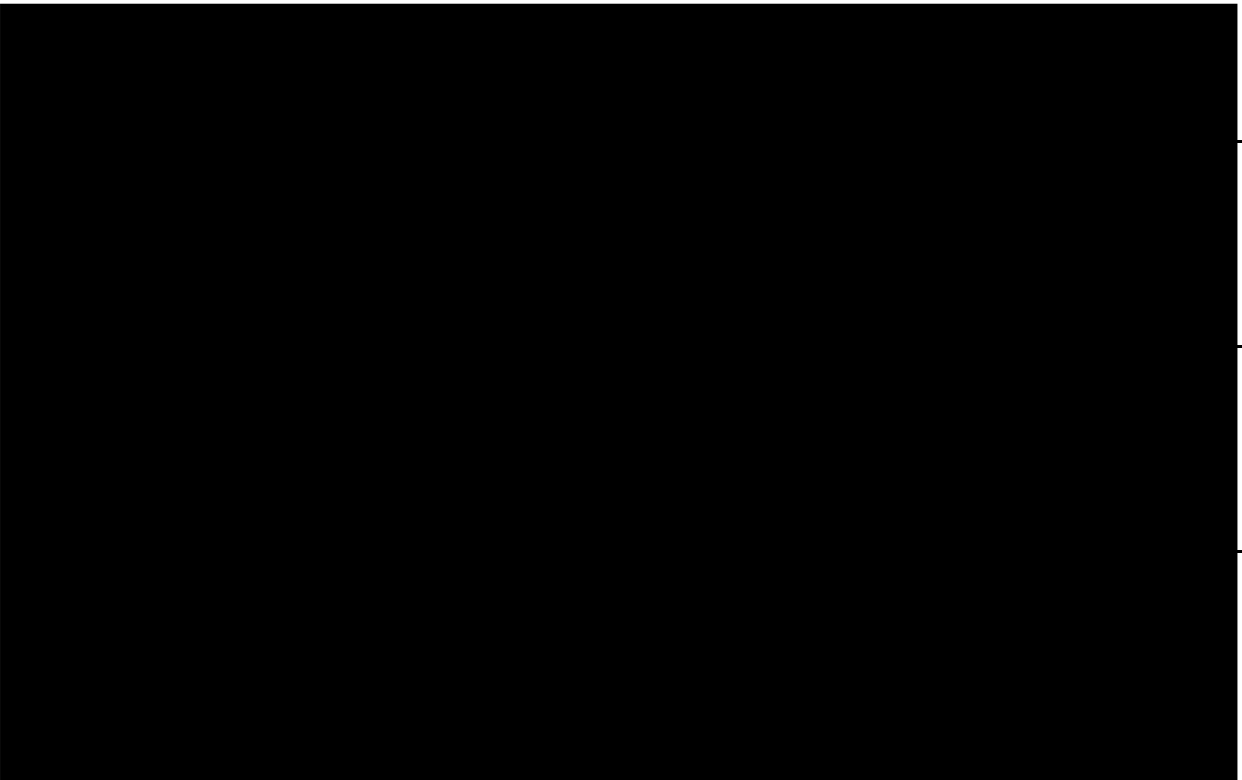
Please find attached below, a list of applications that I am currently waiting Roads Services consultation responses for – please could you let me have Roads Services consultation responses as soon as possible for these.

Thank You.

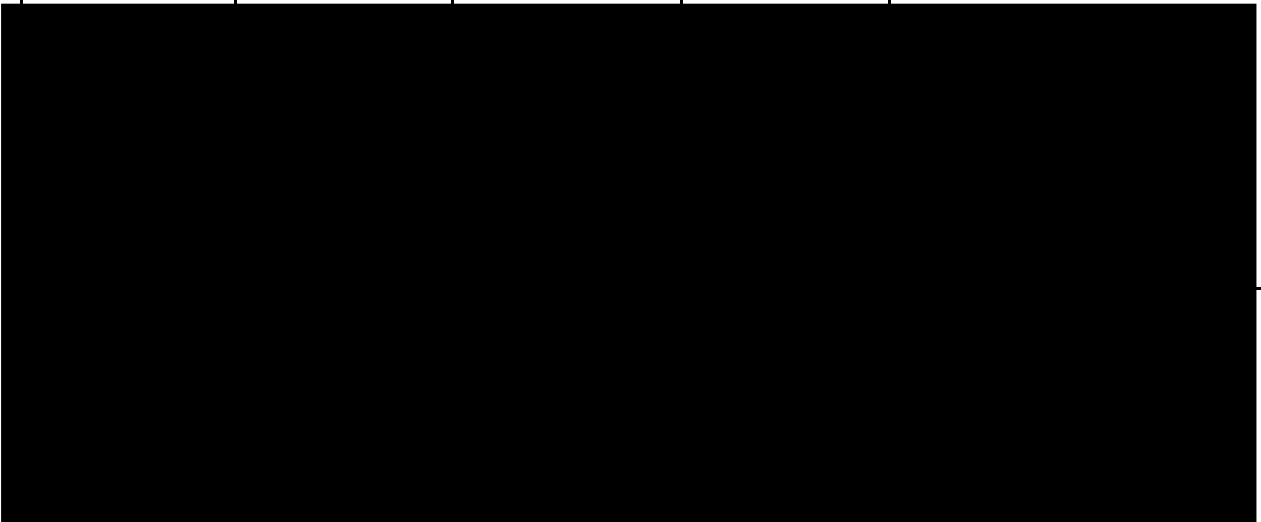
Sue

<b>Application Ref:</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Consulted/ Response by</b>	<b>Notes</b>
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24/019/PP	Norton House (land near), Northfield Road, Burray	Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)	19.02.2024 Response by 11.03.2024	Reminders sent: 12.03.2024 08.04.2024
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Sue Doyle BA, MSc URP  
Planning Officer, Development Management  
Planning and Community Protection  
Neighbourhood Services and Infrastructure  
Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

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**From:** Sue Doyle  
**Sent:** Friday, May 31, 2024 10:41 AM  
**To:** Donald Wilson  
**Subject:** Sue - Outstanding Roads Consultation Responses - 31.05.2024

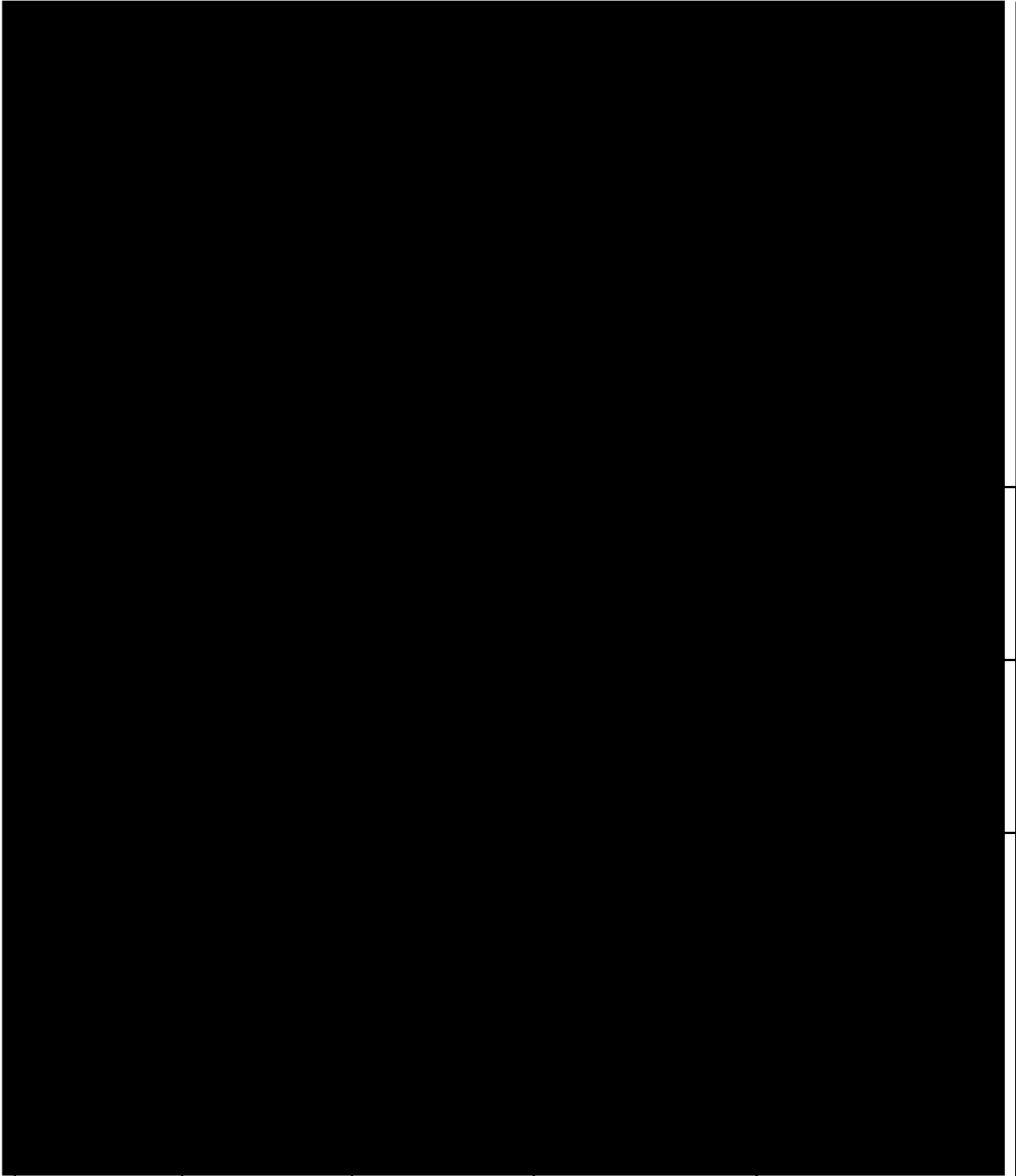
Donald,

Please find attached below, a list of applications that I am currently waiting Roads Services consultation responses for – please could you let me have Roads Services consultation responses as soon as possible for these.

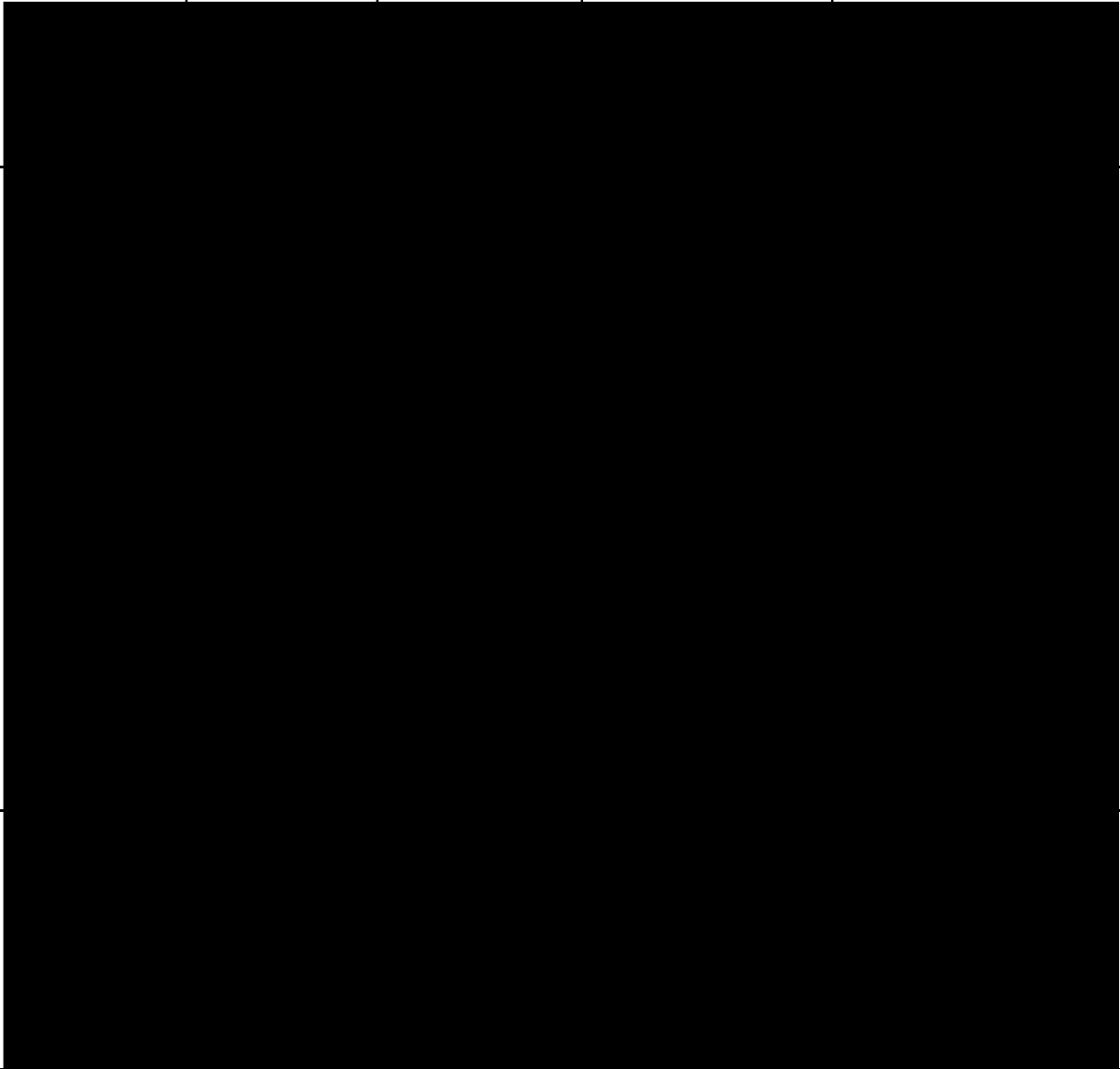
Thank You.

Sue

Application Ref:	Address	Proposal	Date Consulted/ Response by	Notes



24/019/PP	Norton House (land near), Northfield Road, Burray	Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)	19.02.2024  Response by 11.03.2024	Reminders Sent: 12.03.2024 08.04.2024 29.04.2024
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Planning Officer, Development Management  
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**From:** Sue Doyle

**Sent:** Friday, June 28, 2024 11:21 AM

**To:** Donald Wilson

**Subject:** Sue - Outstanding Roads Services Consultation Responses - 28.06.2024

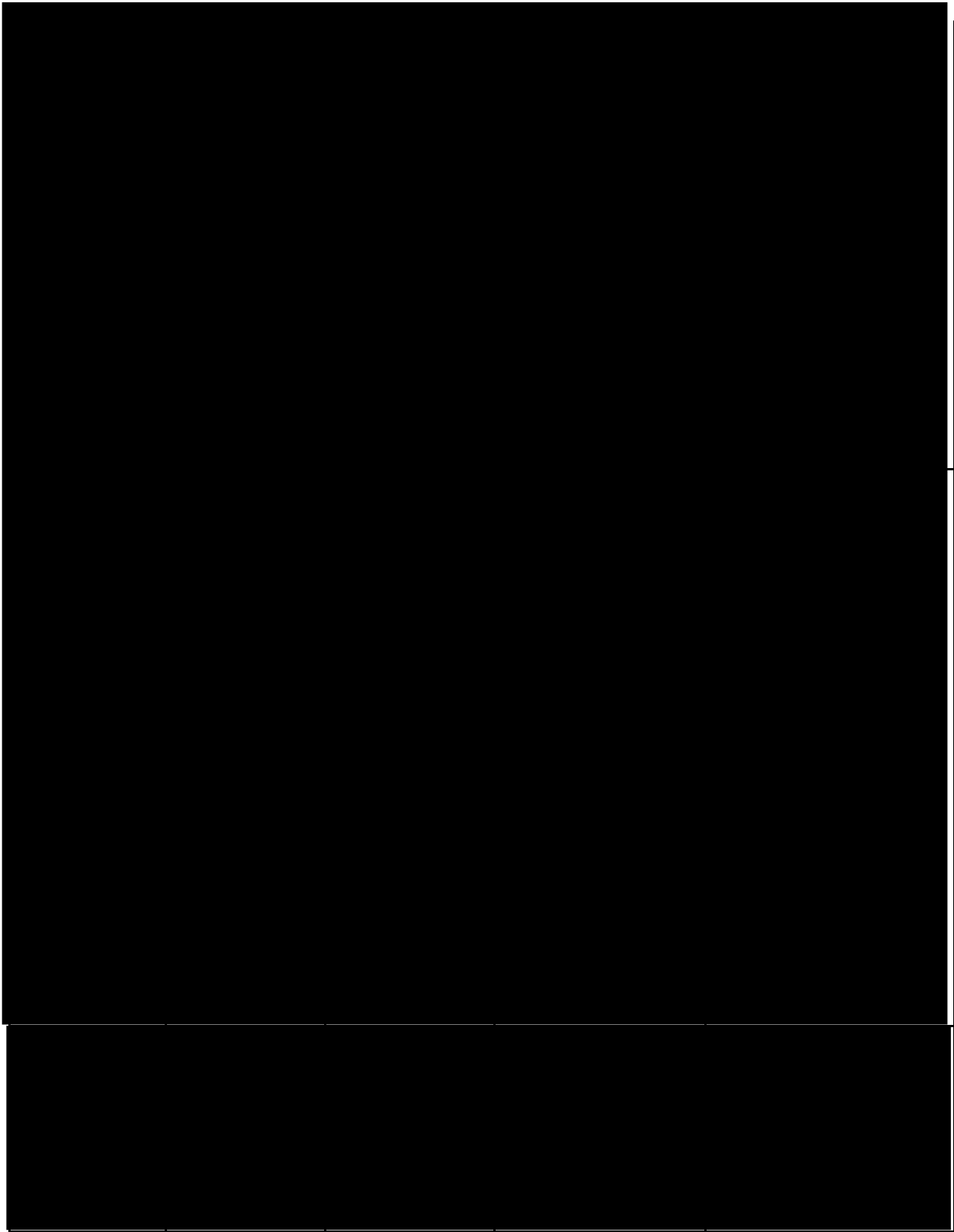
Donald,

Please find attached below, a list of planning applications that are overdue and that I am currently waiting Roads Services consultation responses for. Please can you let me have Roads Services consultation responses for these.

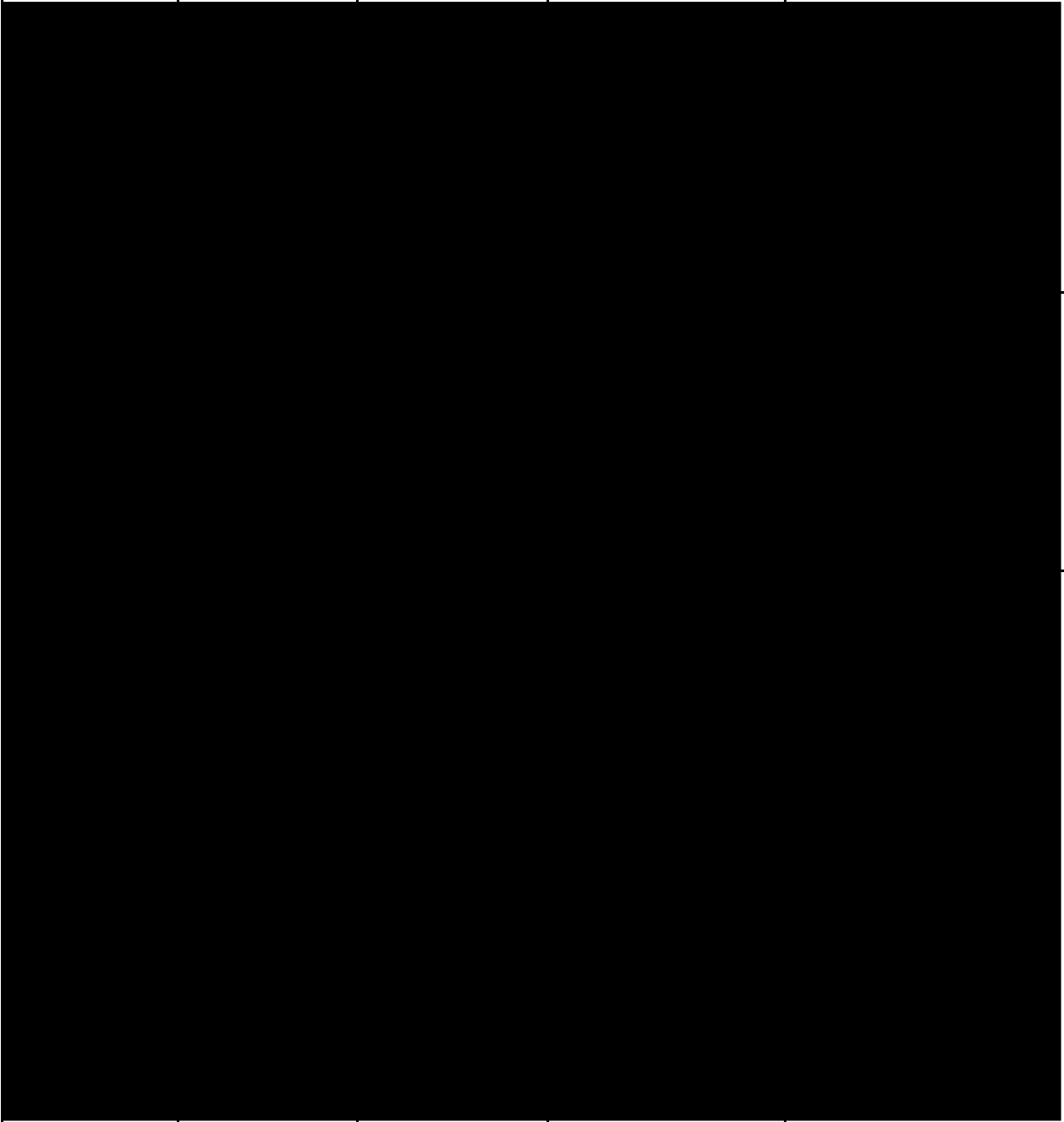
Thank You.

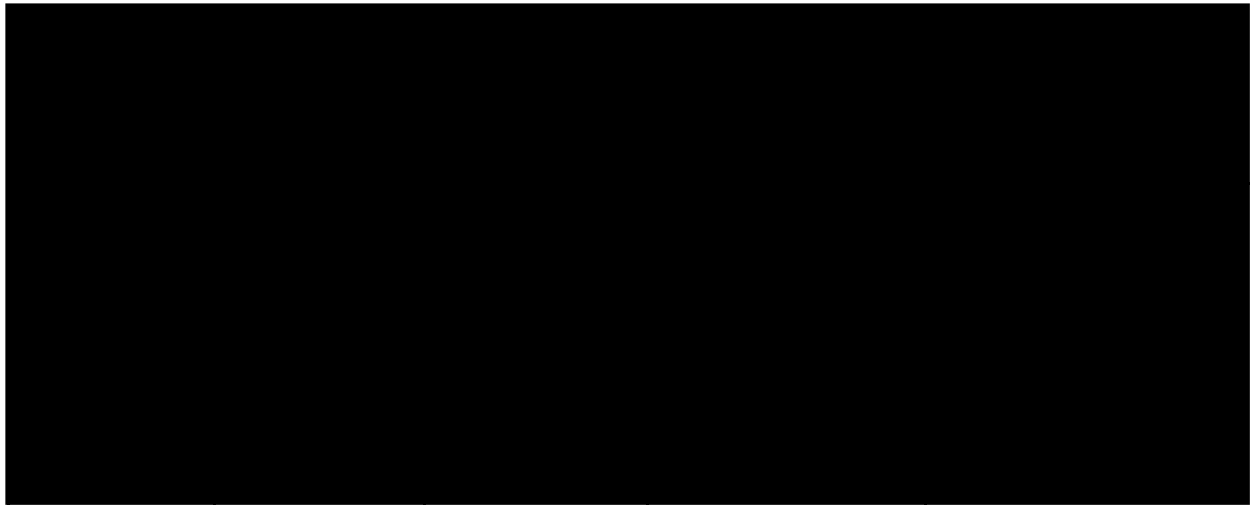
Sue

<b>Application Ref:</b>	<b>Address</b>	<b>Proposal</b>	<b>Date Consulted/ Response by</b>	<b>Notes</b>



24/019/PP	Norton House (land near), Northfield Road, Burray	Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)	19.02.2024  Response by 11.03. 2024	Reminders Sent:  12.03.2024  08.04.2024  29.04.2024  31.05.2024
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Officers should only be contacted directly in relation to current applications. Pre-application advice, general enquiries, or enforcement or other correspondence regarding determined applications should be sent to [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

Correspondence seeking pre-application advice will be allocated to an officer; Development Management has a target date of 20 working days to provide responses. As priority is given to planning applications over other enquiries, it would be appreciated if Development Management is not further contacted within that period, and note that workloads may result in delays to the target date. However, be assured that your correspondence will be dealt with as quickly as possible.

**From:** Sue Doyle  
**Sent:** Tuesday, July 23, 2024 10:26 AM  
**To:** Donald Wilson  
**Subject:** Sue - Outstanding Roads Services Consultation Responses - 23.07.2024

Donald,

Please find attached below, planning applications that I am currently waiting Roads Services consultation responses for that are overdue. Please can you let me have Roads Services consultation responses for these.

Thank You.

Sue

Sue Doyle BA, MSc URP  
Planning Officer, Development Management  
Planning and Community Protection  
Neighbourhood Services and Infrastructure  
Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

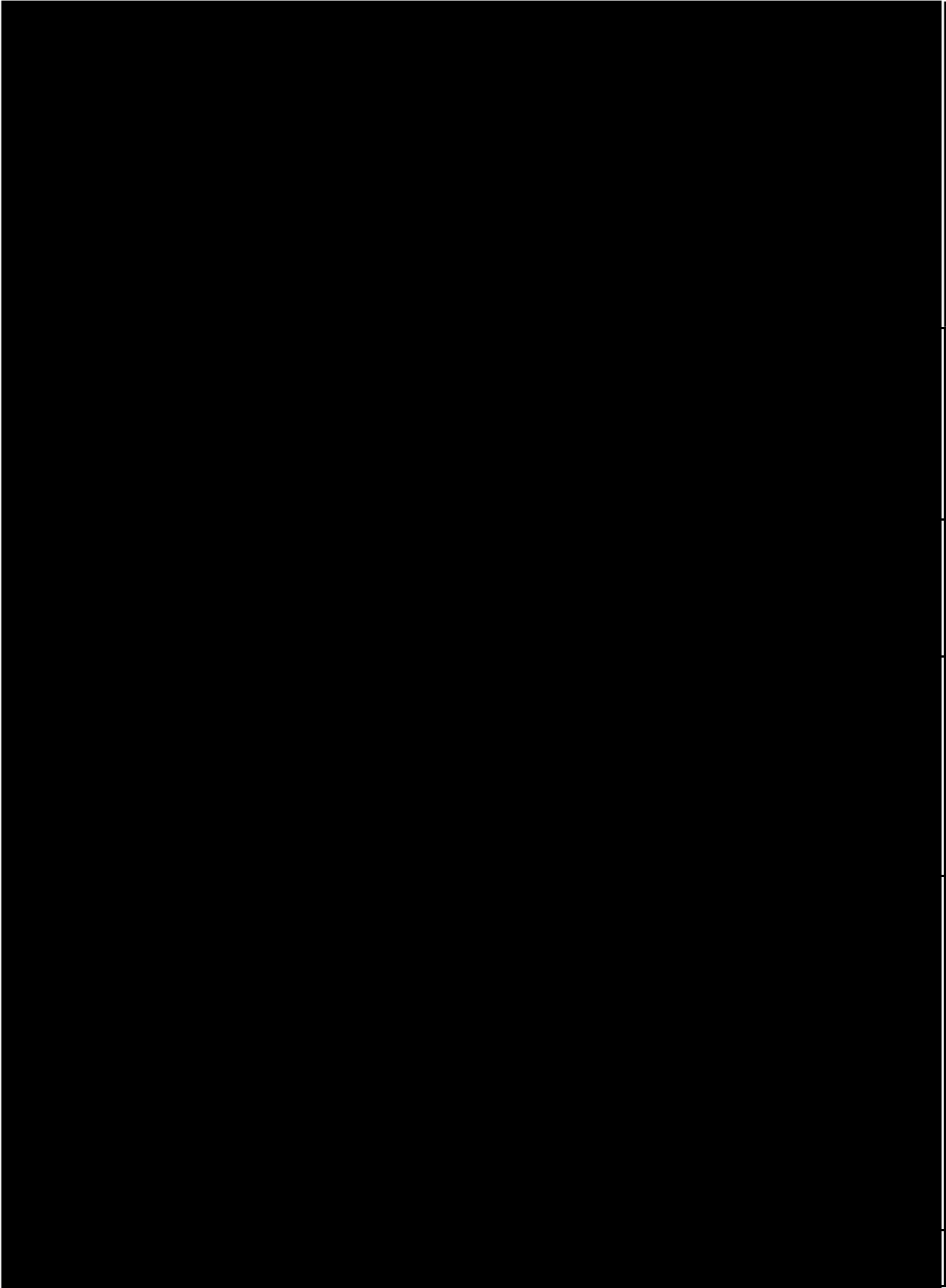
Telephone 01856 873535 Extension 2503

Advice given is without prejudice to any decision that may be taken by the Council on receipt of a formal planning application.

Officers should only be contacted directly in relation to current applications. Pre-application advice, general enquiries, or enforcement or other correspondence regarding determined applications should be sent to [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

Correspondence seeking pre-application advice will be allocated to an officer; Development Management has a target date of 20 working days to provide responses. As priority is given to planning applications over other enquiries, it would be appreciated if Development Management is not further contacted within that period, and note that workloads may result in delays to the target date. However, be assured that your correspondence will be dealt with as quickly as possible.

Application Ref.	Address	Proposal	Original Date Consulted and Response Requested by	Notes
[Redacted Content]				
24/019/PP	Norton House (land near), Northfield Road, Burray	Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)	19.02.2024 Response by 11.03. 2024	Reminders Sent: 12.03.2024 08.04.2024 29.04.2024 31.05.2024 28.06.2024
[Redacted Content]				







**INTERNAL MEMORANDUM TO: Roads Services**

Date of Consultation	19th February 2024
Response required by	11th March 2024
Planning Authority Reference	24/019/PP
Nature of Proposal (Description)	Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)
Site	Norton House (Land Near) Northfield Road, Burray, Orkney
Proposal Location Easting	347819
Proposal Location Northing	997563
Area of application site (Metres)	5323
Supporting Documentation URL	<a href="http://planningandwarrant.orkney.gov.uk/online-applications/">http://planningandwarrant.orkney.gov.uk/online-applications/</a>  Please enter - 24/019/PP
PA Office	Development Management
Case Officer	Mrs Sue Doyle
Case Officer Phone number	(01856) 873535 Ex2503
Case Officer email address	Sue.Doyle@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

**Comments:**

While Roads Services do not object to the usage of the existing access onto the public road, the access in its current form fails to meet the requirements for forward visibility and construction. However, both matters could be resolved by applying the conditions and informative noted below.

**CONDITION**

The access hereby approved with the public road shall be 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 prior to any other works commencing on of the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

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.

**CONDITION**

The existing fence line bounding the A961 on the southernmost side of the hereby approved access shall be set back a distance of 1.2 metres from its current position, tapering down to the existing fence line over a distance of 80 metres or thereby. The first 10 metres of the existing wall on the northernmost side of the hereby approved access,

shall be taken down and set back such that the front face of the wall tapers from a point 1.2 metres behind its current location to tie back in with the existing boundary wall adjacent to the A961.

All works required to relocate the existing fence and wall adjacent to the hereby approved access to enable an adequate forward visibility splay to be provided, shall be completed prior to the hereby approved development coming into use.

Reason: In the interests of road safety.

### **INFORMATIVE**

It is an offence under Section 56 of the Roads (Scotland) Act 1984 to carry out any excavations within the boundary of the public road without written permission of the roads authority. Therefore, one or more separate consents will be required from the Council's Roads Services to carry out any works within the road boundary, prior to any works commencing. These consents may require additional work and/or introduce additional specifications. You are therefore advised to contact Roads Services for further advice as early as possible.

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

It is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain beyond the working day, on a public road from any vehicle or development site.

D.W.

**INTERNAL MEMORANDUM TO: Roads Services**

Date of Consultation	19th February 2024
Response required by	11th March 2024
Planning Authority Reference	24/019/PP
Nature of Proposal (Description)	Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)
Site	Norton House (Land Near) Northfield Road, Burray, Orkney
Proposal Location Easting	347819
Proposal Location Northing	997563
Area of application site (Metres)	5323
Supporting Documentation URL	<a href="http://planningandwarrant.orkney.gov.uk/online-applications/">http://planningandwarrant.orkney.gov.uk/online-applications/</a>  Please enter - 24/019/PP
PA Office	Development Management
Case Officer	Mrs Sue Doyle
Case Officer Phone number	(01856) 873535 Ex2503
Case Officer email address	Sue.Doyle@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

**Comments:**

While Roads Services do not object to the usage of the existing access onto the public road, the access in its current form fails to meet the requirements for forward visibility and construction. However, both matters could be resolved by applying the conditions and informative noted below.

**CONDITION**

The access hereby approved with the public road shall be 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 prior to any other works commencing on of the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

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.

**CONDITION**

The existing fence line bounding the A961 on the southernmost side of the hereby approved access shall be set back a distance of 1.2 metres from its current position, tapering down to the existing fence line over a distance of 80 metres or thereby. The first 10 metres of the existing wall on the northernmost side of the hereby approved access,

shall be taken down and set back such that the front face of the wall tapers from a point 1.2 metres behind its current location to tie back in with the existing boundary wall adjacent to the A961.

All works required to relocate the existing fence and wall adjacent to the hereby approved access to enable an adequate forward visibility splay to be provided, shall be completed prior to the hereby approved development coming into use.

Thereafter and throughout the lifetime of the development the forward visibility splay shall be maintained free from any vegetation in excess of 1.05 metres in height, with the height being measured from the edge of the existing public road carriageway.

Reason: In the interests of road safety.

## **INFORMATIVE**

It is an offence under Section 56 of the Roads (Scotland) Act 1984 to carry out any excavations within the boundary of the public road without written permission of the roads authority. Therefore, one or more separate consents will be required from the Council's Roads Services to carry out any works within the road boundary, prior to any works commencing. These consents may require additional work and/or introduce additional specifications. You are therefore advised to contact Roads Services for further advice as early as possible.

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

It is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain beyond the working day, on a public road from any vehicle or development site.

D.W.

**GRANT PLANNING PERMISSION****DELEGATED DECISION****TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997 (as amended) ("The Act")****Ref: 24/019/PP**

John Laird  
c/o John Winstanley  
West Manse  
Deerness  
Orkney  
KW17 2QH

With reference to your application registered on 9th February 2024 for planning permission for the following development:-

**PROPOSAL:** Reinstate a redundant house, install an air source heat pump and upgrade an access (resubmission of 21/297/PP) (retrospective)

**LOCATION:** Norton House (Land Near) Northfield Road, Burray, Orkney

Orkney Islands Council in exercise of its powers under the above Act, hereby **Grants Planning Permission subject to the attached terms and conditions.**

**The Council's reasoning for this decision is:** It is considered that the proposed development would be acceptable in terms of scale and design and provided that the attached conditions can be complied with, that the development would be unlikely to have a significant impact upon residential amenity, the wider landscape, character of the landscape, visual amenity or road safety and the proposal would accord with OLDP 2017 policies 1, 2, 5E(iii), 7C, 9C, 9G, 13B, 13C, 14B, 14C, Supplementary Guidance: Housing in the Countryside (2021), Supplementary Guidance: Energy (2017), Supplementary Guidance: Natural Environment, Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021), Development Management Guidance: Considering and Including Biodiversity in Development and NPF4 Policies 2, 3, 11, 14, 16, 17 and 22.

(For further detail you may view the Planning Handling Report for this case by following the Application Search and Submission link on the Council's web page and entering the reference number for this application).

**Please read carefully the Terms and Conditions on the following pages as failure to comply may result in enforcement action.**

Decision date: 3rd September 2024

Jamie Macvie MRTPI, Service Manager, Development Management, Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY

## TERMS AND CONDITIONS

### TERMS

- A. The development hereby approved must be carried out in accordance with the terms and conditions attached to this planning permission and with the approved plans and details identified in Schedule 1.
- B. Failure to implement the permission in accordance with the approved details and attached planning conditions may render the development unauthorised and may result in enforcement action.
- C. No development shall commence on the development hereby approved until the developer has formally advised the Planning Authority in writing of the intended start date. This should be done as soon as practicable. Take note that **failure to submit such a Notice would be a breach of planning control** under section 123(1) of the Act and could result in enforcement action.
- D. To accord with the provisions of Section 27B of the Act, once the development hereby approved is completed, and prior to the development being brought into use, the developer shall submit a completion notice to the Planning Authority.

(To comply with C & D above please use and submit the attached forms to ensure compliance with all of the statutory requirements in this regard. These forms are also available from the planning page on the Council's web site.)

- E. If, at any stage, it becomes necessary to vary any of the approved plans or details you should contact the Planning Authority in advance of implementing any changes to establish whether the proposed changes require any further planning approval.
- F. It should be understood that this permission does not carry with it or supersede the need for any necessary consent or approval for the proposed development under any other statutory enactments, for example the Building (Scotland) Act, the Roads (Scotland) Act 1984, the Water (Scotland) Act 1980, and the Environmental Protection Act 1990.
- G. It is the responsibility of the developer to ensure that services including telephone and electricity lines, water mains and sewers are protected. You should contact the relevant service providers to check whether such services would be affected.

## CONDITIONS

01. No building or structure shall be constructed upon land raised above its current level within the site.

Reason: To ensure that land-raising does not result in a building or structure constructed at a height such that it gives rise to either visual or residential amenity concerns.

02. Throughout the life of the development, the total noise from the Air Source Heat Pump hereby approved and installed shall not exceed NR25 within any residential property outwith the development site, 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 50mm).

Reason: to protect any nearby residents from excessive noise disturbance from the air source heat pump.

03. 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, NPF4 Policy 22(c), and to protect road safety.

04. The approved sewerage system shall be connected and fully operational prior to the first occupation of the house hereby approved.

The developer shall consult the Scottish Environment Protection Agency (SEPA) with regard to authorisations required for discharges of sewerage effluent to land or water.

SEPA (Orkney) can be contacted at Norlantic House, Hatston, Kirkwall (Telephone: 01856 871080). Further information may also be found on SEPA's website at: <https://www.sepa.org.uk/>.

Reason: In the interests of environmental protection and to accord with OLDP 2017 Policy 13C 'Waste Water Drainage'.

05. Any existing stone wall(s) to boundaries of the site shall be retained. The boundary treatment to other boundaries as indicated outlined in red on John Winstanley Site Plan (OIC-02) stamped approved and attached to the Decision Notice, shall comprise timber boarded fencing (with gaps for windbreak) not



exceeding 1 metre in height to the site boundary and shall be retained throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

The boundary treatment shall be installed prior to the first occupation of the dwelling and thereafter shall be retained throughout the lifetime of the development.

Reason: In the interests of visual amenity and taking account of the rural location of the site.

06. Any exterior lighting employed on the development hereby approved, 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. External lighting on the building shall meet the requirements for Zone E2 areas (Rural/Small Village locations) as defined by the Institution of Lighting Professionals.

Reason: In order 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 does not result in 'sky glow' and that the external lighting accords with Orkney Local Development Plan 2017 policy 2 - Design and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

07. Prior to the development hereby approved being brought into use or within three months of the date of this decision notice, whichever is sooner, the access hereby approved with the public road shall be 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. Thereafter the access shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

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.

08. Prior to the development hereby approved being brought into use or within three months of the date of this decision notice, whichever is sooner, and in conjunction with the access construction specified in condition 07 above, the existing fence line bounding the A961 on the southernmost side of the access shall be set back a distance of 1.2 metres from its current position, tapering down to the existing fence line over a distance of 80 metres. The first 10 metres of the existing wall on the northernmost side of the hereby approved access, shall be taken down and set back such that the front face of the wall tapers from a point 1.2 metres behind its current location to tie back in with the existing boundary wall adjacent to the A961.

Thereafter and throughout the lifetime of the development the forward visibility splay shall be maintained free from any vegetation in excess of 1.05 metres in height, with the height being measured from the edge of the existing public road carriageway.

Reason: In the interests of road safety.

10. The biodiversity measures described in the submitted Biodiversity form (version published 20 March 2024) and shown on the site plans contained within the form, shall be implemented in full no later than the first planting season following granting of planning permission. Thereafter the biodiversity measures shall be permanently retained in accordance with the approved details, including replacement of any planting that does not survive, is removed, or is damaged, unless otherwise agreed in writing with the planning authority.

Reason: To ensure biodiversity measures are implemented as required by National Planning Framework 4 policy 3.

11. Hours of work during the 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 7.30am to 6pm Monday to Friday and 8am to 1pm Saturdays, not at all on Sundays, Christmas or New Year Public Holidays unless otherwise agreed in writing with the Planning Authority.

Throughout the 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 this development.

### *Informatives*

01. This application was subject to consultations with agencies and other interested parties. It would be helpful for you to look at the full terms of their response(s) as they include advice and contact details that are relevant to you. You can access these details by following the Online Planning link on the Council's website and then entering either the application address or the planning application number.

02. Roads Services Advice: It is an offence under Section 56 of the Roads (Scotland) Act 1984 to carry out any excavations within the boundary of the public road without written permission from the roads authority. Therefore, one or more separate consents will be required from the Council's Roads Services to carry out any works within the road boundary, prior to any works commencing. These consents may require additional work and/or introduce additional specifications. You are therefore advised to contact Roads Services for further advice as early as possible.

During the period of construction, any temporary or incomplete access shall be maintained to a standard acceptable to the Council's Roads Services.

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.

It is an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud

or any other material to be deposited, and thereafter remain beyond the working day, on a public road from any vehicle or development site.

03. Scottish Water Advice (Connection): The developer is advised to contact Scottish Water directly regarding connection requirements:

Scottish Water, Customer Connections, The Bridge, Buchanan Gate Business Park, Cumbernauld Road, Stepps, Glasgow G33 6FB. Telephone: 0800 389 0379, e-mail: [developmentoperations@scottishwater.co.uk](mailto:developmentoperations@scottishwater.co.uk), website: <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network>

In addition, there is also a quick reference guide that can be found on the Scottish Water website:  
<https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

**SCHEDULE 1 – PLANS, VARIATIONS AND ANY OBLIGATION**

**1. Plans and Drawings**

The plans and drawings to which this decision relates are those identified below:

Biodiversity Plan	OIC-08	1
Location Plan	OIC-01	1
Site Plan	OIC-02	1
Floor Plan	OIC-03	1
Elevations	OIC-04	1
Layout	OIC-06	1
Access	OIC-07	1

**2. Variations**

If there have been any variations made to the application in accordance with section 32A of the Act these are specified below:

Date of Amendment:  
Reasons

**3. Legal Obligation**

Has any obligation been entered into under section 75 of the Act? – N

If such an obligation has been entered into, the terms of such obligation or a summary of such terms may be inspected by contacting Legal Services.

## RIGHT TO SEEK A REVIEW

If you are unhappy with the terms of this decision you have a right to ask for a review of your planning decision by following the procedure specified below.

### PROCEDURE FOR REQUESTING A REVIEW BY THE LOCAL REVIEW BODY

1. If the applicant is aggrieved by the decision of the Appointed Officer to:
  - a. Refuse any application, or
  - b. Grant permission subject to conditions.

In accordance with the Town and Country Planning (Scheme of Delegation and Local Review Procedure) (Scotland) Regulations, the applicant may apply to the Local Review Body within three months from the date of this notice for a review of that decision.

2. Forms to request a review are available from either address below, or from <http://www.orkney.gov.uk/Service-Directory/D/appeal-a-decision.htm>.

Completed forms to request a review should be submitted to the address below:

Committee Services  
Orkney Islands Council  
Council Offices  
School Place  
KIRKWALL  
Orkney  
KW15 1NY

and at the same time a copy of the notice for a review should be sent to:

Service Manager (Development Management)  
Orkney Islands Council  
Council Offices  
School Place  
KIRKWALL  
Orkney  
KW15 1NY

Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

3. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 Act.