

## **Item: 4.2**

**Local Review Body: 19 May 2023.**

**Proposed Erection of Replacement House (One for One) with Integral Garage and Air Source Heat Pump at Rennibister, Firth (22/396/PP).**

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

### **1. Purpose of Report**

To determine a review in light of the failure by the Appointed Officer to determine the application for planning permission for the proposed erection of a replacement house (one for one) at Rennibister, Firth, within the period allowed for determination of the application (22/396/PP).

### **2. Recommendations**

The Local Review Body is invited to note:

#### **2.1.**

That the Appointed Officer failed to determine the application for planning permission for the proposed erection of a replacement house (one for one) at Rennibister, Firth, within the two month period allowed for determination of the application.

#### **2.2.**

That the applicant has submitted a Notice of Review in light of the failure by the Appointed Officer, referred to at paragraph 2.1 above to determine the application.

#### **2.3.**

That, in accordance with policy, the Local Review Body undertook an unaccompanied visit to the site, referred to at paragraph 2.1 above, on 31 March 2023.

#### **2.4.**

That, on 31 March 2023, the Local Review Body resolved that the review should be deferred, to enable an assessment of the application for planning permission for the proposed erection of a replacement house (one for one) at Rennibister, Firth, to be carried out by an independent planning advisor, with all costs being met by the Council.

**It is recommended:**

## **2.5.**

That the Local Review Body determines whether it has sufficient information to proceed to determination of the review, and if so:

- Whether to grant or refuse planning permission.
- In the event that planning permission is granted, the reasons and the detailed conditions to be attached to the decision notice.

## **2.6.**

That, in the event the Local Review Body agrees that further information is required to determine the review, 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; and/or.
- By the holding of one or more hearing.

## **3. Background**

### **3.1.**

Planning application 22/396/PP relates to the proposed erection of a replacement house (one for one) at Rennibister, Firth.

### **3.2.**

The Appointed Officer failed to determine the application for planning permission for the proposed erection of a replacement house (one for one) at Rennibister, Firth, within the two month period allowed for determination of this type of application. The determination period runs from the application validation date which was 15 November 2022.

### **3.3.**

In terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013, the applicant has submitted a Notice of Review, which is attached as Appendix 1 to this report.

### **3.4.**

As the application has not been determined by the Appointed Officer, there is no Planning Handling Report available for the Local Review Body to consider. The Planning Services file, containing the plans, supporting documents and responses from consultees, is attached as Appendix 2 to this report.

### **3.5.**

In accordance with the Council's policy to undertake site inspections of all planning applications subject to a local review, prior to the meeting to consider the review, a site visit to Rennibister, Firth, was undertaken at 10:20 on 31 March 2023.

## **4. Further Information**

### **4.1.**

On 31 March 2023, the Local Review Body resolved that the review should be deferred, to enable an assessment of the application for planning permission for the proposed erection of a replacement house (one for one) at Rennibister, Firth, to be carried out by an independent planning advisor, with all costs being met by the Council. This information is attached as Appendix 3 to this report.

### **4.2.**

No further comment has been received from the applicant, in response to the assessment provided by the independent planning advisor.

## **5. Review Procedure**

### **5.1.**

The Local Review Body must determine whether it has sufficient information to proceed to determine the review, and if so:

- Whether to grant or refuse planning permission.
- In the event that planning permission is granted, the reasons and the detailed conditions to be attached to the decision notice.

### **5.2.**

If the Local Review Body grants planning permission, it is proposed that powers be delegated to the Corporate Director for Strategy, Performance and Business Solutions, in consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions, based on the relevant matters, as detailed in the Independent Planning Advisor's assessment, attached as Appendix 3 to this report.

### **5.3.**

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; and/or.
- By the holding of one or more hearing(s).

## **5.4.**

The relevant regulations state that the Local Review Body must consider and determine the review within three months from the date it was received. The Council received the Notice of Review on 23 February 2023. The review has therefore to be determined by 22 May 2023, failing which the application is deemed to be refused permission and the applicant can appeal to the Scottish Government.

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

### **6.1.**

Section 25 of the Town and Country Planning (Scotland) Act 1997 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...”

### **6.2.**

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

### **6.3.**

National Planning Framework 4 (NPF4) 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 NPF4 and a provision of the Orkney Local Development Plan 2017, NPF4 is to prevail as it was adopted later. It is important to note that NPF4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.

## **7. Corporate Governance**

This report relates to the Council complying with its statutory duties as a Planning Authority and therefore does not directly support and contribute to improved outcomes for communities as outlined in the Council Plan and the Local Outcomes Improvement Plan.

## **8. Financial Implications**

All resources associated with supporting the review procedure, mainly in the form of staff time, are contained within existing Planning Service revenue budgets.

## **9. Legal Aspects**

### **9.1.**

Under the Town and Country Planning (Scotland) Act 1997 and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 where there is a failure by the Appointed Officer to determine an application for planning permission for local development within the period allowed for determination of the application, the applicant is entitled to seek a review of that decision by the Local Review Body.

### **9.2.**

The procedures to be followed in respect of the review are as detailed in section 5 above.

## **10. Contact Officers**

Karen Greaves, Corporate Director for Strategy, Performance and Business Solutions, extension 2202, Email [karen.greaves@orkney.gov.uk](mailto:karen.greaves@orkney.gov.uk)

Angela Kingston, Clerk to the Local Review Body, Email [angela.kingston@orkney.gov.uk](mailto:angela.kingston@orkney.gov.uk)

Susan Shearer, Planning Advisor to the Local Review Body, extension 2530, Email [susan.shearer@orkney.gov.uk](mailto:susan.shearer@orkney.gov.uk)

Stuart Bevan, Legal Advisor to the Local Review Body, Email [stuart.bevan@orkney.gov.uk](mailto:stuart.bevan@orkney.gov.uk)

Georgette Herd, Legal Advisor to the Local Review Body, Email [georgette.herd@orkney.gov.uk](mailto:georgette.herd@orkney.gov.uk)

## **11. Appendices**

Appendix 1 – Notice of Review (pages 1 – 4).

Appendix 2 – Planning Services File (pages 5 – 40).

Appendix 3 – Independent Planning Advisor Assessment.

The Notice of Review documents can be viewed at [here](#), clicking on “Accept and Search” and inserting the planning reference “22/396/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	Mr	Ref No.	
Forename	Alistair	Forename	
Surname	Watson	Surname	
Company Name		Company Name	
Building No./Name	Rennibister Farm	Building No./Name	
Address Line 1		Address Line 1	
Address Line 2		Address Line 2	
Town/City	Kirkwall	Town/City	
Postcode	KW15 1TX	Postcode	
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
<b>3. Application Details</b>			
Planning authority	Orkney Islands Council		
Planning authority's application reference number	22/396/PP		
Site address	<div style="border: 1px solid black; padding: 5px; min-height: 100px;"> Rennibister Farm  Kirkwall  Orkney  KW15 1TX </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px; min-height: 50px;"> Erect a replacement house (one for one) with an integral garage and an air source heat pump </div>		

Date of application

15/11/2022

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:

On a farm so safer if we accompany any inspectors, inspection by appointment only.

### 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.

As per your letter dated 22nd November 2022, you gave the date of 15th January 2023 by which if we had not received a decision on our application we could fill out this review form. Indeed we are now at the end of February and have had no further communication from yourselves. We would be grateful if you could look into this as we want to press on with our development.

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 your 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.



### 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

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:  Date:

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



Council Offices School Place Kirkwall KW15 1NY Tel: 01856 873 535 (ex 2504) Email: [planning@orkney.gov.uk](mailto:planning@orkney.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100605480-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

### Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

### Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

Erection of dwelling house and associated site works via 1 for 1 replacement.

Is this a temporary permission? \*  Yes  No

If a change of use is to be included in the proposal has it already taken place?  Yes  No  
 (Answer 'No' if there is no change of use.) \*

Has the work already been started and/or completed? \*

No  Yes - Started  Yes - Completed

### Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="Rennibister"/>
First Name: *	<input type="text" value="Alistair"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Watson"/>	Address 1 (Street): *	<input type="text" value="Rennibister Farm"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Firth"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="KW15 1TX"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

## Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing	<input type="text" value="1012572"/>	Easting	<input type="text" value="339721"/>
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## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

General discussion and ongoing email correspondence with Planning officer regarding the building of a new dwelling house at Rennibister farm via 1 for 1 building replacement. Relevant drawings and overall site development proposals and possible future development information emailed and discussed. Generally agreed on the proposals put forward and taken as pre application advise.

Title:

Mr

Other title:

First Name:

Jamie

Last Name:

Macvie

Correspondence Reference Number:

Date (dd/mm/yyyy):

27/07/2021

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

1467.00

Please state the measurement type used:

Hectares (ha)  Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Existing Derelict building used for 1 for 1 replacement.

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes  No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes  No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

 Yes  No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? \*

- Yes – connecting to public drainage network  
 No – proposing to make private drainage arrangements  
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? \*  
(e.g. SUDS arrangements) \*

 Yes  No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

- Yes  
 No, using a private water supply  
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

 Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

 Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

 Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

 Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Bin Storage shown on proposed house layouts. please refer to drawing no. 005

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

Do you have any agricultural tenants? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

# Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Mr Alistair Watson

On behalf of:

Date: 02/11/2022

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: \* (Max 500 characters)



Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *	≤	Yes	T	N/A
A Design Statement or Design and Access Statement. *	T	Yes	≤	N/A
A Flood Risk Assessment. *	≤	Yes	T	N/A
A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *	≤	Yes	T	N/A
Drainage/SUDS layout. *	≤	Yes	T	N/A
A Transport Assessment or Travel Plan	≤	Yes	T	N/A
Contaminated Land Assessment. *	≤	Yes	T	N/A
Habitat Survey. *	≤	Yes	T	N/A
A Processing Agreement. *	≤	Yes	T	N/A

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Alistair Watson

Declaration Date: 02/11/2022

## Payment Details

Online payment: 071546

Payment date: 02/11/2022 12:22:37

Created: 02/11/2022 12:22

## Grant Solar Range

Solar Thermal Systems from Grant allow householders to utilise the power of the sun to provide hot water to their home. An environmentally responsible alternative to traditional energy sources and fossil fuels, solar thermal technology has zero CO<sub>2</sub> emissions and efficiently uses the energy from the sun within a central heating system. Grant Solar Thermal systems are compatible with different types of roof and easily incorporate into an existing or new heating system so accessing the benefits of the inexhaustible supply of sunshine is made simple and easy.



**10**  
year  
guarantee\*

[www.grantuk.com](http://www.grantuk.com)



\*When installed by a G1 Installer.  
Subject to full T&C's.

# Grant Solar Thermal Technology

## Roof mounting options

Almost any roof type is suitable for solar thermal but, when choosing an appropriate system, there are a couple of factors worth considering. Positioning the collectors in a south-facing arrangement could gain 100% of available solar energy during a day whereas a south-east or south-west facing roof will have a reduction in yield of 5-10%.

Grant's Solar Thermal systems are designed to suit both sloping and flat roofs with on-roof, in-roof and flat roof mounting arrangements available.

### On-Roof

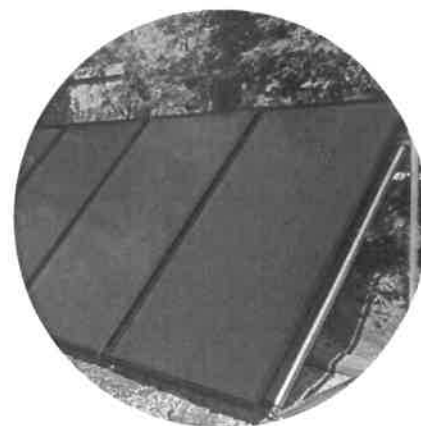
Using the on-roof mounting system, the Sahara collectors are quickly and easily located above the roof tiles or slates using brackets and a mounting rail attached directly to the roof trusses. This system is available with fixing brackets suitable for all roof tile types and on roof pitch ranges from 20° to 60°.

### In-Roof

With the in-roof mounting arrangement, the collectors are set into the roof tiles or slates ensuring a low-profile appearance. The roof surface beneath is closed within an aluminium weathering cassette incorporating flashings and drainage channels. In new build applications, this mounting option offers an additional benefit of reducing roofing costs because tiles are not required beneath the installation.

### Flat Roof

The third mounting option from Grant is the flat-roof system. This system is based upon the on-roof design with the mounting rails fitted to a rigid inclined frame structure. This method allows the collectors to be positioned quickly and easily on a flat roof or other flat surface.



## Kits

### On-Roof | Portrait

GSSKIT0	1 collector kit
GSSKIT1	2 collector kit
GSSKIT2	3 collector kit

### On-Roof | Landscape

GSSKIT1LAND	2 collector kit
-------------	-----------------

### In-Roof | Portrait | Tile

GSSKIT15	1 collector kit
GSSKIT3	2 collector kit
GSSKIT4	3 collector kit

### In-Roof | Portrait | Slate

GSSKIT16	1 collector kit
GSSKIT17	2 collector kit
GSSKIT18	3 collector kit

### In-Roof | Landscape | Tile

GSSKIT15LAND	1 collector kit
GSSKIT3LAND	2 collector kit
GSS3ILT1	3 collector kit






### In-Roof | Landscape | Slate

GSSKIT17LAND	2 collector kit
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### Flat Roof | Portrait

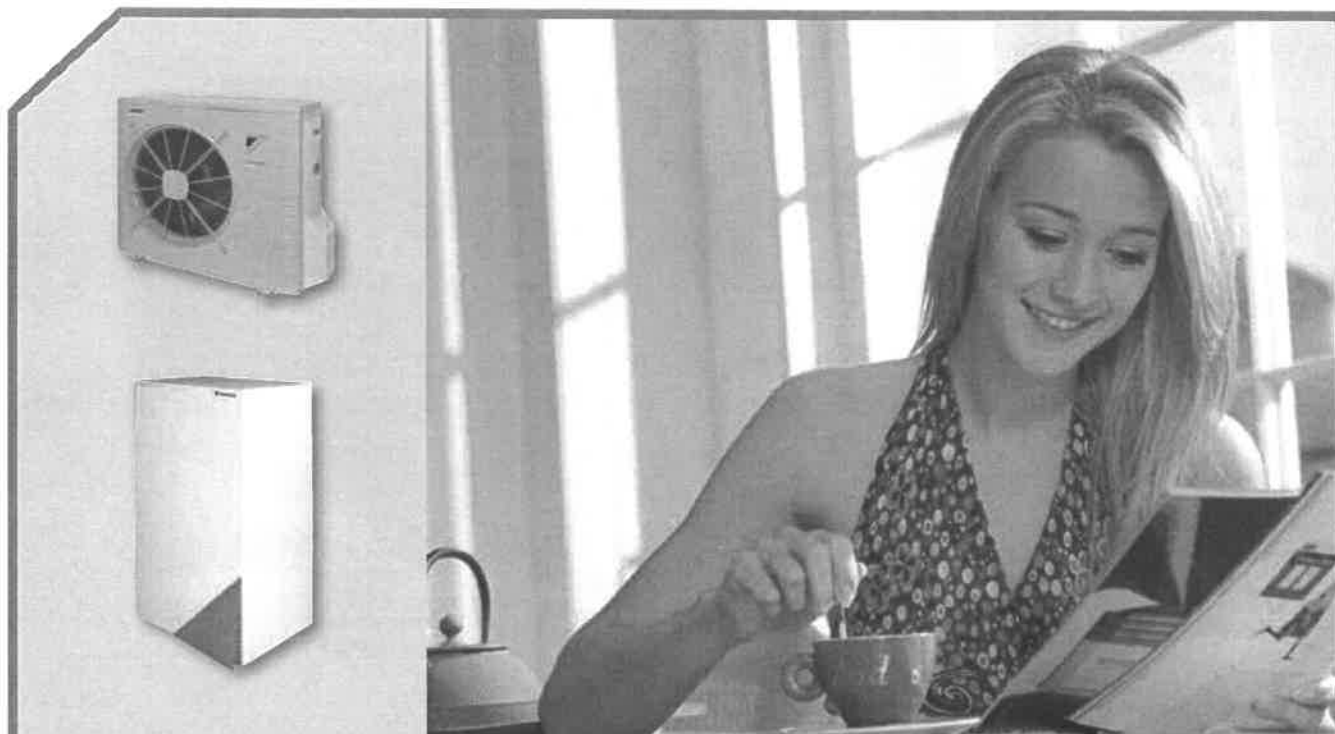
GSSKIT5	2 collector kit
---------	-----------------

## Features

-  82.6% collector efficiency
-  Significantly lower CO<sub>2</sub> emissions
-  Dramatically reduced annual fuel bills
-  Minimum maintenance
-  Eligible for RHI payments



your comfort. **our world.**



ERLQ-C 4-16kW

## Daikin Altherma LT

### Low Temperature Split AWHP

Daikin is the number one choice for Air-Water Heat Pump (AWHP) technology, with over 50 years design and manufacturing experience of refrigeration and compressor technology.

The new and advanced Daikin Altherma Low Temperature (LT) Split offers even higher running cost savings than the original Altherma LT. With lower energy consumption at higher efficiencies, a smaller indoor hydrobox, back-lit easy to use controls, and the latest Daikin inverter compressor for a flexible renewable heating solution. The Altherma LT ranges from 4kW to 16kW, the full range is designed to operate down to -25°C and designed to withstand even the toughest winter climates.

**Complete comfort for all the family** – Daikin Altherma LT Split provides heating and domestic hot water throughout the year. The new models provide comfort with even higher efficiencies and lower running costs. Designed for installation anywhere in Europe, the new range can withstand even the toughest winter climates. A new controller with default programmed timings, and energy metering provides the user with complete control. A full range of unvented stainless steel cylinders is also available.

**Installers** – Split refrigerant systems offer siting flexibility as greater distances are possible between the outdoor and indoor units. The new units offer guaranteed capacity at A-15°C W55°C and will operate down to -25°C. The new controller provides enhanced commissioning functions, settings can be prepared beforehand and uploaded via PC to the units during commissioning and can be stored as a back-up. Also, the controller can log fault history.

**Developers** – The new 4kW model has been specially designed for today's low energy homes. The inverter compressor has a high modulation range for greater comfort in even the smallest homes. With even higher efficiencies it offers even more ways for developers to achieve Code for Sustainable Homes Level 4.

**Social housing** – Packed with energy saving features for even greater running cost savings, especially compared to expensive fuel systems such as oil and electric systems. The new easy-to use back-lit controller can also be installed as a modulating room thermostat, and has energy metering functionality.

**Solar energy for even greater savings** – Daikin Solar Thermal panels offer even greater energy savings for hot water. Offering complete flexibility and available for indirect pressurised systems in pre-defined packs for easy selection. A-frame kits for flat roofs and in-roof kits are also available.



MCS HP0006

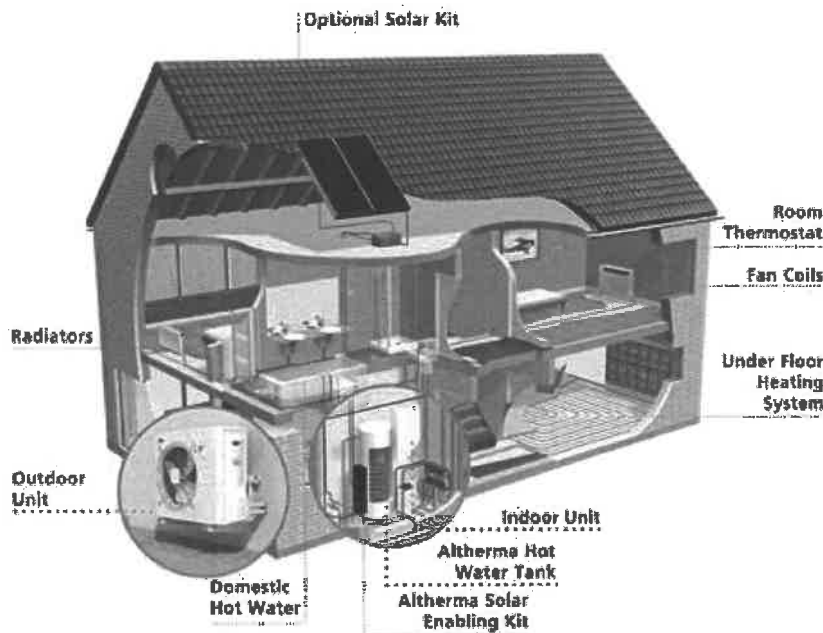




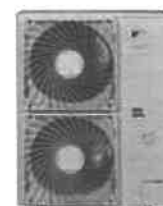
your comfort. our world.

**The benefits of the NEW Daikin Altherma LT Split**

- > Latest Daikin inverter technology
- > High seasonal efficiency with low running costs
- > Guaranteed operation down to -25°C
- > High efficiency 'A' label pump
- > Low power consumption, higher efficiencies
- > New indoor unit with front access for easy maintenance
- > MCS accredited
- > Designed for low temperature emitters – e.g. underfloor heating, LT radiators or heat pump convectors
- > New 4kW model ideal for new build
- > Helps achieve Code for Sustainable Homes Level 4
- > Reduced VAT 5% for domestic installations
- > Inverter compressor means no large buffer vessel



Outdoor Unit – C series			ERLQ004CV3	ERLQ006CV3	ERLQ008CV3	ERLQ011CV3	ERLQ014CV3	ERLQ016CV3
Dimensions	H x W x D	mm	735 x 832 x 307			1345 x 900 x 320		
Nominal Capacity	Heating	kW	4.4	6.0	7.4	11.2	14.5	16.0
	Cooling	kW	4.17	4.84	5.36	11.72	12.55	13.12
Nominal Input	Heating	kW	0.87	1.27	1.66	2.43	3.37	3.76
	Cooling	kW	1.8	2.07	2.34	4.31	5.08	5.73
COP (Heating)			5.04	4.74	4.45	4.60	4.30	4.25
EER (Cooling)			2.32	2.34	2.29	2.72	2.47	2.29
Operation Range	Heating	°C	-25 ~ 25			-25 ~ 35		
	Cooling	°C	10 ~ 43			10 ~ 46		
	Hot Water	°C	-25 ~ 35			-20 ~ 35		
Sound Pressure / Power Level	Heating	dB(A)	48 / 61	48 / 61	49 / 62	51 / 64	51 / 64	52 / 66
	Cooling	dB(A)	48 / 63	49 / 63	50 / 63	50 / 64	52 / 66	54 / 69
Power Supply			1-phase / 230V / 50Hz					



**Nominal capacity and nominal input tested according to EN 14511 at the following conditions:**

**Heating:** Ambient air temperature 7°C and leaving water temperature 35°C (A7 W35)

**Cooling:** Ambient air temperature 35°C and leaving water temperature 7°C (A35 W7)

Sound pressure level measured at 1m from the unit

Indoor Unit (wall hung)			EBBH04C3V	EBHX04C3V	EBBH08C**	EBHX08C**	EBBH16C**	EBHX16C**
Function			Heating Only	Reversible	Heating Only	Reversible	Heating Only	Reversible
To use With			ERLQ004CV3		ERLQ006-008CV3		ERLQ011-016C** / ERHQ11-016B**	
Dimensions	H x W x D	mm	890 x 480 x 344 / 380					
Leaving Water Temperature Range	Heating	°C	15~55					
	Cooling	°C	-	5~22	-	5~22	-	5~22
Drain Valve			Yes					
Material			Precoated Sheet Metal					
Colour			White					



**In all of us, a green heart**



Daikin's unique position as a manufacturer of air conditioning equipment, compressors and refrigerants has led to its close involvement in environmental issues. For several years Daikin has had the intention to become a leader in the provision of products that have limited impact on the environment. This challenge demands the eco design and development of a wide range of products and an energy management system, resulting in energy conservation and a reduction of waste.



Daikin Europe N.V. participates in the Eurovent Certification programme for Air conditioners (AC), Liquid Chilling Packages (LCP), Air handling units (AHU) and Fan coil units (FCU). Check ongoing validity of certificate online: [www.eurovent-certification.com](http://www.eurovent-certification.com) or using: [www.certiflash.com](http://www.certiflash.com)



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**Design Statement**

**Redundant Outbuilding 1 for 1**

**Rennibister Farm, Firth, KW15 1TX**

**Planning Reference TBC**

**For**

**Mr A & Mrs K Watson**

**October 2022**

## DEVELOPMENT INFORMATION

<b>Introduction</b>	This document relates to a 1 for 1 replacement house for an existing Stone Building that forms part of the Original farm/steading Buildings at Rennibister Farm in the parish of Firth. The Original farm site comprises of a mixture of buildings of which some are redundant and other are used for general storage.
<b>Pre-Planning Advice</b>	Pre application advise was submitted on the 27 <sup>th</sup> July 2021 and relevant correspondence was received and discussed with the Planning officer (J MacVie). All information provided within this Planning Application was based on discussions & information given out within the pre application advise received.
<b>Description of Development</b>	It is proposed to demolish the existing shed and leave the existing Farm house/cottage. The area of the demolished shed/outbuilding would be included as part of the new site and the existing farm access road would continue to be used.
<b>The Overall Site</b>	<p>Site Plan Drwg 003 notes the existing surrounding buildings. Please refer to this drawing for all uses of ground areas and boundary treatments.</p> <p><b><u>Buildings Noted 01</u></b> Buildings note 01 are existing farm building currently in use as part of the working farm, buildings will be retained.</p> <p><b><u>Buildings Noted 02</u></b> Building sNo.02 is the existing dwelling house which is currently in use but not part of this development, this building would requires extensive refurbishment and structural works to be carried out to be kept in use as a dwelling house.</p> <p><b><u>Buildings noted 03,05 &amp; 05</u></b> All these existing buildings and are proposed to be demolished, Building no. 03 is the existing buildings which is proposed for demolition as part of the 1 for 1.</p> <p><b><u>Buildings noted 06,07,08 &amp; 11</u></b> All these existing buildings are currently used for storage, these are to be retained as part of possible future development. Please refer to drawing 004 for details of possible future development.</p> <p><b><u>Buildings noted 09 &amp; 10</u></b> All these existing buildings are noted for possible future demolition, Please refer to drawing 004 for details of possible future development.</p>

A new septic tank is to be located to the SW Side of the proposed site, see drawing 002 for the approximate location. All new SW/Roof water will be connected into a surface water soakaway system, size dependent on percolation test results.

Boundary treatment - Existing storage shed within boundary of the site is to be retained and the post and wire fence running parallel to the access road will be retained.

Proposed boundaries to the North, East & South are currently undefined and wire fence will be erected to match the surrounding areas.

<b>Location</b>	<b>Rennibister Farm, Firth, Orkney KW15 1TX</b>
<b>Description of Works</b>	Proposed 1 for 1 replacement of existing building under policy 5E(iii) at Rennibister Farm, Firth - Siting of Dwelling house & associated site works
<b>Applicant</b>	Mr A & Mrs K Watson
<b>Planning History</b>	N/A
<b>Proposed Development</b>	The site is located in the parish of Firth lying to the North of the main A965 Kirkwall to Finstown Road to the South. The Proposed site includes the area on which the current derelict building for demolition is located and also utilizes the current access road to the farm, site access (see Drwg 002 for details). The Site has no real distinctive features, sloping from East to West. The site is located within an existing farm steading, which utilizes the current farm courtyard for access to the site. Apart from the close surrounding farm buildings there is minimal development within the area scattered existing domestic & agricultural properties in all directions.
<b>Setting</b>	The proposed house, main 2 storey elevation will be orientated approximately East to West running parallel to the existing A965 road with the single storey garage block running North to South. The Site is on a fairly continuously sloping site from East to West. The main views from the living area's within the property will be to the South & West direction, with views out towards Wideford hill to the south and the Bay of Firth to the West. The main entrance and access road are located on the East facing elevations. Access to the site is via an existing road from the South of the site leading to the property. The proposed dwelling is a mixture of a 2 storey block & single storey with flat roofed link with a pitched roof design with a 40° deg. pitch.
<b>Landform</b>	This is a fairly consistent sloping site with the proposed property located within the flattest area of the reasonably low-lying site.



Due to the existing site level there will be some excavation work to be carried out but this should be kept to minimum as should the requirement for excessive under building. There is no tidal or flood risk. The location of the property within the landscape is generally low lying and therefore the property will not break the skyline. The nature of the land, being generally dry with downslopes, means that the risk of contamination from septic tank effluent is very low. The adequacy of drainage will be dealt with by the Building Standards process and the Scottish Environment Protection Agency as required.

<b>Roads</b>	The proposed house runs fairly parallel to the main Kirkwall to Finstown A965 road with the existing Farm access road and farm courtyard providing an access point to the East of the site.
<b>Buildings</b>	Other buildings within the farm steading and surrounding area show differing orientations of East to West & North to South and differing scales of single storey, 1 & ½ storey and 2 storey styles.
<b>Access and parking</b>	The parking will be to the North East of the property so that the existing access Point/road can be utilized and minimizing the requirement for hard landscaping and maximizing the extent of vegetated substrates around the property. Access to the site will be via an existing access point courtyard to the North East boundary of the site.
<b>Outbuildings</b>	No additional outbuildings are proposed, but the building farm is surrounded with existing outbuildings. It is proposed to demolish an existing building as part of the 1 for development, see site plan.
<b>Site boundary</b>	Mixture of existing walls, post and wire fencing already in place, where required this will be repaired or replaced with similar. No suburban type boundaries.
<b>Massing</b>	Simple mass, with 2 no. rectangular shaped buildings linked with a flat roof, main house block with a gable located centrally to break up the long Southerly facing elevation. The main entrance door is located on the East side. A gable width of approx. 8.5m wide and a 40deg. pitch roof.
<b>Scale</b>	The house is similar in scale to other houses in the area and will therefore not dominate neighbouring buildings nor the landscape in which it is set. The use of differing materials on the facade helps to break up the wall elevations. The site dimensions & location of the site access has been designed to take all these parameters into consideration, while still trying to keep visual links & privacy around the property.
<b>Roof</b>	Simple pitched roof form, 40° degree pitch, minimal eaves and verge details.
<b>Walls</b>	Simple detailing. Minimal features such as gable vertical boarding & Glazing to break up the long Southerly facing

elevation. The use of large glazing panels help break up the external walls/elevations.

**Windows and doors**

Windows and door openings have a simple vertical emphasis, horizontally proportioned, unusually shaped windows have been avoided where possible. Windows are well aligned & designed so that they face the garden areas. The living/Dining rooms view are positioned towards the South and West views, also taking advantage of sun light and solar gains.

**Materials**

Non-profiled tiles in dark grey or black to be agreed between Orkney Islands Council and the developers. Wall finish to be roughcast blockwork. no mixed colour finishes, details of type/colour to be agreed.

**Roofing** - Redland Cambrian Slate - Colour - Slate grey

**Walls** - White base coat with Glenarm dashing chip

**Windows & Doors** - UPVC, Colour - Anthracite/Ral 7016

**Fascia & Soffit** - UPVC, Colour - Anthracite/Ral 7016 (to match windows)

**Rainwater goods** - UPVC, Colour - Black

**Vertical Boarding** - Cedral 'Click' colour - Anthracite grey

**Boundary Treatment** - As per development information.

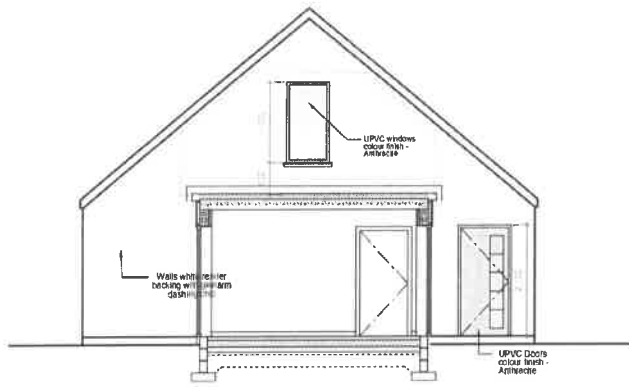
**Misc.**

Externally located Air Source Heat Pump - 'Daikin' ERLQ011CV3 outdoor unit 1345 x 900 x 320mm (See specification provided).

**Existing Wind Turbine -**

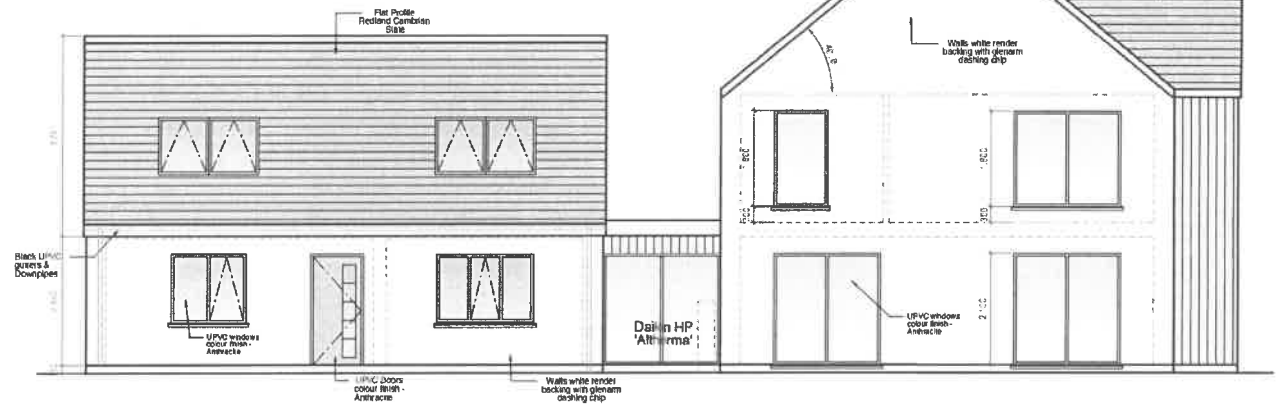
Please note that due to the proximity of the existing Wind Turbine located within the overall farm of Rennibister, a legal documentation will be provided by the client, confirming that the proposed new dwelling house will have a financial connection to the turbine.

The legal agreement would tie the new property and the turbine together and also control the occupation of the existing farmhouse. This would be included within the title deed of the new property, all to be confirmed and agreed with OIC planning Dept. and Environmental Health.



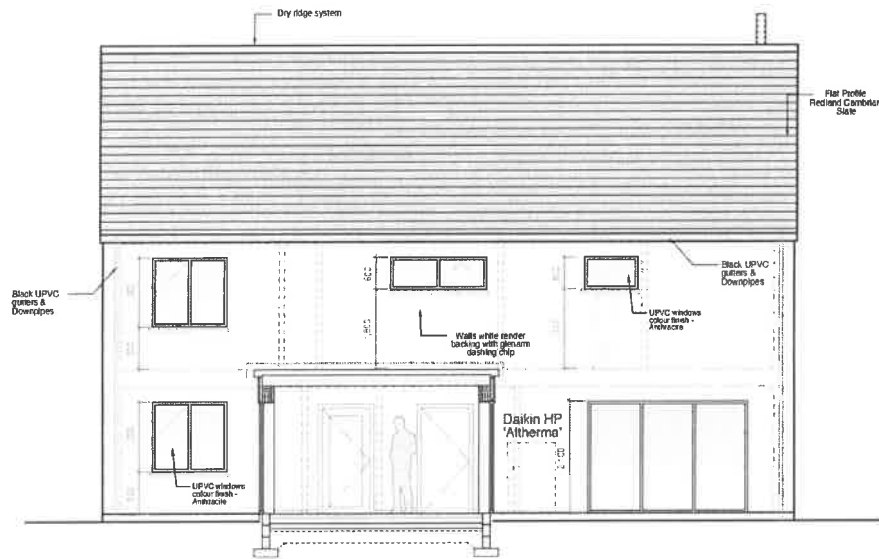
**PROPOSED SECTIONAL ELEVATION B-B**

SCALE: 1:50



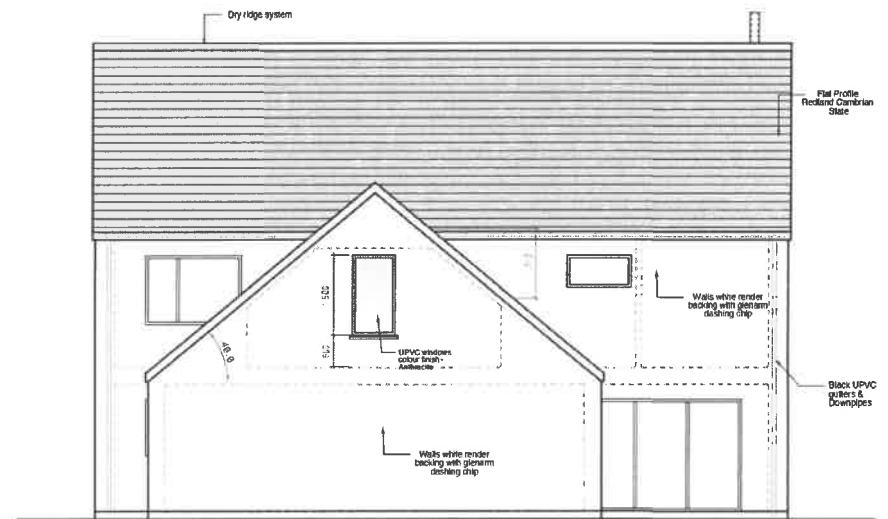
**PROPOSED WEST ELEVATION**

SCALE: 1:50



**PROPOSED SECTIONAL ELEVATION A-A**

SCALE: 1:50



**PROPOSED NORTH ELEVATION**

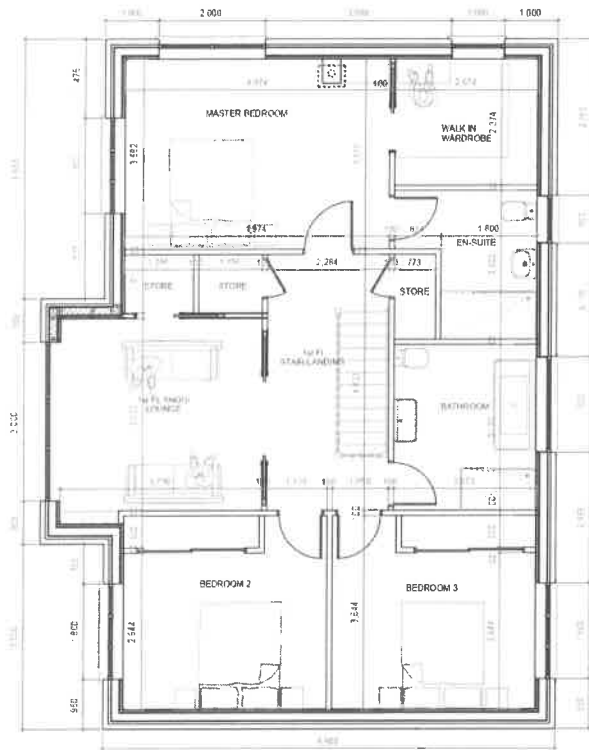
SCALE: 1:50

**EXTERNAL FINISHES**

- Roof - Plain Flat Profile - Cambrian Slate, Colour 'Slate Grey' or similar approved
- Walls - White Render Base with Dashing Chips in 'Glenarm'
- Windows and Doors - uPVC, Colour: Anthracite/RAL 7016
- Fascias and Soffits - uPVC, Colour: Anthracite/RAL 7016 (to match Windows/Doors)
- Rainwater Goods - uPVC, Colour: Black
- Lounge Gable/Garage - Cadral 'Click' Weatherboarding - 'Anthracite grey'
- Boundary Treatment - As per Design Development

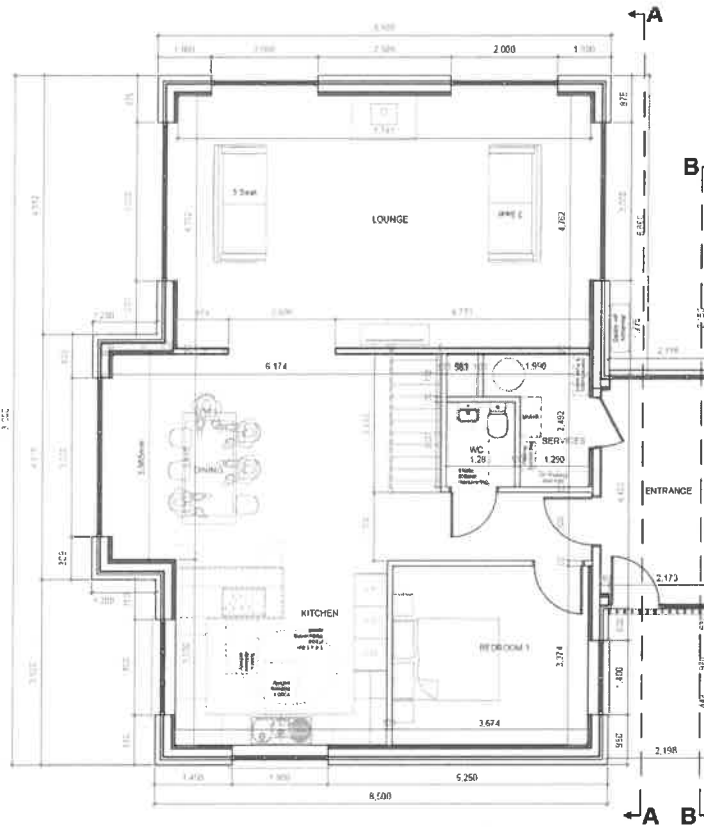
Project: Proposed 1 for 1 house Rennibister Farm, Firth	Title: Proposed Elevations & Sections	Scale: 1:50 (A1)
	Client: Mr A & Mrs K Watson	Drwg. - 006

Project: Proposed 1 for 1 house Rennibister Farm, Firth	Title: Proposed layout & Elevations	Scale: 1:50 (A1)
Client: Mr A & Mrs K Watson	Drwg. - 005	Date: 10/2022



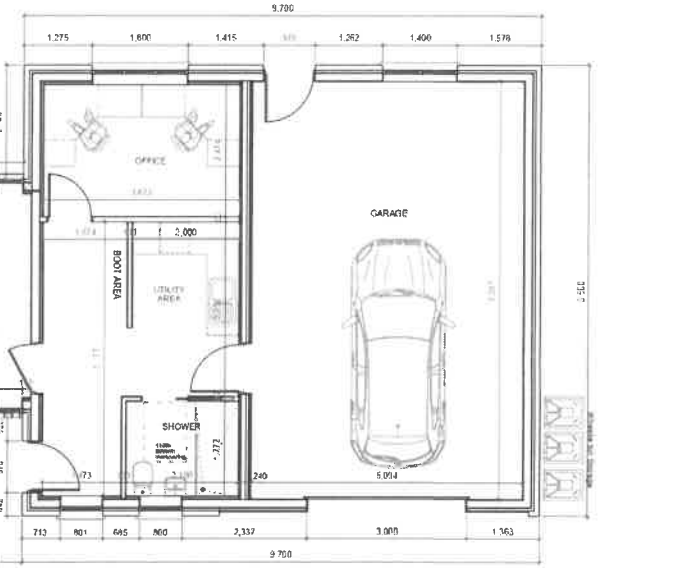
**PROPOSED 1ST FLOOR LAYOUT**

SCALE: 1:50



**PROPOSED GRD FLOOR LAYOUT**

SCALE: 1:50



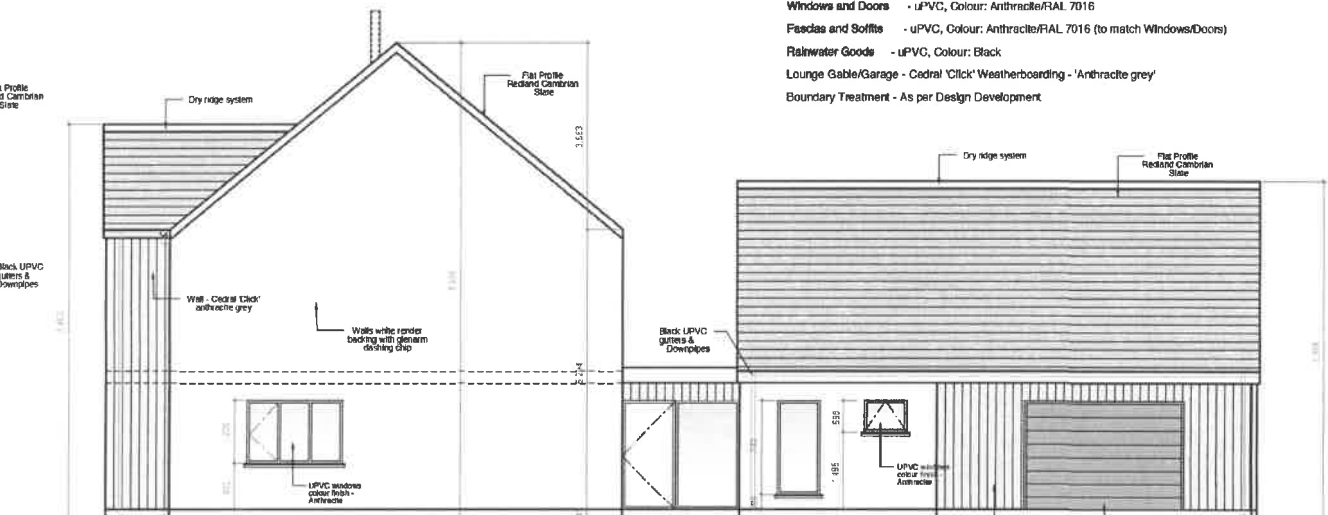
**EXTERNAL FINISHES**

- Roof - Plain Flat Profile - Cambrian Slate, Colour 'State Grey' or similar approved
- Walls - White Render Base with Dashing Chips in 'Glenam'
- Windows and Doors - uPVC, Colour: Anthracite/RAL 7016
- Fascias and Soffits - uPVC, Colour: Anthracite/RAL 7016 (to match Windows/Doors)
- Rainwater Goods - uPVC, Colour: Black
- Lounge Gable/Garage - Cedar 'Click' Weatherboarding - 'Anthracite grey'
- Boundary Treatment - As per Design Development



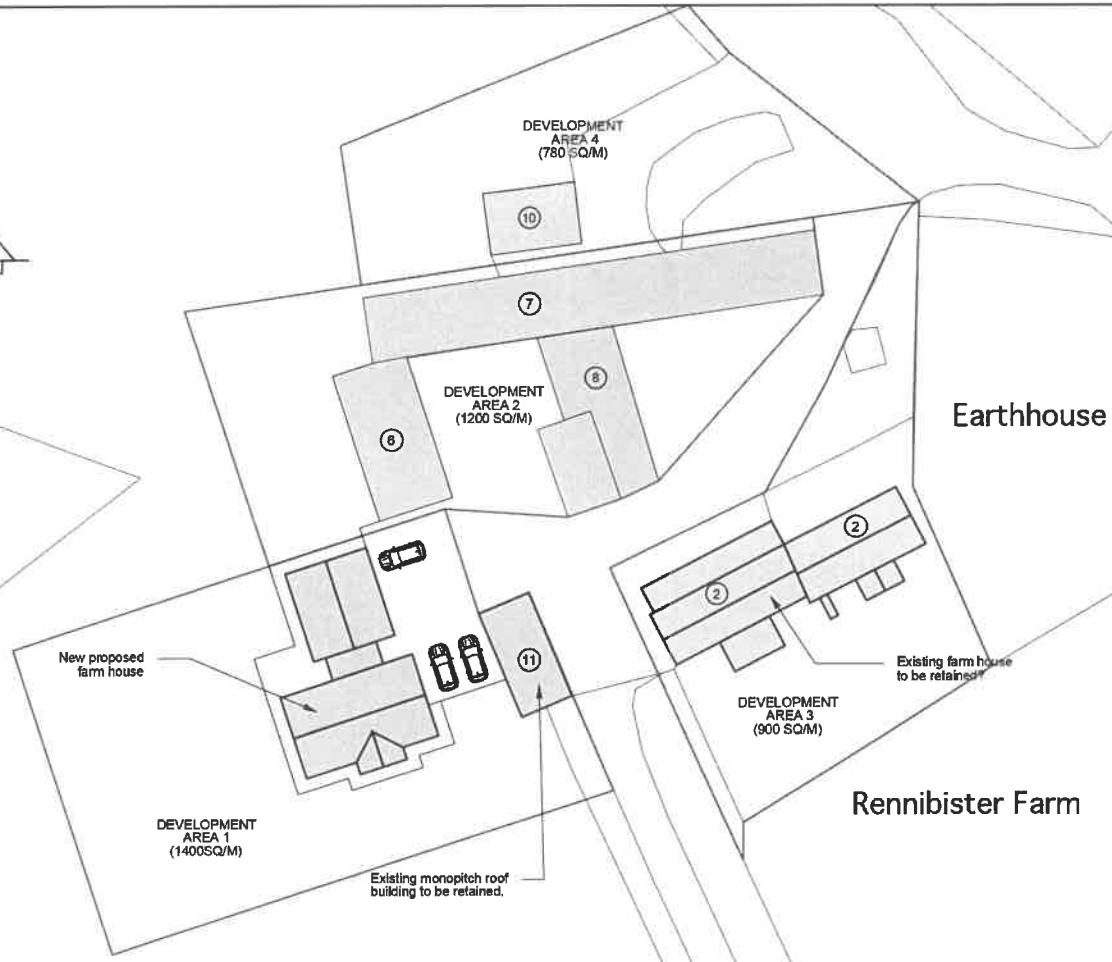
**PROPOSED SOUTH ELEVATION**

SCALE: 1:50



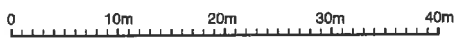
**PROPOSED EAST ELEVATION**

SCALE: 1:50



# FUTURE DEVELOPEMENT

SCALE: 1:500











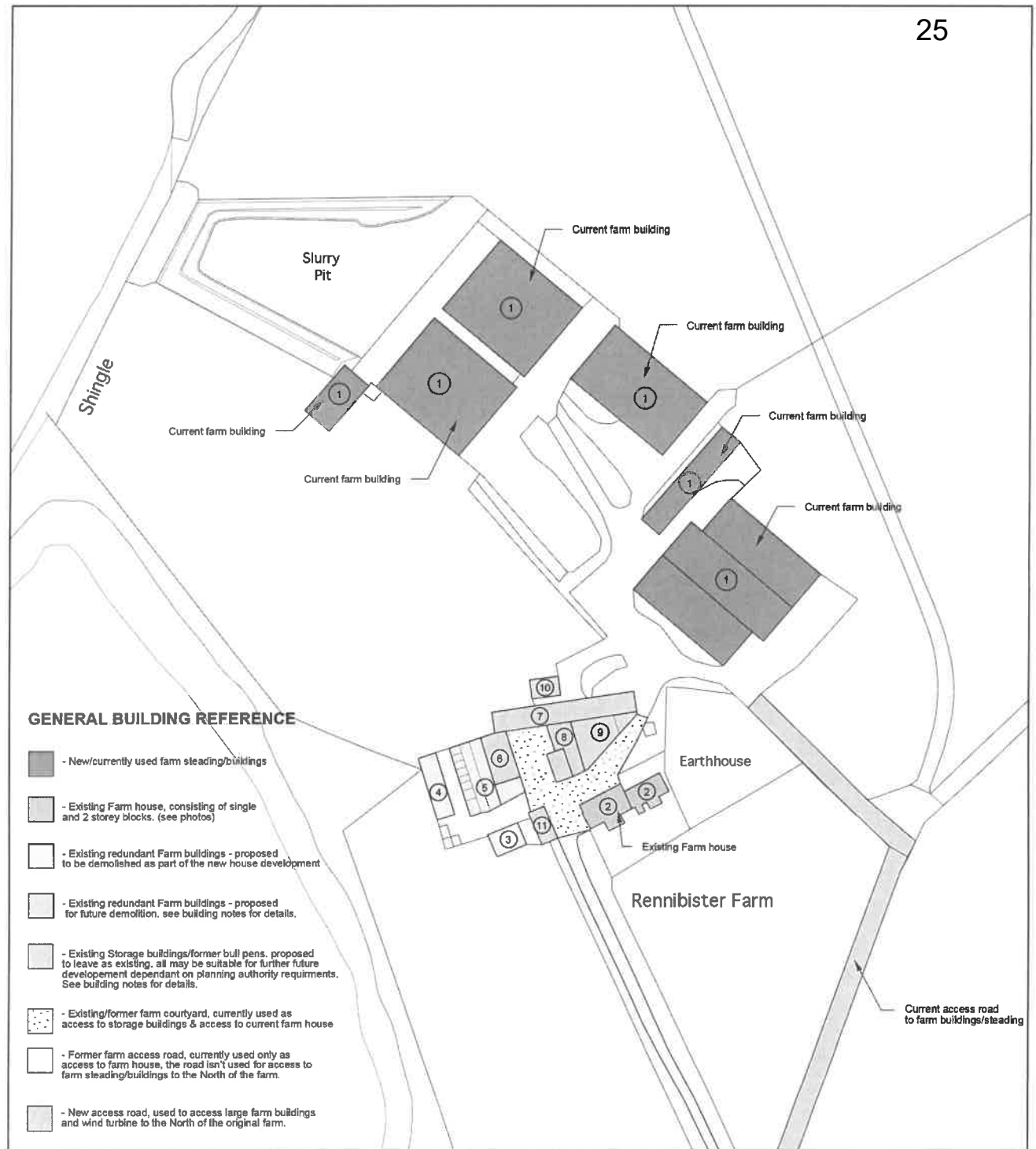
<b>Project:</b> Proposed 1 for 1 house Rennibister Farm, Firth	<b>Title:</b> Site Layout - Possible future Development	<b>Scale:</b> 1:1250 (A3)
<b>Client:</b> Mr A & Mrs K Watson	Drwg. - 004	<b>Date:</b> 10/2022

## GENERAL BUILDING DESCRIPTION

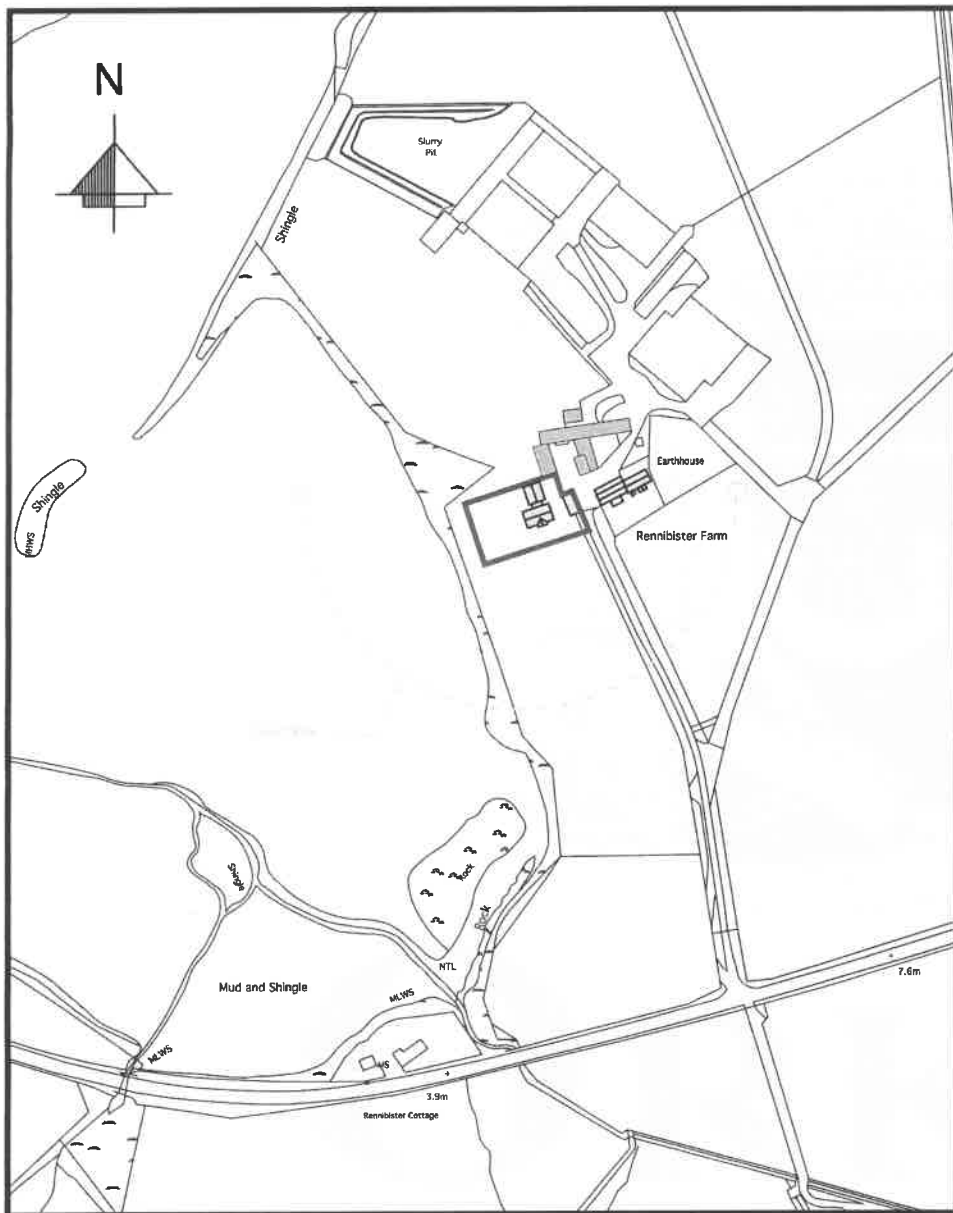
- ① - Larger farm/agricultural buildings, for farm animals and relevant equipment storage.
- ② - Existing Farm house, consisting of a single storey block to the West wing and a double storey block to the East wing.
- ③ - Existing Storage shed which is in a state of disrepair, no rear architectural features, proposed to be demolished as part of the new development.
- ④ - Existing derelict/unused nissen hut which is in a state of disrepair, no real architectural features, proposed to be demolished as part of the new development.
- ⑤ - Existing former pig pen hut which is in a state of disrepair, no real architectural features, proposed to be demolished as part of the new development.
- ⑥ - Existing single storey former bull pen building, currently used for domestic type storage, it's proposed to reduce the size of this stone built building to it's former size to create an access area to the new proposed property - this building could be used/refurbished in the future dependant on planning conditions/requirements.
- ⑦ - Existing part single/part double storey former bull pen building, currently used for farm storage - this building could be used/refurbished in the future dependant on planning conditions/requirements.
- ⑧ - Existing single storey former bull pen building, currently used for storage - this building could be used/refurbished in the future dependant on planning conditions/requirements.
- ⑨ - Existing flat roof single storey building, this building is currently derelict with the existing roof having fallen in on itself, there is also structural issues with external blockwork walls - this building is proposed to be demolished in the near future.
- ⑩ - Existing nissen hut which is in a state of disrepair, no real architectural features, proposed for future demolition.
- ⑪ - Existing flat roof single storey building, currently used as garage store, this building could be used/refurbished in the future dependant on planning conditions/requirements.

## GENERAL BUILDING REFERENCE

-  - New/currently used farm steading/buildings
-  - Existing Farm house, consisting of single and 2 storey blocks. (see photos)
-  - Existing redundant Farm buildings - proposed to be demolished as part of the new house development
-  - Existing redundant Farm buildings - proposed for future demolition, see building notes for details.
-  - Existing Storage buildings/former bull pens, proposed to leave as existing, all may be suitable for further future development dependant on planning authority requirements. See building notes for details.
-  - Existing/former farm courtyard, currently used as access to storage buildings & access to current farm house
-  - Former farm access road, currently used only as access to farm house, the road isn't used for access to farm steading/buildings to the North of the farm.
-  - New access road, used to access large farm buildings and wind turbine to the North of the original farm.



Project: Proposed 1 for 1 house Rennibister Farm, Firth	Title: Existing Farm Buildings - Current and Future Use	Scale: 1:1250 (A3)
Client: Mr A & Mrs K Watson	Drwg. - 003	Date: 10/2022

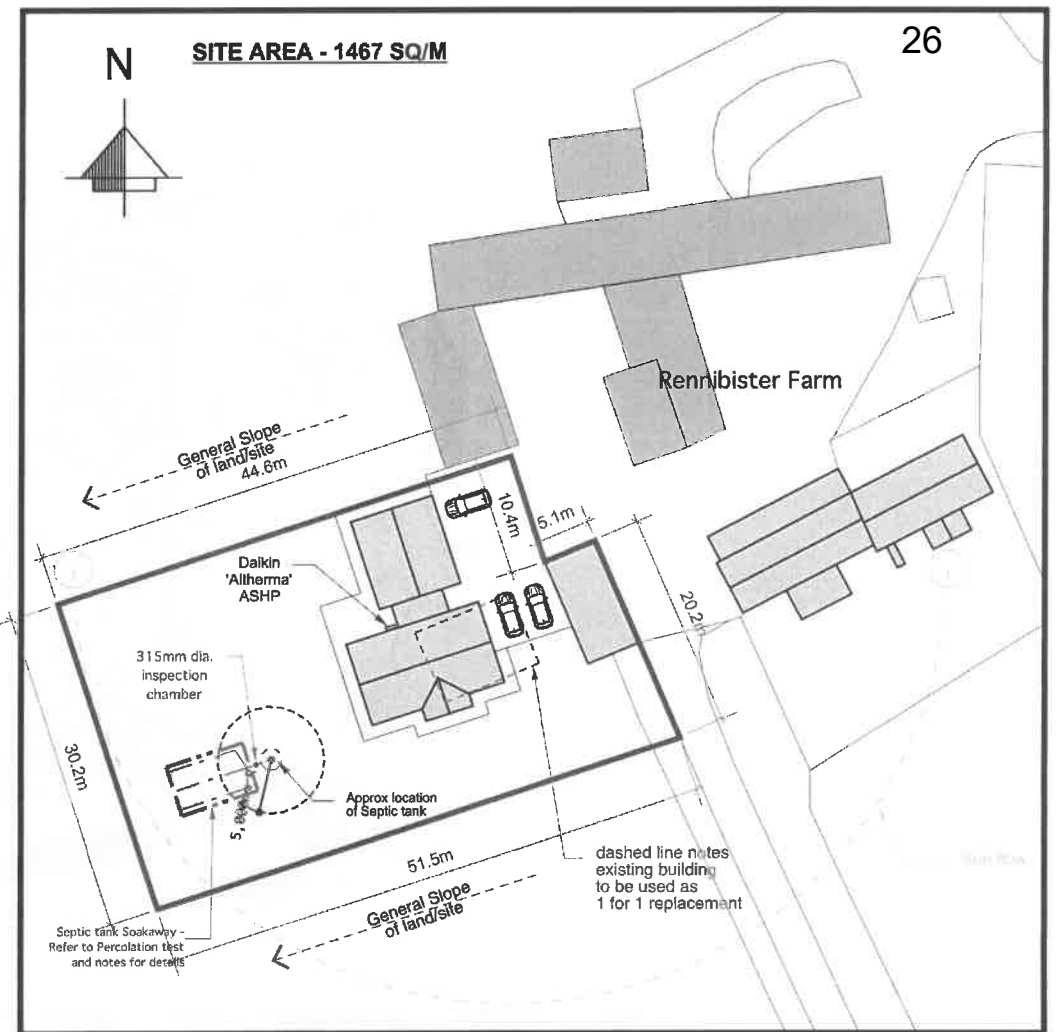


## PROPOSED LOCATION PLAN

SCALE: 1:2500



ALL DIMENSIONS/ AREAS ARE "OR THEREBY"

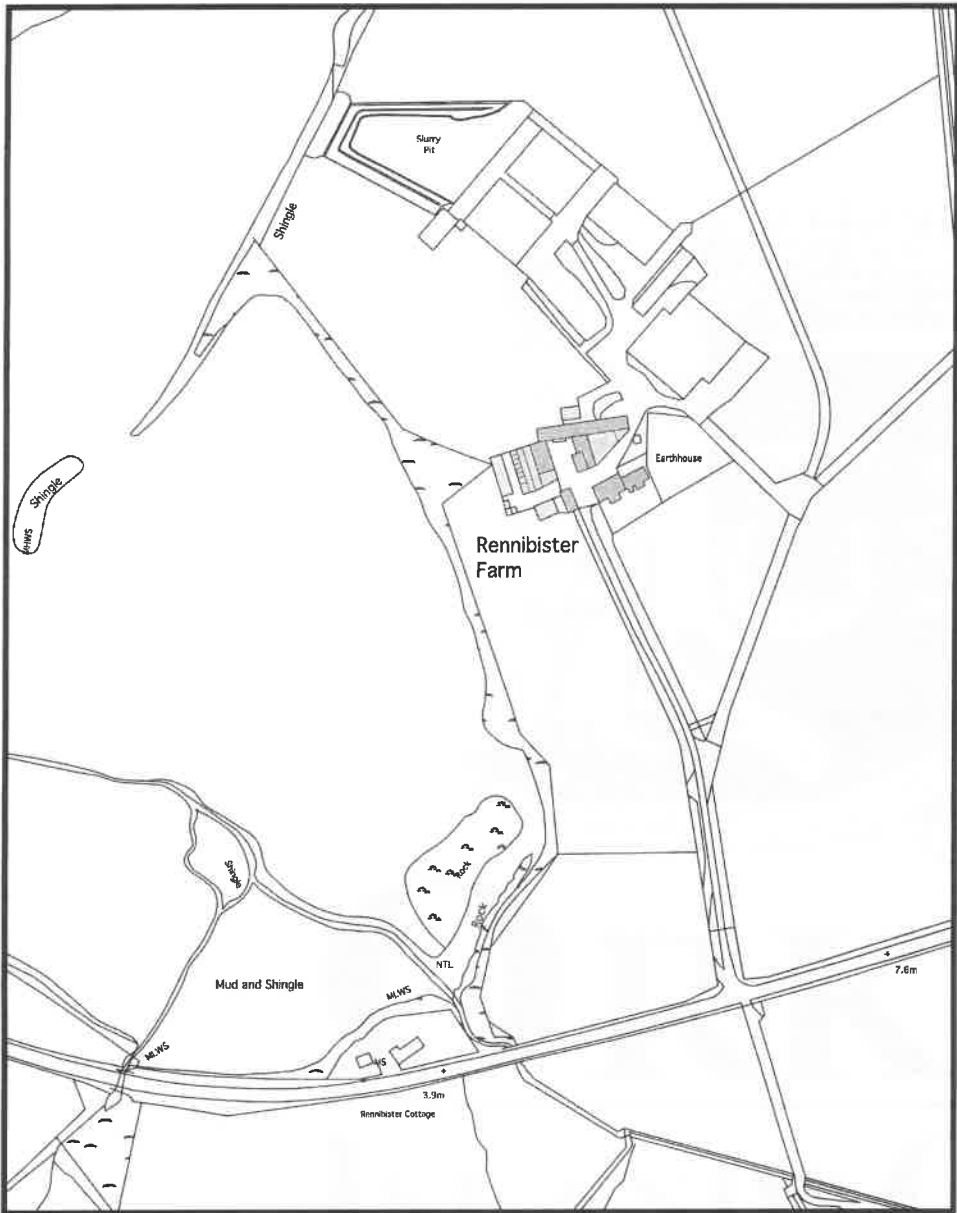


## PROPOSED SITE PLAN



SCALE: 1:500

<b>Project:</b> Proposed 1 for 1 house Rennibister Farm, Firth	<b>Title:</b> Proposed Site Location & Site Layout	<b>Scale:</b> 1:2500/500 (A3)
<b>Client:</b> Mr A & Mrs K Watson	Drwg. - 002	<b>Date:</b> 10/2022

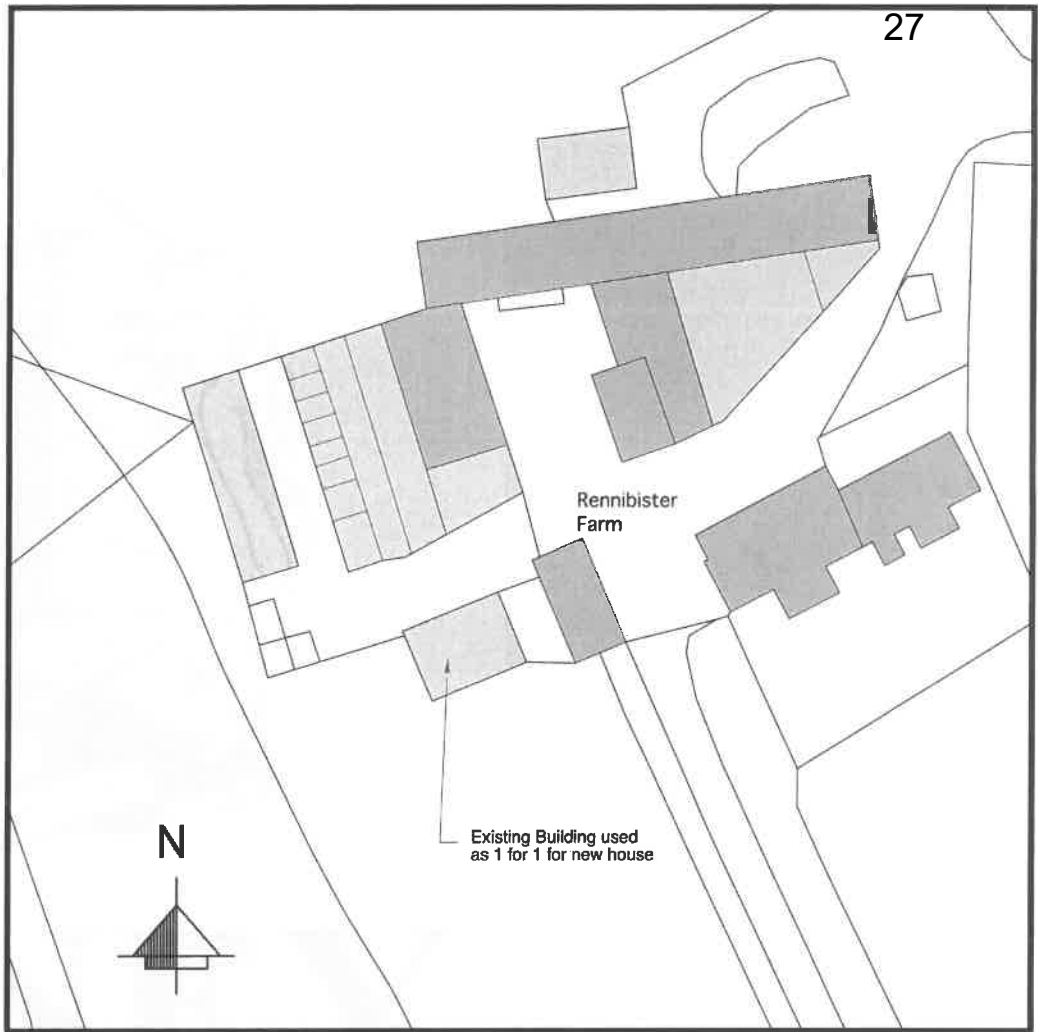


**EXISTING LOCATION PLAN**

SCALE: 1:2500



ALL DIMENSIONS/ AREAS ARE "OR THEREBY"



**EXISTING SITE PLAN**

SCALE: 1:500



<p><b>Project:</b> Proposed 1 for 1 house Rennibister Farm, Firth</p>	<p><b>Title:</b> Existing Site Location &amp; Site Layout</p>	<p><b>Scale:</b> 1:2500/500 (A3)</p>
<p><b>Client:</b> Mr A &amp; Mrs K Watson</p>	<p><b>Drwg. - 001</b></p>	<p><b>Date:</b> 10/2022</p>



# 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)



14th November 2022

Mr Alistair Watson  
Rennibister  
Rennibister Farm  
Firth  
Scotland  
KW15 1TX

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

Dear Mr Alistair Watson

Ref No: 22/396/PP  
Type: Planning Permission  
Location: Rennibister, Firth, Orkney, KW15 1TX  
Proposal: Erect a replacement house (one for one) with an integral garage and an air source heat pump

### Invalid application

Your recent application has been assessed on 14th November 2022 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**  
If any other land is in the ownership of the applicant, show land ownership in blue (blue line immediately surrounding site and a separate blue line to show extent of ownership)  
Show the track to the public road either in red as part of the application site, or within the blue ownership area
02. **Site Plan**  
Add land ownership in blue (to match the Location Plan)  
Include boundary treatment  
Remove 'Approx' from location of septic tank

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.

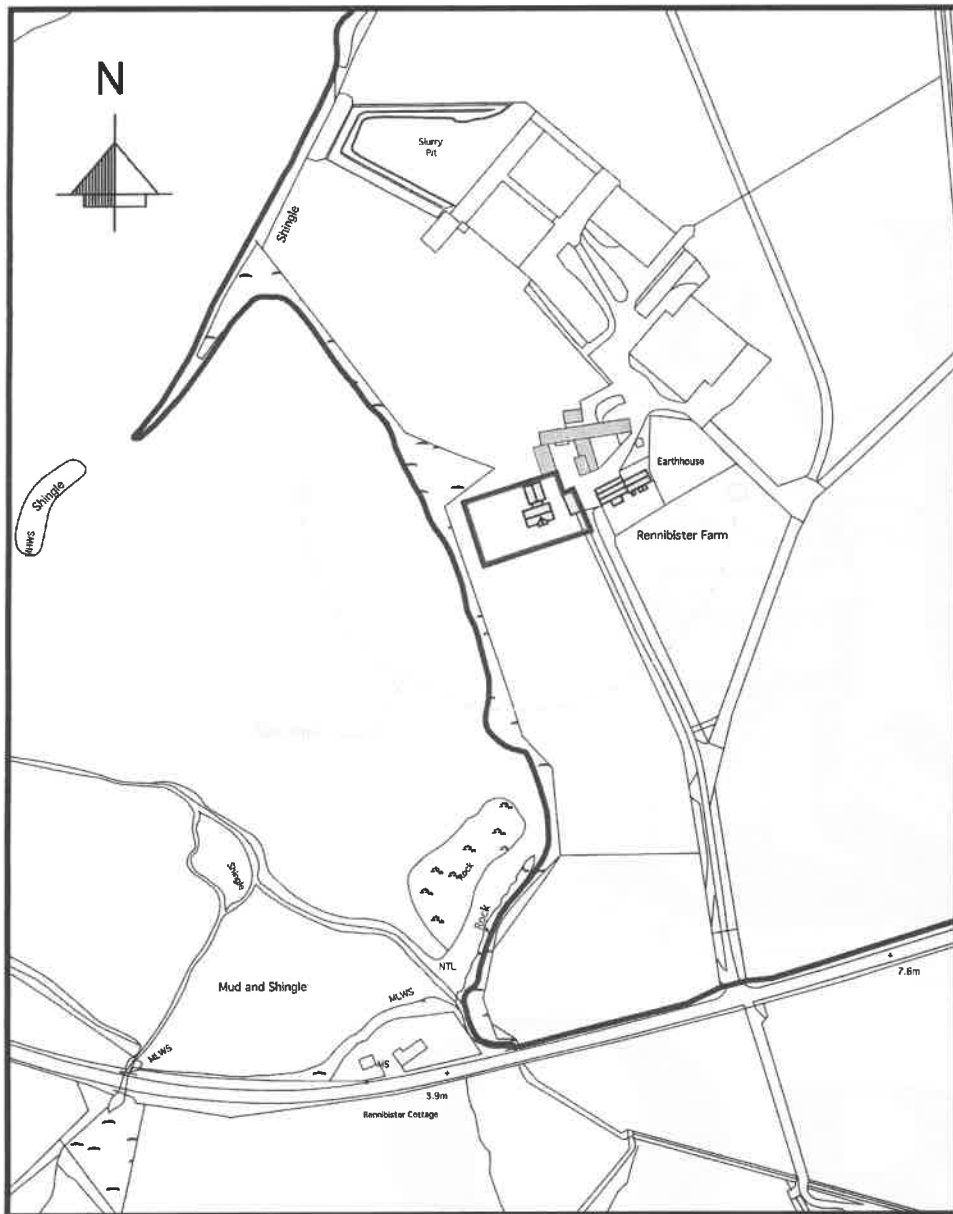
Should you contact Development Management, simply confirm the application reference and that your contact is in relation to an invalid application.

Yours sincerely

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

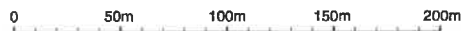
Tel: 01856 873535 ext. 2504

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

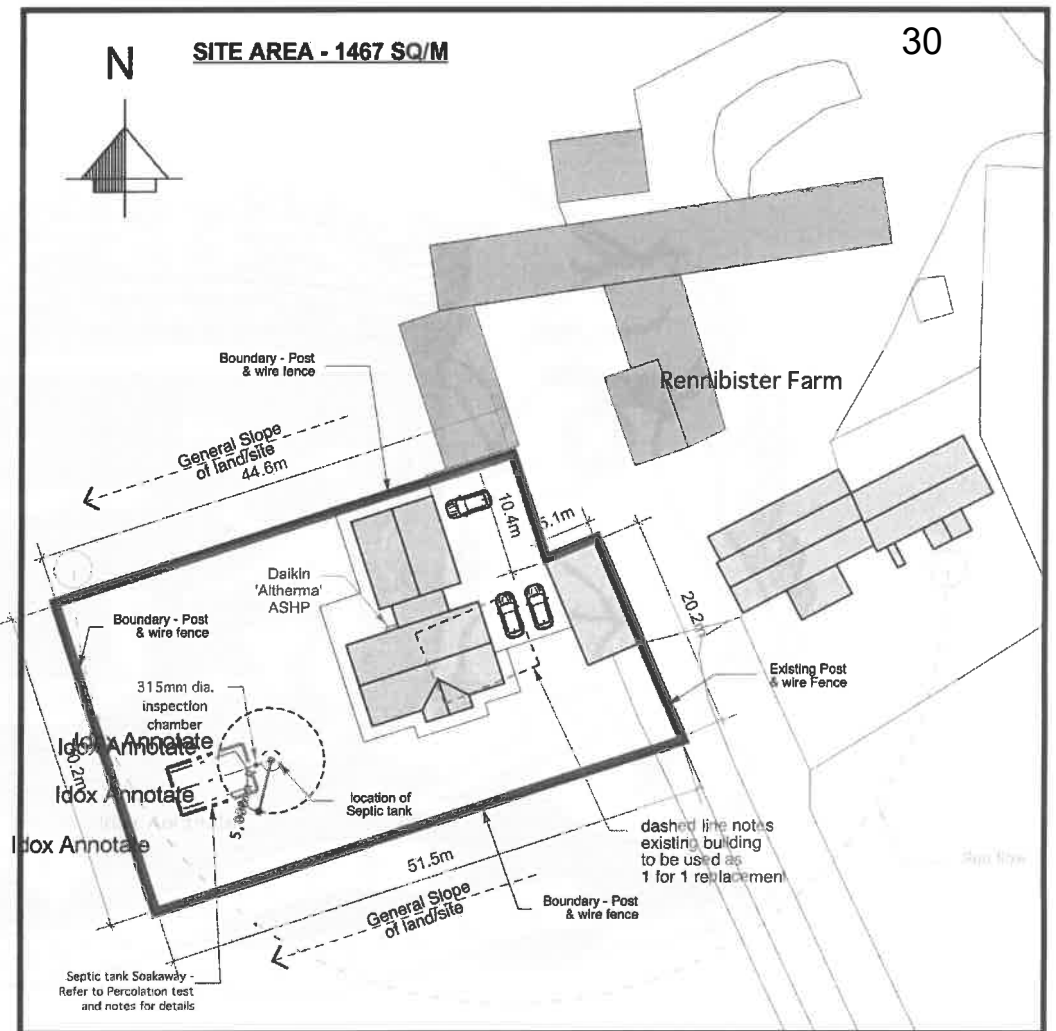


## PROPOSED LOCATION PLAN

SCALE: 1:2500



ALL DIMENSIONS/ AREAS ARE "OR THEREBY"



## PROPOSED SITE PLAN

SCALE: 1:500

Project: Proposed 1 for 1 house Rennibister Farm, Firth	Title: Proposed Site Location & Site Layout	Scale: 1:2500/500 (A3)
Client: Mr A & Mrs K Watson	Drwg. - 002A	Date: 10/2022

Rev 'A' - 15/11/22 - As per Planning request letter dated 14/11/22

**Consultee List**Application Number 22/396/PP

- Roads Services
- Scottish Water
- Environmental Health – Proximity of wind turbine

Thursday, 24 November 2022



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

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
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)

Follow Us     

Dear Customer,

**Rennibister, Firth, Orkney, KW15 1TX**  
**Planning Ref: 22/396/PP**  
**Our Ref: DSCAS-0076875-WTH**  
**Proposal: 22/396/PP | Erect a replacement house (one for one) with an integral garage and an air source heat pump | Rennibister, Firth, Orkney, KW15 1TX**

**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.

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## Asset Impact Assessment

Scottish Water records indicate that there is live infrastructure in the proximity of your development area that may impact on existing Scottish Water assets.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via [our Customer Portal](#) for an appraisal of the proposals.

The applicant should be aware that any conflict with assets identified will be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

Written permission must be obtained before any works are started within the area of our apparatus

---

## 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](#).

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### **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 launderettes. 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 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

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 Operations Analyst  
Tel: 0800 389 0379  
[developmentoperations@scottishwater.co.uk](mailto:developmentoperations@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:** Nick Blowfield <[nick.blowfield@orkney.gov.uk](mailto:nick.blowfield@orkney.gov.uk)>  
**Sent:** 29 November 2022 15:53  
**To:** [planningconsultation@orkney.gov.uk](mailto:planningconsultation@orkney.gov.uk)  
**Subject:** RE: Planning Application Consultation 22/396/PP

Classification: OFFICIAL

Margaret,

**22/396/PP | Erect a replacement house (one for one) with an integral garage and an air source heat pump | Rennibister, Firth, Orkney, KW15 1TX**

Having reviewed the information provided by the applicant, Environmental Health have no adverse comments.

Kind regards

Nick

**Nick Blowfield**  
Environmental Technical Officer  
Environmental Health | Planning and Community Protection  
Neighbourhood Services and Infrastructure,  
Orkney Islands Council, School Place, Kirkwall, KW15 1NY  
Tel: 01856 873535 Ext: 2803 email: [nick.blowfield@orkney.gov.uk](mailto:nick.blowfield@orkney.gov.uk)

**INTERNAL MEMORANDUM TO: Islands Archaeologist**

Date of Consultation	1st December 2022
Response required by	22nd December 2022
Planning Authority Reference	22/396/PP
Nature of Proposal (Description)	Erect a replacement house (one for one) with an integral garage and an air source heat pump
Site	Rennibister, Firth, Orkney, KW15 1TX
Proposal Location Easting	339721
Proposal Location Northing	1012572
Area of application site (Metres)	1448
Supporting Documentation URL	<a href="http://planningandwarrant.orkney.gov.uk/online-applications/">http://planningandwarrant.orkney.gov.uk/online-applications/</a>  Please enter - 22/396/PP
PA Office	Development Management
Case Officer	Ms Margaret Gillon
Case Officer Phone number	(018560 873535 Ex2505
Case Officer email address	margaret.gillon@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

**Comments:**

Thank you for consulting me.

I satisfied that the proposal results in no significant effects on the setting of nearby historic environment assets such as Rennibister Earth House and Ingashowe Broch, since the proposed building stays within the nucleus of the farm and is no larger than existing buildings at Rennibister Farm.

However, it is not known how far any remains of the Iron Age farm settlement thought to be associated with the nationally important Scheduled Rennibister Earth House extends, or if any survive at all.

Therefore, I recommend that an **Intrusive Archaeological Evaluation** is attached as a condition to any planning permission granted, as below.

**Intrusive Archaeological Evaluation**

No site works in connection with the development shall commence unless a WSI (see below) is submitted to and approved in writing by the Planning Authority, in conjunction with Orkney's Islands Archaeologist, that details an intrusive archaeological evaluation of not less than 20% of the development site that is currently open field. The WSI shall include provision for dealing with human remains, artefacts, ecofacts, samples and structural remains, should any be found. The purpose of the evaluation is to gain information about the archaeological resource (including its presence or absence, character, extent, date, integrity, state of preservation and quality), in order to make an assessment of its merit, leading to the formulation of strategies to ensure the recording, preservation or management of the resource, to mitigate a threat to the archaeological resource or to propose further archaeological investigation, as appropriate.

**Reason:** In the interests of the protection of Orkney's archaeological and cultural heritage resources and to accord with Policies 8A and 8B(vi), Supplementary Guidance: Historic

### **Programme of archaeological works**

No site works in connection with the development shall commence unless a programme of archaeological works detailing an intrusive archaeological evaluation has been submitted to and approved in writing by the Planning Authority in conjunction with Orkney's Islands Archaeologist. The programme shall be detailed in a Written Scheme of Investigation (WSI) that has been submitted to and approved in writing by the Planning Authority. Works shall be funded by the applicant and carried out in accordance with the approved WSI(s) and subsequent updates, or the condition will not be discharged.

The WSI shall also include how any other conditions attached to the development will be fulfilled.

The following matters shall be included in the WSI, as relevant:

- i. Details of how the recording and recovery of historic environment and archaeological resources within the application site shall be undertaken, and how any updates, if required, to the WSI will be submitted for approval throughout the implementation of the programme of archaeological works.
- ii. The presence of significant archaeology shall be immediately reported to the Islands Archaeologist, so that mitigation strategies can be agreed with the developer to avoid or mitigate impact (which may include re-design, re-burial or leaving remains undisturbed below the development).
- iii. In the case of human remains being discovered, the development shall halt works until Police Scotland and the Islands Archaeologist are notified, and the remains dealt with according to the Historic Environment Scotland document 'The Treatment of Human Remains in Archaeology'.
- iv. The absence of archaeology shall be recorded by the developer's archaeologist, including sufficient record photographs to demonstrate that the site development has been monitored.
- v. Subject to the results of the archaeological works, whether survey, watching brief, evaluation or excavation, an appropriate scheduled and costed programme (or Post-Excavation Research Design) for the reporting, analysis, dating, dissemination of results, publication and archive deposition, shall be submitted as an update to the WSI for approval by the Planning Authority. Once the programme or PERD has been agreed, written confirmation must be provided to the Planning Authority demonstrating that an agreement is in place between the applicant and the appointed archaeological contractor, committing the applicant to fund the programme or PERD and for said work to be completed by an agreed date. The programme or PERD shall be carried out in complete accordance with the approved details, or the condition will not be discharged.
- vi. The archaeological work, any post-excavation analysis and reporting shall conform to the Chartered Institute for Archaeologists (CIfA) standards and guidances.
- vii. A hard copy report shall be submitted to and approved in writing by the Planning Authority. In addition, report and project shapefiles locating the areas surveyed, excavated and/or watched shall be submitted electronically to the Planning Authority. A report shall also be lodged by the applicant's archaeologist via OASiS, which will automatically produce an entry for Discovery and Excavation Scotland.
- viii. The archaeological works shall be conducted by suitably qualified archaeologists with an appropriate track record. The CV of all archaeologists involved in the development shall be attached to the WSI.
- ix. The Islands Archaeologist shall be notified, not less than five working days in advance, of the days on which the intended archaeological works are to be carried out, to afford the Islands Archaeologist the opportunity of monitoring the archaeological works. Access shall be afforded at all reasonable times to any archaeologist or person(s) nominated by the Planning Authority and shall allow such archaeologist or person(s) to observe work in progress and record items of interest and finds.

**Reason:** In the interests of the protection of Orkney's archaeological and cultural heritage resources and to accord with Policies 8A and 8B(vi), Supplementary Guidance: Historic



**INTERNAL MEMORANDUM TO: Roads Services**

Date of Consultation	22nd November 2022
Response required by	13th December 2022
Planning Authority Reference	22/396/PP
Nature of Proposal (Description)	Erect a replacement house (one for one) with an integral garage and an air source heat pump
Site	Rennibister, Firth, Orkney, KW15 1TX
Proposal Location Easting	339721
Proposal Location Northing	1012572
Area of application site (Metres)	1448
Supporting Documentation URL	<a href="http://planningandwarrant.orkney.gov.uk/online-applications/">http://planningandwarrant.orkney.gov.uk/online-applications/</a>  Please enter - 22/396/PP
PA Office	Development Management
Case Officer	Ms Margaret Gillon
Case Officer Phone number	(018560 873535 Ex2505
Case Officer email address	margaret.gillon@orkney.gov.uk
PA Response To	planningconsultation@orkney.gov.uk

**Comments:**

No adverse comment provided the informative noted below is applied to any planning permission that may be granted.

**INFORMATIVE**

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.

# Planning Handling Report

## 1. Application Details

Application Reference:	22/396/PP
Application Type:	Application for Full Planning Permission
Proposal:	Erect a replacement house (one for one) with an integral garage and air source heat pump
Location:	Rennibister Farm, Rennibister, Firth KW15 1TX
Applicant:	Mr A Watson
Agent:	N/A

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

## 2. Consultations

### 2.1. Roads Services.

The Roads Authority received a consultation request on 22 November 2022. The Roads Authority recorded “No adverse comment” subject to the following factors being managed through any planning permission which may be granted:

- 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.

### 2.2. Environmental Health.

There is no information in the Planning Services File made available to the Local Review Body to confirm what date the Environmental Health Service was consulted. However, there is an e-mail response from the Environmental Health team’s Environmental Technical Officer dated 29 November 2022 (15:53). This states that “having reviewed the information provided by the applicant, Environmental Health have no adverse comments”.

## **2.3. Scottish Water**

There is no information in the Planning Services File made available to the Local Review Body to confirm what date Scottish Water were consulted. However, there is a letter response from Scottish Water's Development Operations Analyst dated 24 November 2022. This states that Scottish Water "has no objection" to the planning application.

The Scottish Water response goes on to advise that there is no public waste water infrastructure within the area and that the applicant should explore private treatment solutions. Scottish Water also advise that there is live Scottish Water Infrastructure in the proximity of the development area and that the applicant must identify any potential conflict with such assets and contact the Scottish Water Asset Impact Team to request written permission before any works are started within the area of Scottish Water assets.

## **2.4. Islands Archaeologist**

The Orkney Islands Archaeologist received a consultation request on 1 December 2022. The Islands Archaeologist confirmed that they were satisfied that the proposal would result in no significant effects on the setting of nearby historic environment assets such as Rennibister Earth House and Ingashowe Broch. However, the Islands Archaeologist advises that there may be further remains associated with Iron Age farm settlement which may be associated with the nearby nationally important Rennibister Earth House which is a Scheduled Ancient Monument. Two planning conditions are recommended to be attached to planning permission should this be granted. These are detailed in section 9 below.

## **2.5 Pre-application advice**

Within the Planning Application documentation in the Planning Services file made available to the Local Review Body, the applicant states that pre-application advice was sought and received. The applicant states that relevant drawings and overall site development proposals and possible future development information was emailed and discussed, with information being provided by planning officers 27 July 2021. The applicant states that the outcome of this pre-application engagement was "Generally agreed on the proposals put forward and taken as pre-application advise" and that "all information provided within this planning application was based on discussions and information given out with the preapplication advise received".

There is no further information available in the Planning Services file made available to the Local Review Body regarding this statement from the applicant.

There are no other consultation requests or responses within the Planning Services File made available to the Local Review Body.

## **3. Representations**

**3.1.** There is no information on neighbour notification in the Planning Services File made available to the Local Review Body. However, it is recorded in the report to the

Local Review Body of 31 March 2023 (Item 4.2) that representations had been invited from “interested parties” but that no representations had been received.

#### 4. Relevant Planning History

Reference	Proposal	Location	Decision	Date
19/042/SCO	Scoping opinion request to erect 5 * 4MW turbines (max height 125m)	Rennibister, Firth, Orkney, KW15 1TX	Unknown	
16/225/APN	Erect a GP Shed	Rennibister, Firth, Orkney, KW15 1TX	No objections	9/06/2016
13/203/PN	Upgrade existing 11kv overhead line	Rennibister, Firth, Orkney, KW15 1TX	Decided	4/06/2013
12/800/TPP	Amend planning permission 12/108/TPP to change from a 900kW wind turbine (max height 67m) to a 900kW wind turbine (max height 77m), switchgear building and access track	Rennibister, Firth, Orkney, KW15 1TX	No objections	3/4/2013
12/650/PP	Re-roof and extend existing farm building, and erect an adjoined farm building	Rennibister, Firth, Orkney, KW15 1TX	Grant subject to conditions	1/11/2012
12/108/TPP	Erect a 900kW wind turbine (max height 67m), switchgear building and access track	Rennibister, Firth, Orkney, KW15 1TX	Grant subject to conditions	25/06/2012
05/149/PPF	Erect bedded cattle court and barley store	Rennibister, Firth, Orkney, KW15 1TX	Grant subject to conditions	7/06/2005

16/225/APN, 12/650/PP and 05/149/PPF are considered relevant to the Assessment of the status of building redundancy as a candidate for one for one replacement presented in Section 7 of this report. 12/800/TPP is relevant to consideration of



potential requirement to address noise impact associated with the wind turbine and this current planning application.

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

### **5.1.**

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

### **5.2.**

The planning application falls to be considered against all policies within the Local Development Plan and the National Planning Framework. For the purposes of this assessment, the key policies, supplementary guidance and planning policy advice listed below are considered relevant to this application:

- Orkney Local Development Plan 2017:
  - The Spatial Strategy.
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 5E(iii) Housing in the Countryside – The replacement of an existing building or structure
- Supplementary Guidance: Housing in the Countryside (March 2021).
- National Planning Framework 4.

## **6. Legal Aspects**

### **6.1.**

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”

### **6.2.**

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

### 6.3.

Annex A continues as follows:

- The House of Lord's judgement also set out the following approach to deciding an application:
  - Identify any provisions of the development plan which are relevant to the decision.
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
  - Consider whether or not the proposal accords with the development plan.
  - Identify and consider relevant material considerations for and against the proposal.
  - Assess whether these considerations warrant a departure from the development plan.
- There are two main tests in deciding whether a consideration is material and relevant:
  - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
  - It should relate to the particular application.
- The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
- The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
  - Scottish Government policy and UK Government policy on reserved matters.
  - The National Planning Framework.
  - Designing Streets.
  - Scottish Government planning advice and circulars.
  - EU policy.
  - A proposed local development plan or proposed supplementary guidance.
  - Community plans.
  - The environmental impact of the proposal.

- The design of the proposed development and its relationship to its surroundings.
- Access, provision of infrastructure and planning history of the site.
- Views of statutory and other consultees.
- Legitimate public concern or support expressed on relevant planning matters.
- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

#### **6.4.**

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

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

#### **6.5.**

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

#### **6.6. Status of the Local Development Plan**

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

#### **6.7. Status of National Planning Framework 4**

##### **6.7.1.**

National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. The statutory development plan for Orkney consists of the National Planning Framework and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of NPF4 and a provision of the

Orkney Local Development Plan 2017, NPF4 is to prevail as it was adopted later. It is important to note that NPF4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.

### **6.7.2.**

In the current case, there is not considered to be any incompatibility between the provisions of NPF4 and the provisions of the Orkney Local Development Plan 2017 to merit any detailed assessment of this planning application in relation to individual NPF4 policies.

## **7. Assessment**

### **7.1. Site Description**

The application seeks full planning permission to develop a replacement house with an air source heat pump and integral garage at Rennibister Farm, Firth. The application therefore seeks to establish the principle of development of a new house in the countryside as a one for one replacement for a redundant farm building.

The applicant states that the proposal was subject to pre-application advice.

The application site is set within a complex of “original” farm buildings of mixed age and block/concrete or stone construction which appear in to be early-mid 20<sup>th</sup> century or older. In addition to functional farm buildings, there is a 2 storey farm house currently in occupation which forms part of the farm building complex. The application would require the demolition of three block/concrete construction buildings. In addition to farm buildings within the immediate vicinity of the application site, there are a number of large modern farm buildings located a short distance to the north east of the original farm building complex which the applicant identifies as the “working farm” buildings. The planning history at Section 4 above indicates these buildings would have been constructed within the last 10-20 years.

The proposed development is to be a 2 storey building which will be set to a roughly east-west orientation, similar to the existing building line of the existing farm house which is situated to the east of the application site. The proposed orientation would also roughly align with the main public A965 Road. The integral garage will be a single storey building attached to the rear/north elevation of the main dwelling house. Both buildings will have pitched gable roofs with a small flat roof connecting section to the rear of the main dwelling house. Access to the dwelling will be from the existing farm access which is a well maintained farm access track leading from the A965. There is public access to the first part of this access, allowing public to park and walk to visit the Rennibister Earth House which is located within the farm building complex. A mix of rough dash harling and weatherboarding materials are proposed for all new buildings with Cambrian slate roofing tiles, grey windows and doors and black fixtures. The proposed boundary treatment is post and wire fencing.

It is proposed that the original farm dwelling house will be vacated following this development and the applicant notes that this could have potential for redevelopment at a later date (not forming part of this planning application). Further

future development of other buildings within the original farm complex is indicated in the Development Statement, but does not form part of this planning application.

The building to be replaced is described by the applicant as “an existing storage shed” and identified as building 03 in the planning application supporting information. The building is single storey likely concrete or block construction with a damaged (holed) tiled roof. This building is smaller than the proposed replacement building, but it is proposed that the new dwelling house will partially occupy the main part of this original building footprint and follow similar alignment/orientation. The building is in a poor state of repair with broken guttering, holed roof and cracked cement render (there is possible indication of structural damage at the north western corner but this is not professionally verified as structural). The building interior has evidence of past use for farming activity which looks to have included animal housing most likely associated with lambing activity. The interior of the building presents an abandoned feel, with a build up of undisturbed moss/detritus on the floor, broken structural rafters, disconnected/loose electrics and general disrepair. Two other buildings are also proposed for demolition as part of this application – identified as buildings 04 and 05 in the planning application supporting information. These buildings are of a similar age, and similar state of use/condition. Evidence of farming supplies was found within these buildings with use by date of 2002, 2013 and 2014.

## 7.2 The Principle of Development

The **Local Development Plan Spatial Strategy** establishes the Council’s desire to support the economic and social aspirations of rural communities by providing multiple opportunities for the development of new rural homes whilst seeking to protect Orkney’s landscape and natural environment.

**Local Development Plan Policy 5E and Supplementary Guidance: Housing in the Countryside (2021) are relevant.** Local Development Plan Policy 5E states the following:

*Single Houses and new Housing Clusters in the Countryside Outwith the settlements, on the Mainland and Linked South Isles, developments of single houses and housing clusters will be supported where it involves one of the following:*

- i. The reinstatement or redevelopment of a former dwelling house;*
- ii. The conversion of a redundant building or structure;*
- iii. The replacement of an existing building or structure;*
- iv. The re-use of brownfield land, where the previous use is evident on site;*
- v. The subdivision of a dwelling house or its residential curtilage;*
- vi. Single house infill development within existing housing groups; vii.*

*The provision of a single dwelling house for a rural business where 24 hour supervision is an operational requirement; or viii. The provision of a single dwelling*

*house to allow for the retirement succession of a viable farm holding. If a building or structure is of architectural and / or historic merit, the consolidation and retention of the building will be required by planning condition through options i), ii), iii) or iv).*

Supplementary Guidance Policy 5Eiii establishes three types of building which can be considered as sacrificial for a one for one replacement in the Countryside. This includes “A building or structure that is redundant and complies with the definitions of this Supplementary Guidance”.

The Policy establishes that the Planning Authority may ask for additional evidence to support the definition of redundancy if it appears suitable for its use with the example provided - if the building forms part of a working farm or a commercial building that is in a good state of repair. Where a building has no architectural merit the original building can be removed from the site with the replacement dwelling being located on the same site. Where a proposed house may form part of a larger site where there may be opportunities for more than one housing development, a Site Development Statement as noted in Development Criteria DC1 within the Supplementary Guidance, will be required.

The building that is to be considered as sacrificial for the one for one replacement is located within the original group of buildings which form part of the Rennibister Farm complex. It may therefore be considered part of a working farm in terms of the policy. It is then necessary to consider whether the building “appears suitable for its use”. The information provided by the applicant within the Development Statement states that the “working farm” is focused on the modern larger farm buildings to the north east of the original farm building complex, and that buildings 03, 04 and 05 are redundant and proposed for demolition.

This position was verified by my site visit with buildings clustered around the original farm house all having the appearance of not having been actively used for farming activity for several seasons. The photographs at Appendix 2 illustrate this judgement, which evidences the following factors:

- Build up of moss/detritus on the flooring – undisturbed other than by natural rainfall through the holed roof in some places, with no evidence of animal or human footprints
- Roof and weather goods in very poor state of repair – holed, incomplete tiling, broken internal rafters, substantial leaking
- Cramped internal fixture arrangements, animal housing and doorway – unlikely to be in keeping with modern farming practice/requirements
- Disassembled electrics and lighting (no apparent functioning electric or lighting)
- Evidence of farming materials within the buildings with use by dates of 2002, 2013 and 2014. This evidence from farming materials broadly co-incides with the planning history noted in section 4 above – indicating the period when the main working farm activity migrated to new buildings to the north east of the original farm complex.

- General character of historic/past/non-current use of building 003 and surrounding buildings with the main working farm activity appearing to have migrated to modern, larger farming buildings to the north east.

As noted, it is apparent that the operational farm has moved to the new building complex to the north east where there was active farm activity on the day of the site visit and modern, machinery and equipment present. This contrasted markedly with the disused character of buildings 03.04 and 05 which have a general feeling of historic/past use rather than present activity. A photograph of this working area is provided at Appendix 2. I am therefore satisfied that the building is no longer suitable for its original use by virtue of its present condition and state of repair, and the fact that modern farming practice for Rennibister relies upon the more spacious, modern accommodation to the north east.

In terms of architectural or historic merit, building 03 (and 04 and 05) are not considered to have intrinsic architectural or historic appeal or merit.

**Based on these factors, I am satisfied that there is sufficient evidence of redundancy, that the property identified as building 003 has no architectural or historic merit and thus that it presents a legitimate case as a candidate to support 1 for 1 replacement in terms of Supplementary Guidance Policy 5Eiii.**

### **7.3 Design considerations**

The Local Development Plan Policies 1 Criteria for All Development, Policy 2 Design and Supplementary Guidance Housing in the Countryside establish policy parameters for considering the design merits of planning applications in Orkney. This context establishes the ambition of the Planning Authority to secure good quality development across Orkney, and that design is a material consideration of significant weight for all planning applications.

The Planning Application comprises site layout and building design plans as follows:

- Drawing 001 – Existing Site Location and Site Layout
- Drawing 002 – Proposed Site Location and Site Layout
- Drawing 003 – Existing Farm buildings – current and future use
- Drawing 004 – Site Layout Possible Future Development
- Drawing 005 – Proposed layout and elevations
- Drawing 006 – Proposed elevations and sections

A Development Statement has also been prepared to present further details on the design and site development considerations that have informed the proposed development.

### **7.3.1 Policy 1 Criteria for All Development; Policy 2 Design and Supplementary Guidance Development Criteria**

All developments are required to be sited and designed with due consideration of the setting and character of the area in which they are proposed. This is a fundamental principal of development and is stated as the foremost requirements of development as stated in the Local Development Plan Policy 1 and Policy 2 as follows:

#### **Policy 1:**

*Development will be supported where:*

- i) it is sited and designed taking into consideration the location and the wider ii) townscape, landscape and coastal character;*
- ii) the proposed density of the development is appropriate to the location*
- iii) it is not prejudicial to the effective development of, or existing use of, the wider area.*

and **Policy 2 Design** which establishes fundamental principles that development must be assessed in terms of character, appearance, access, energy and lighting considerations.

**Supplementary Guidance Housing in the Countryside** provides further detailed information to supplement this policy including Development Criteria to direct development. Nine Development Criteria (“DC”) are established. This includes DC1 which establishes the requirement for Development Statements to be prepared with the first planning application. An example Statement is provided within the SG.

Eight further Development Criteria are established to direct consideration of site location (including fit within the landscape setting) (DC2), management of scale and form (DC3), addressing relationship with other buildings and roads (DC4), roads infrastructure capacity (DC5), consideration of biodiversity (DC6), managing foul drainage in terms of consideration of the water environment (DC7), historic value of existing buildings (DC8), establishing a maximum curtilage for new properties of no more than 1,500 SQM (DC9) and finally incorporation of low carbon technologies (DC10).

The remainder of this section considers the planning application against this policy framework to inform a judgement on the suitability of the proposed design.

The proposed new building is considerably larger (**scale, massing and height**) than the building which it is intended to replace (building 03). However, buildings 04 and 05 are also to be demolished, with the new house to be sited partially on the site of building 03 and occupying land which will also be vacated by these other buildings. Whilst the new house is up to 2 storey high (compared to the single storey buildings that it is to replace), the 2 storey height is not considered to be out of keeping with the overall setting of the farm building complex, which includes the original farmhouse building which is formed across two buildings (a main 2 storey building



and a secondary single storey building) and a mix of other larger farm buildings across the Farm complex. Consideration of final site levels to ensure as far as possible alignment with existing site building ridge levels can be addressed by site level/landscaping planning condition.

The proposed **building line** has also been chosen to fit well with the building line and orientation of the original farm house and other buildings in the complex; being slightly offset from the original house line, but on the same primary east-west axis, addressing the main elevation towards the main public road. The proposed new buildings, whilst they will be dominant within the overall farm complex from main public viewpoints, are not considered to be significantly dominant, particularly when considering the role of the new building which is to replace the existing farmhouse as the main dwelling at Rennibister Farm.

In terms of **landform** considerations, the site slopes downwards in an east to west orientation across the development site. The Site plans/elevations available to the LRB do not provide details of how the proposed new building foundations will accommodate this site slope, or how the final site form will address the slope. This is considered an important matter to ensure that the building sits well not only with neighbouring buildings, but within the site form and surrounding environment. The Development Statement does not provide any information on landscaping, other than a brief mention of boundary treatments which are to be as per existing, repaired or replaced with similar walling or post and wire boundary fencing. However, Plan 004 confirms the proposed domestic curtilage of the new property as 1,400 SQM in compliance with DC10 of the SG.

**Site landscaping** should be designed to minimise visibility of underbuilding, and ensure that the final site landscape and layout presents a “natural” appearance and transition from the new buildings into the surrounding fields. This could be supported by site planting features also. Ideally a site section/landscape plan would be submitted with the planning application to demonstrate how these factors will be accommodated in the detailed site level/building arrangement plans. However, this omission is not necessarily considered of sufficient weight to warrant refusal in its own right on the basis that it could be addressed through planning condition requiring detailed information on final site levels and landscaping in order to ensure that the development integrates as effectively with existing landform, and minimises underbuilding, as far as possible. Site landscaping and levels are therefore recommended as a matter for detailed management through a planning condition which requires detailed agreement on site landscaping, to include site boundary treatment, planting, final site levels and landform features, with the aim being to ensure an effective “naturalistic” transition of the new built area into the surrounding fields, with particular focus on how this is viewed from the main public road A965.

The proposed **materials** are detailed on the site elevation plans 005 and 006 and in the Development Statement as follows:

- Roof – Flat profile Cambrian slate – slate grey or similar approved
- Walls – White render base with dashing chips “Glenarm”
- Windows and Doors – uPVC Colour Anthracite RAL7016

- Facias and Soffits – uPVC Anthracite RAL7016
- Rainwater goods – uPVC – black
- Garage doors – Anthracite colour
- In addition, detailing on the south elevation (lounge gable) and garage are to be Weatherboarding (Anthracite Grey)

The overall arrangement of materials and choice of materials are not considered to be out of keeping with new contemporary housing elsewhere in similar settings across Orkney. The proposed building design is relatively simple and uncluttered with weatherboard feature gable breaking up the main public south elevation, and additional weatherboarding on the rear (northern) garage building carrying through this weatherboarding design feature. The building will be prominent within the farm complex, but this is not considered to be out of keeping with the function of the building which is to be established as the main farmhouse dwelling for Rennibister. Critically the new building is to be located within the original footprint of part of the redundant buildings 003, 004 and 005 and following a similar building line/orientation – therefore retaining the link with the Rennibister farm complex and presenting effectively to the main public road.

However, a key consideration in terms of the relationship of Rennibister Farm with the **wider landscape setting** is the colour of buildings. When viewed from a distance, for example from the main road to the south, the present farm complex presents a generally muted darker appearance which blends well with the wider landscape and sea-scape context. Colour of new materials will be a critical factor to integrate the buildings with the complex. Whilst plans 005 and 006 include some detail of materials, it is considered prudent that if the planning application is to be approved that the choice of final materials is managed carefully to ensure that new materials do not unacceptably dominate this overall character of the farm complex in its' setting. This could be achieved through a planning condition to closely manage the final agreement on material choices.

**Access** is to be taken from the existing access track. This is a private access road, with the additional consideration of the fact that public visitors will use the track to visit the Rennibister Scheduled Monument. Car parking is proposed within the new development proposal including garage and external parking arrangements for up to 3 cars adjacent and to the side and rear of the new dwelling. The Roads Authority has not raised any concerns with the proposed development. It is therefore considered that the proposed access utilising the existing access track is acceptable.

A 77m high, 990KW **wind turbine** is located to the north east of the site. This places the development site potentially within noise risk parameters of the existing turbine. The applicant has confirmed that the proposed new dwelling house is to be directly associated with the current operating wind turbine and that legal provision will be established through title deeds to link the turbine with the new property. The Council's Environmental Health team has confirmed that they have no objection to the planning application as proposed. The matter of potential noise disruption from the wind turbine can therefore be addressed through planning condition.

In terms of **energy considerations** for the proposed development, solar thermal panels and air-water heat pump systems are proposed. These will establish efficient heating systems to minimise use of energy arising from the new development.

In terms of **water, drainage and flooding** considerations, Plan 002 indicates the approximate location of a septic tank and soakaway which is located down slope to the west of the proposed house. The planning application form conforms that a connection to public water supply is proposed, and that no sustainable urban drainage systems are proposed. The applicant has further stated that the site is not in a known flood risk area, or likely to increase flooding elsewhere. There is limited information provided on these issues, and no consideration of biodiversity factors. However, the site plans indicate that the site area is of sufficient extent to accommodate appropriately engineered private drainage solutions with no heightened drainage concerns apparent from constraints mapping nor raised by Scottish Water. There are also no flood or water management concerns raised through the consultation. Scottish Water have recommended processes to follow to secure connections and manage infrastructure which can be secured by appropriate planning condition(s). Biodiversity considerations can also be addressed through a planning condition associated with site landscaping, where appropriate structural planting can be required to increase site biodiversity.

**Archaeology** considerations have been established by the Islands Archaeologist – associated mainly with the Scheduled Rennibister Earth House which is located to the east of the application site within the Rennibister farm building complex. The Islands Archaeologist does not raise any issues of concern with the principle of the loss of existing buildings, or the development of a new dwelling at this location. However, planning conditions are recommended to ensure appropriate professional archaeological supervision of the development process, and action which should be taken should new archaeological evidence emerge through the development process.

### **7.3.2 Site Development Statement**

Supplementary Guidance Development Criteria 1 states that where a site has potential to deliver more than one house the overall development should be planned as a whole to ensure cohesion of design and layout. A Development Statement for the whole site is to be prepared and submitted with the first planning application for the site.

A “Development Statement” and plans (2.no) “Plan 003 Existing Farm Buildings – current and future use” and “ Plan 004 Site Layout – possible future development” have been provided as part of the planning application submission.

The Development Statement includes:

- written information regarding the overall site which confirms the current status of the individual buildings within the farm unit
- notes which buildings are to be retained as part of the working farm (buildings 01 on plan – 6 buildings)

- notes which buildings are proposed to be demolished as part of this planning application (buildings 03, 04 and 05 on plan, 3 buildings)
- notes that building 03 is the building which is proposed for demolition in relation to the assessment of the 1 for 1 policy assessment
- notes which buildings which remain in use for storage and are to be retained (buildings 06,07, 08 and 011 on plan, 4 buildings). All these buildings are identified as having some potential for re-use/refurbishment in the future.
- notes buildings which may be considered at a later date for future development (buildings 09 and 10 on plan, 2 buildings). These buildings are identified as requiring demolition.
- notes the existing farm house which is not considered part of this development and would require refurbishment and structural works to be retained as a dwelling house (building 02 on plan, 1 building).
- Information on pre-application advice
- Information on the description of works, consideration of the site setting, landform character, roads, buildings, access and parking arrangements, outbuildings, site boundaries, massing and scale. It also provides some limited information on the proposed building material choices (roof, walls, windows and doors and materials).
- Manufacturer's details on the air source heat pump and solar equipment is also referred and provided as part of the planning application.
- Information of the existing wind turbine which is located nearby, which includes the commitment to a legal agreement being established to confirm that the new dwelling house would have a financial connection to the turbine; this would control occupation of the dwelling through title deed commitments.

Plan 003 is a 1:1250 scale plan (at A3). This presents basic building arrangement Details for all of the farm buildings which are colour coded and numbered according to the proposed future status of each building (as per the Design Statement information above). This includes the core "working farm" buildings 01 which are located at a short distance to the north east of the original group of farm buildings. A short description of each building is also provided.

Plan 004 is a 1:1250 scale plan (at A3). This presents a basic site plan which focuses only on the original group of farm buildings (excluding the "working farm" buildings 01). Plan 004 illustrates the arrangement of buildings which would be in place post development of this present planning application. It further identifies 3 additional future "development areas". There is no substantive detail provided for these areas.

**Assessment:** *The Development and Statement and Associated Plans do not follow the template provided within the Supplementary Guidance. Nor do they provide substantial detail or illustration of future development potential or likely intended scale or type of development which may be considered at a later date. There is no assessment of roads or infrastructure capacity matters or any design or landscaping considerations.*

*However, they are an attempt to establish a basic framework for developing future plans which the Development Statement anticipates could involve a mix of reuse and refurbishment of some buildings and demolition of others. This is also not a greenfield site where consideration of common shared access, boundary treatment, provision of open space etc are more critical considerations to set in place with the first planning application. The farm complex is a built up area and working farm. The proposed development does not directly influence or limit future development potential of the wider complex as it would for a greenfield site.*

*A strict interpretation of Supplementary Guidance DC1 could reject this information as insufficient to meet the core purpose of the Supplementary Guidance to establish the future development potential of the site and buildings, and establish direction on core planning matters such as scale, massing, access etc. The Local Review Body may therefore decide that the information provided is insufficient to satisfy the Supplementary Guidance and refuse the application on such grounds.*

*However, I have undertaken an anecdotal review of the Planning Register and find that other applications have been granted in recent times with a not dissimilar level of information or style of Development Statement being provided. The fact that this planning application relates to an existing working farm building complex rather than a greenfield site is also a critical consideration in determining the level of risk arising from proceeding with the limited level of detail presented in the Development Statement at this first application stage. **I do not believe the level of risk to be sufficiently high to warrant refusal of planning permission on the basis of the limited information presented in the Development Statement as an issue in its own right in this case.** This should not be considered a precedent for future applications, but rather a judgement on this specific case and the level of risk associate with impact on future development activity.*

## **8. Conclusion and Recommendation**

Section 7 provides an overview of the key policy considerations relevant to this planning application and an appraisal of the level of compliance of the proposed development with the Development Plan and other material considerations. No objections have been received, with the representations that have been received by relevant consultees being possible to address through planning conditions.

The principle of development is to be tested through Policy 5E of the Local Development Plan and Supplementary Guidance Housing in the Countryside. It is recommended that there is sufficient evidence (as outlined at section 7.2 and Photographs at Appendix 2) that the new dwelling would replace a building that can be confidently considered to be redundant as a working farm building. The proposed sacrificial building is also not considered to have architectural or historic merit. The proposal to demolish the building, and two other buildings of similar style, age and character is also considered acceptable in terms of wider Development Plan Design

considerations. The principle of the development of a new dwelling at this countryside location is therefore considered acceptable and compliant with the Development Plan Spatial Strategy and Housing in the Countryside Policy.

The Local Development Plan and Supplementary Guidance then establish the design considerations which must be considered in coming to a determination of suitability of a proposed development in terms of particular consideration against Local Development Plan Policy 1 and 2 and Supplementary Guidance Development Criteria. Design factors alone can carry sufficient weight to warrant refusal of a planning application. In addition to standard building form, appearance and character considerations is the Supplementary Guidance Development Criteria 1 which requires that where a site may include development of more than 1 dwelling that a Development Statement should be provided with the first planning application.

A Development Statement has been included with this planning application. This identifies the future development potential for other buildings within the farm complex, including the existing farmhouse which is proposed to be vacated if the new dwelling which forms the subject of this planning application is built. No details of the future development potential or form of development is provided.

The Development Statement is a basic document and does not closely align with the example template Development Statement set out within the Supplementary Guidance. However, it does provide some basic information on some of the factors listed in Supplementary Guidance DC1 including wider site, siting and access. There is no information on wider parking, drainage, open space or other development features. As noted above, whilst not strictly in line with the DC1 requirements, the fact that this is not a greenfield site is considered to present a critical mitigating factor in this case – as the impacts of an unplanned development on matters such as access, open space etc are less critical in this case where there are fixed structures and access points associated with the working farm. A strict interpretation of the Supplementary Guidance could warrant consideration of refusal as this is not strictly compliant with the Development Plan requirement for a comprehensive Development Statement to be provided. However, this is not considered a proportionate approach in this case to warrant refusal.

Local Development Plan Policy 2 Design and Supplementary Guidance Development Criteria provide the core tests for the suitability of the design approach which is applied to new development. As detailed in section 7, whilst the proposed new building will establish a dominant new building within the Rennibister Farm complex, this is not considered to be inappropriate for the new house which is to become the main farm dwelling at Rennibister Farm. The proposed max 2 storey building is also in line with the existing 2 storey form of the existing farmhouse. Choice of materials and building detailing proposed are relatively simple and inline with other new build developments in the countryside elsewhere in Orkney. However, given the imperative to ensure that the new building can be associated closely with the wider Rennibister farm complex, a planning condition to address further detailed consideration of materials proposed. A further planning condition to address landscaping, including treatment of any site boundary treatment, levels, screening of underbuilding and biodiversity considerations is proposed. Planning conditions to address matters raised by consultees, including the Roads Authority,

Islands Archaeologist and Scottish Water are also proposed. Based on this assessment, and the capacity to attach planning conditions the proposal is considered to comply with LDP Policy 2 and Supplementary Guidance Development Criteria.

Based on the assessment presented in Section 7 of this report, and subject to the attachment of conditions as set out in Appendix 1 **it is recommended that this planning application can be considered to accord with the Development Plan, and that there are no material considerations of sufficient weight indicating that it should be refused. Consequently it is recommended that full planning permission is granted, subject to conditions as outlined in Appendix 1.**

## **9. Appendices**

### **Appendix 1: Planning Conditions**

This report has been prepared by an independent planning advisor to respond to the Local Review Body request. It has not been appropriate for the Independent advisor to discuss the case with Council planning officials. The assessment has been completed through independent site visit and access to the Planning Services file information available to the Local Review Body only. **In order to ensure that planning conditions are attached to the planning permission which comply with the Planning Authority standard terminology and practice, should the Local Review Body decide to grant planning permission it is recommended to delegate the detailed definition of planning conditions to the Council's Planning Advisor officer team.**

To support direction of drafting of conditions, it is recommended that in addition to any standard planning conditions considered appropriate by the Local Review Body or those that are routinely attached to every Orkney Islands Council planning permission, that conditions are drafted and attached to the planning permission to the satisfaction of the Council's Planning Advisor officer team to address the following matters referred in this report:

#### **Roads Authority related conditions:**

1. A condition to require that 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.
2. A condition to address the fact that it is an offense 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.

#### **Environmental Health related conditions:**

3. A condition to establish the requirement that prior to occupation, Legal agreement is established within the title deeds to the new dwelling house which

links the new dwelling house to the existing wind turbine located to the north east of the Farm complex. This in order to mitigate the likely risk of noise thresholds being breached within the new dwelling, due to proximity factors.

**Scottish Water related conditions:**

4. A condition to establish the requirement that prior to works commencing, the applicant must engage with Scottish Water to address potential impact on Scottish Water Assets and that if necessary written permission be obtained and evidenced to the Planning Authority from Scottish Water to address any concerns prior to commencement of development.

**Archaeology related conditions:**

5. A condition to establish the requirement that prior to works commencing, a Written Scheme of Investigation that details intrusive archaeological evaluation of not less than 20% of the development site that is currently open field is submitted and approved by the Planning Authority in conjunction with the Islands Archaeologist. Please see Islands Archaeologist consultation response (pages 37 and 38) included within the Planning Services File for full text recommendation for this condition.

6. A condition to establish the requirement that prior to works commencing, a Programme of Archaeological works which will be funded by the applicant and including details of the intrusive archaeological investigation is approved by the Planning Authority in conjunction with the Islands Archaeologist. Please see Islands Archaeologist consultation response (pages 38 and 39) included within the Planning Services File for full text recommendation for this condition.

**Other conditions:**

7. A condition to establish the requirement that prior to works commencing, there is detailed approval from the Planning Authority on a schedule of materials including the use of colour of materials, in order to ensure that the final colour and appearance of new buildings presents effectively and appropriately within the context of the existing farm complex, and within the wider landscape setting. This could include the requirement for material samples to be provided and agreed by the Planning Authority.

8. A condition (or conditions) to establish the requirement that prior to works commencing, a Landscaping plan and site level plan is prepared and submitted for approval by the Planning Authority to include details of final site and building levels, earth movements and planting in order to ensure minimal underbuilding visibility in the final finished development profiling with the aim to ensure an effective “naturalistic” transition of the new built area into the surrounding fields. Also with consideration of building height ridge levels to ensure that as far as possible new buildings fit well within the remaining original farm building complex (key reference point being the existing 2 storey farm house building). A particular



focus for this condition will be how the overall collection of buildings is viewed as a unit from the main public road A965. This also to include details of site landscaping, to include site boundary treatment and proposed schedule of planting which will result in overall net improvement to local biodiversity within the site area.

9. A condition to establish the requirement to incorporate the solar and air source heating system specification as outlined in the documentation submitted with the Planning Application ( Grant and Daikin systems as specified).

10. A condition to establish the planning use and function of the rear/north single storey new building as a garage/utility/office space directly associated with the main dwelling as constructed.

**Appendix 2 – Site Photographs – site visit 19/04/2023 12:50 -13 :45**

**Contact**

Mr Gavin Barr, MRTPI

Independent Planning Advisor, Aquatera Ltd.

25 April 2023.

## APPENDIX 3a SITE PHOTOGRAPHS





**Distant View from west towards Farm**



**Distant View from east towards Farm**



**View of Farm complex from main road (south)  
- showing sloping site from east to west**



**Building 3 (north and east)  
candidate for 1 for 1 redundant building**



**Building 3 (north and west)  
candidate for 1 for 1 redundant building**



**Building 3 (west)  
candidate for 1 for 1 redundant building**





**Building 3 (south)  
candidate for 1 for 1 redundant building**



**Building 3  
cracked render and broken guttering**



**Building 3  
fallen tiling**



**Building 3  
holed roof**



**Building 3 interior  
holed roof**



**Building 3 interior  
broken timber roof struts**





**Building 3 interior  
disfunctional electrics**



**Building 3 interior  
tight-cramped stalls**



**Building 3 interior  
detritus accumulated over seasons with  
leaking puddle marks on floor from holed roof**





Building 3 – tight/small entrance



Building 5 and corner of building 6



Building 6 - entrance



Farming supplies dated 2014



Farming supplies dated 2013



Farming supplies dated 2002





**The “Working Farm” area to the north east of the original farm complex – larger, modern farm buildings, machinery and farming activity.  
Wind turbine in distance.**

