

## Item: 4.1

**Planning Committee: 31 May 2023.**

**Realign Section of Road, including Culvert and Attenuation Basin, of the A961 in Holm.**

**Report by Corporate Director for Neighbourhood Services and Infrastructure.**

### 1. Summary

#### 1.1.

Planning permission is sought for the realignment of an 850-metre section of the A961 in Holm, between Kirkwall and St Mary's, with limited culverting works, creation of an attenuation basin and ancillary works. Three objections have been received on grounds including road safety, impact on amenity, public access for leisure, historic environment and being contrary to policy and process regarding the Environmental Impact Assessment Regulations. Whilst in the vicinity of the proposed Scapa Deep Water Quay, the current application is for road realignment works only, without prejudice to process and assessment for any future development. It is considered that the proposed development complies with relevant policies of the Orkney Local Development Plan 2017, Supplementary Guidance, Planning Policy Advice and relevant provisions of National Planning Framework 4. Objections are of insufficient weight to warrant refusal. Accordingly, the application is recommended for **approval**.

Application Number:	22/423/PP.
Application Type:	Planning Permission.
Proposal:	Realign 850-metre section of road, including culvert and attenuation basin.
Applicant:	Orkney Islands Council, c/o David Sawkins, Marine Services.
Agent:	Orkney Islands Council, c/o David Custer, Engineering Services, Council Offices, School Place, Kirkwall, KW15 1NY.

#### 1.2.

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

## **2. Consultations**

### **2.1. Roads Services**

No objection, subject to conditions regarding a construction phase plan, forward visibility splays and surface water drainage, and an informative for the repair of any damage to the existing road infrastructure during the construction of the development.

### **2.2. Engineering Services**

No objection, with confirmation that information provided demonstrates surface water from the development would be adequately treated and that the culvert would have the necessary capacity.

### **2.3. Development and Marine Planning – Environment**

No objection, subject to conditions including protection of European Protected Species (otter), wider biodiversity and sustainable drainage.

### **2.4. Scottish Water**

No objection, noting that there is Scottish Water infrastructure in the proximity of the development that may impact on existing Scottish Water assets.

### **2.5. Islands Archaeologist**

No objection, noting that proposed works avoid all known archaeological sites and buildings of historic significance, including the former engine / power house serving the Netherbutton Chain Home Radar Station in World War II. The Islands Archaeologist notes:

“As Netherbutton was not connected to the mains supply, this building provided the main power supply for the station and housed two 60kw generators driven by 175HP Blackstone diesel engines. On a historic note, HMS Royal Oak was anchored in Scapa Flow to provide anti-aircraft cover, including for Netherbutton, on the night the battleship was sunk by German U-boat with such a terrible loss of life.

The corrugated sheeting clad shed, now used as an agricultural shed, is the actual wartime engine house and a rare survival, with its original red tile floor and at the far end an 'endless' crane that is still in situ and was used for taking cylinders off engines. This is a rare item. The breeze block concrete walls surrounding the shed are blast walls, placed to protect the shed itself.

The building currently sits adjacent to the west of the existing A961 road and will lie to the east of the proposed realigned road. It is possible that the proposed realignment will take the shed out of use by the landowner and may be acquired by OIC through the land acquisition process.”

The Island Archaeologist recommends planning conditions regarding a photographic building survey, historic environment exclusion zone and mitigation.

### 3. Representations

#### 3.1.

Three objections have been received from:

- Jim Leitch, Feolquoy, Evie, KW17 2PJ.
- Eoin Ross, Ortlely Cottage, St Marys, Holm, KW17 2RT.
- Leslie Sinclair, 31A Broad Street, Kirkwall, KW15 1DH.

#### 3.2.

The grounds of objection include:

- Road safety.
- Lack of Environmental Impact Assessment.
- Impact on farmland.
- Impact on public amenity.
- Impact on public access.
- Impact on cultural and historical heritage.
- Impact on natural heritage.
- Compliance with relevant planning policies.

### 4. Relevant Planning History

Reference	Proposal	Location	Decision	Date
09/260/PPF	Erect a GP Shed	Deepdale, Holm	Grant subject to conditions	04.11.2009

### 5. Relevant Planning Policy and Guidance

#### 5.1.

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

#### 5.2.

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

- Orkney Local Development Plan 2017:
  - The Spatial Strategy.
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 8 – Historic Environment and Cultural Heritage.

- Policy 9 – Natural Heritage and Landscape.
- Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
- Policy 14 – Transport, Travel and Road Network Infrastructure.
- Guidance:
  - Supplementary Guidance: Historic Environment and Cultural Heritage (2017).
  - Supplementary Guidance: Natural Environment (2017)
  - Planning Policy Advice: Historic Environment (Topics and Themes) (2017).
  - Planning Policy Advice: Orkney Harbours Masterplan – Phase 1 (2020).
- 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 “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 in relation to individual NPF4 policies, however, where there are additional considerations under NPF4 which enhance current Orkney Local Development Plan 2017 Policy, as in the case of NPF4 Policy 3c regarding Biodiversity and Policy 5 regarding Peat and Soils, the proposal has also been assessed against these.

## **7. Environmental Impact Assessment**

### **7.1.**

The objections state that the development was not subject to a screening process under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (the 2017 Regulations). That was the case at the time of application, and the screening process was completed by the planning authority following submission.

### **7.2.**

The proposal falls within the definition of 'Schedule 2 development' of the 2017 Regulations, in that the proposed development exceeds the threshold for 'Construction of roads', as the area of works exceeds one hectare.

### **7.3.**

The development was therefore subject to a screening process, and it is concluded that, in view of the nature, size and location of the proposed development, and taking account of the responses of statutory consultation bodies, the proposed development is unlikely to have a significant effect on the environment. Having assessed the characteristics and location of the development and the characteristics of the potential impact as set out in Schedule 3 to the 2017 Regulations, the Council adopted a Screening Opinion on 22 March 2023 stating that, based on the information provided and the assessment carried out, an Environmental Impact Assessment is not required for the proposed development.

## **8. Assessment**

### **8.1. Proposal**

Planning permission is sought for the realignment of an 850 metre section of the A961 Kirkwall to St Mary's road in Holm, as indicated in the Site Plan attached as Appendix 1. Other ancillary works are also proposed including the culverting of the Burn of Button and removal of the existing culvert, works to access junctions to the realigned A961 and widening of the verge to provide space for a future bus stop.

### **8.2. Clarification**

The development proposed is for the works as specified only, without prejudice to any potential future planning application for Scapa Deep Water Quay as detailed in the 'Orkney Harbours Masterplan - Phase 1' (2020). The Masterplan has been adopted as Planning Policy Advice, and as such is a material consideration. Whilst the current application includes a 'new junction for future development' on the western side of the proposed realigned road, any such future development would be considered under separate application. Any future Scapa Deep Water Quay proposal may therefore be regarded as relevant to the current application in terms of anticipated future layout, but does not form part of the current application, and the current application must be determined as submitted.

## **8.3. Flood Risk**

### **8.3.1.**

The area of the site crossed by the Burn of Button is at risk from surface water flooding. Mitigation is proposed, including an attenuation basin that would help to prevent this flood risk by storing surface water and releasing it back into the environment slowly. A section of the Burn of Button would be culverted under the new road.

### **8.3.2.**

Engineering Services was consulted and concluded that, "The information provided demonstrates that surface water from the development would be adequately treated and that the culvert would have the necessary capacity. The development should not, therefore, increase flood risk and we do not object to the proposed development".

### **8.3.3.**

The development would include Sustainable Drainage Systems (SuDS), including an attenuation basin, and waterproof materials would be used in the construction. With regards biodiversity requirements, a condition would be attached requiring details be submitted regarding landscaping. It is considered that with the mitigation proposed, the development would comply with the requirements of Policies 13A: Flood Risk and 13B: Sustainable Drainage Systems.

## **8.4. Road Safety**

### **8.4.1.**

It is considered unlikely that the road improvements proposed would result in a significant increase in the volumes of traffic using the road between St Mary's and Kirkwall, than would occur in the future in any case. Any potential increase in traffic associated with a Scapa Deep Water Quay development would be assessed with any such application.

### **8.4.2.**

During assessment of the current application, significant additional supporting information was submitted to address concerns raised regarding road safety and visibility, including plans showing existing and proposed junction and horizontal visibility at different speed levels. This information was fully assessed by Roads Services, concluding that it "suitably addresses Roads Services earlier concerns" (regarding visibility), and requiring planning conditions regarding visibility splays, surface water drainage and submission of a construction phase plan.

### **8.4.3.**

Policy 14A: Transport Infrastructure states that "Proposals for the maintenance, improvements or expansion of transport infrastructure, or for the provision of new transport infrastructure, will be supported where justification is provided through a Local, Regional or National Transport Strategy, by a Scottish Transport Appraisal



Guidance (STAG), or by a development brief". The proposed development would improve a section of the existing A961 road and would include a junction to the west. Adoption of the Orkney Harbours Masterplan – Phase 1 as Planning Policy Advice provides policy and guidance support to the proposed development on the basis the Masterplan includes Scapa Deep Water Quay as one of several 'masterplan proposals'. The Masterplan includes an indicative plan of the location and access road, noting that it is described as an 'illustrative plan', with final location, layout, and design to be defined during the feasibility stage, and that the exact route of the access from the public road to the site would require to be designed in future. The resultant position is that the current application must be determined as submitted, and not part of a larger project, but with policy guidance in support of the development on the basis the future road connection is referenced in Planning Policy Advice.

#### **8.4.4.**

The A961 is a public road and would be maintained by the Council. Conditions would be attached to address the requirements of Roads Services, as detailed at section 8.4.2.

### **8.5. Historic Environment**

#### **8.5.1.**

The wartime engine house at Netherbutton (which is now used as an agricultural shed) is of historic importance, located to the east of the proposed road alignment (it is currently to the west of the A961). It is proposed to retain this building.

#### **8.5.2.**

An objection and comment has been received regarding impact on the cultural and historic environment, claiming that "This proposed development will seriously detract from a vital part of Orkney's cultural and historical heritage, the Scapa Flow Home Fleet Anchorage, including the Designated War Grave of HMS Royal Oak, which lies less than two kilometres from the probable site of this potential development, although that site has not yet been defined". The retention and conservation of the Netherbutton Powerhouse building is welcomed.

#### **8.5.3.**

The designated war grave and protected military remains of HMS Royal Oak is over two kilometres from the site of the current proposal. However, there are structures of historic interest within the area and the impact of the development on the cultural and historic environment is acknowledged. The Islands Archaeologist was consulted and after full assessment, advised that they are "satisfied that the proposed works avoid all known archaeological sites and buildings of historic significance, including the former engine / power house serving the Netherbutton Chain Home Radar Station in World War II..." With regards the engine house, they state that, "It is possible that the proposed realignment will take the shed out of use by the landowner and may be acquired by OIC through the land acquisition process".

#### **8.5.4.**

As part of the protection of the engine house at Netherbutton, conditions would be attached including the requirement for a photographic survey of both inside and outside the structure, a site protection plan during the construction of the development and mitigation to prevent further deterioration of the building.

#### **8.5.5.**

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

### **8.6. Natural Heritage**

#### **8.6.1.**

An objection states, "I note that the Burn of Button is to be re-culverted and that advice is to be sought about making this and associated works Otter friendly yet Nature Scot is not listed as one of the consultees! As you will know 'collision with a motor vehicle' is the main cause of non-natural otter mortality in Okney". For avoidance of doubt, thresholds exist for consultation with NatureScot, and in this case consultation with other consultation bodies was appropriate, to ensure protection of otters. NatureScot provides standing advice, and the Council's Policy Officer (Environment) provided expert advice and guidance regarding impacts on protected species and any mitigation required.

#### **8.6.2.**

The Policy Officer (Environment) advised as follows: "...otter are unlikely to make regular use of the Burn of Button at the location of the proposed development due to the watercourse at that point offering little foraging or resting opportunities, and because the Burn of Button on the north east side of the existing road does not appear to lead to other features that may be attractive to otter (such as freshwater pools). However, otter may occasionally explore the area by following the water course, and so could become trapped in pipes and holes during construction works. Once the SUDS pond is in operation, it may create a feature attractive to otter and their prey, which could encourage more otter activity in the vicinity of the road, potentially putting otter (and drivers) at risk of vehicular collision.

During construction (and operation): moderate significance of effects due to risk of entrapment if pipes (and outflows are not capped or fitted with mammal screens), and if excavations are not covered overnight or fitted with ramps to allow escape.

During operation: moderate positive significance of effects due to potential increase in prey and habitat attractive to otter, but also moderate negative significance of effects if the layout and design of the SUDS pond in particular does not discourage otters venturing onto the road where they would be at risk of vehicular collision.

A condition requiring appropriate mitigation to avoid the above issues would reduce the significance of effects to slight.”.

### **8.6.3.**

A condition would be attached to require the submission and approval of a species protection plan, including details of mitigation to minimise the risk of entrapment during construction and operation of the development and the risk of vehicle collisions during the operation of the development. On this basis, it is considered that the proposed development would comply with Policies 1: Criteria for All Development and 9B: Protected Species, and Supplementary Guidance: Natural Environment (2017).

### **8.6.4. Local Nature Conservation Sites (LNCS)**

The closest Local Nature Conservation Site (LNCS) to the site is Gaitnip Hill (Site Reference: 72) which is within 200 metres to the west of the closest part of the site on the A961. Gaitnip Hill LNCS is listed as being “mainly dry heather moorland dominated by heather and crowberry to the south, and peat bog with worked out cuttings to the north and includes areas of blanket bog...The site is important for breeding birds of prey. It supports a variety of nesting waders including oystercatcher, curlew, lapwing and snipe. In addition, a variety of small birds nest here, including skylark, meadow pipit, wren, stonechat, twite and reed bunting” and contains nationally important habitats and species.

### **8.6.5.**

Due to the separation distance, it is considered unlikely that the current proposal would have a significant impact upon the LNCS or on its natural heritage interests, in compliance with Policies 1: Criteria for All Development and 9A: Natural Heritage Designations (Locally Important Sites), and Supplementary Guidance: Natural Environment (2017). There are other LNCS to the north east of the site, namely, Heathery Howes and Blown, Culdigeo and White Moss; these are at a separation distance of over 900 metres and 2.1 kilometres respectively, to the east of the A961, and would not be affected by the proposed development.

### **8.6.6. Impacts on Other Natural Heritage Designations**

The Scapa Flow Special Protection Area (SPA) is approximately 1 kilometre from the development site and is directly connected via the Burn of Button which flows through the central part of the site. The Policy Officer (Environment) advised that due to the scale of the development proposed, “there is a risk of sediment entering the burn and flowing into the SPA, causing localised pollution issues. The risk could be minimised through implementation of appropriate standard pollution prevention and control measures that prevent sediment from entering the burn”. A condition would be attached requiring the submission of details of pollution prevention and control measures that would prevent sediment from entering the burn.

### **8.6.7. Biodiversity**

Policy 3c of NPF4 has a requirement that all local developments include “appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development”. This aligns with Policy 9C: Wider Biodiversity and Geodiversity. The Policy Officer (Environment) has advised that fields along the route of the road appear to have a variety of plant species akin to meadows, which would be lost. While such habitats are not uncommon in Orkney, they are nonetheless important for biodiversity. Effects due to loss of habitat could be reduced through careful stripping, storage and reuse of turves to restore other land, secured through condition.

## **8.7. Landscape and Visual Amenity**

### **8.7.1.**

It is considered that once the works have been completed, for most users of the realigned road there would be no significant impact on journeys or journey times. While the altered section of the A961 would be to the west of the existing road and the shed/engine house, and therefore a different perspective of this building, it is unlikely that this change would be of such magnitude to warrant amendment to the design, and it is considered that the impact on the wider landscape and visual amenity would be minimal. The development site is not within a designated landscape.

### **8.7.2.**

Approximately 120 metres of drystone walling to the road and field boundary extends along the proposed site, with the remainder of the boundaries being agricultural post and wire fencing and gates. To ensure the continuity of the appearance of that section of the road, the renewal (including repair and replacement) of any areas of the existing wall that are removed and/or damaged during the development would be conditioned.

### **8.7.3.**

Taking account of the above, it is considered that the proposal would comply with Policies 1: Criteria for All Development and 9G: Landscape.

## **8.8. Amenity and Residential Amenity**

### **8.8.1.**

It is acknowledged that there would be some disruption to several properties close to the affected section of the A961. The proposed works include amendments to the accesses at the properties at Rashieburn and Fernbank and there would be retained access to these and other existing properties. However, once completed, the realigned road would be further from the properties at Fernbank, Glenview and Rashieburn and would be at the same separation distance as existing from the properties at Kynshera, Banavie and Erracht.

### 8.8.2.

Objections include impact on access to the coast. The proposed site is not on, adjacent to or crossed by a Core Path, and objections seem to relate to a possible future Scapa Deep Water Quay development. Whilst there would be some disruption to the access from the current alignment of the A961 during the works, the Road Layout Plan shows that the existing access track to the south of the shed/engine house would be “retained and integrated into proposals”.

## 8.9. Loss of Farmland

Objectors refer to the loss of agricultural land. Some agricultural land would be affected, although it is not identified as being prime agricultural land, or culturally or locally important. The proposed site covers a relatively small area that is adjacent to the existing road. At its widest point, the width of the site area covered by the current proposal is approximately 113 metres, narrowing along the length of the site.

## 9. Conclusion and Recommendation

The proposal is for the realignment of the A961 road between Kirkwall and St Mary's in Holm, including culverting the burn, creation of an attenuation basin and ancillary works. The proposal has been fully assessed and is considered to comply with Orkney Local Development Plan 2017 Policies 1, 2, 8, 9, 13 and 14, Supplementary Guidance: Natural Environment (2017), Supplementary Guidance: Historic Environment and Cultural Heritage (2017), Planning Policy Advice: Historic Environment (Topics and Themes) (2017), Planning Policy Advice: Orkney Harbours Masterplan – Phase 1 (2020) and National Planning Framework 4. The concerns of objectors have been considered in the assessment of the proposal but are of insufficient weight to warrant refusal. Conditions would be attached to address SuDS, to ensure road safety, protect natural heritage, biodiversity and the historic environment. Accordingly, the application is **recommended for approval**, subject to the conditions attached as Appendix 2 to this report.

## 10. Contact Officers

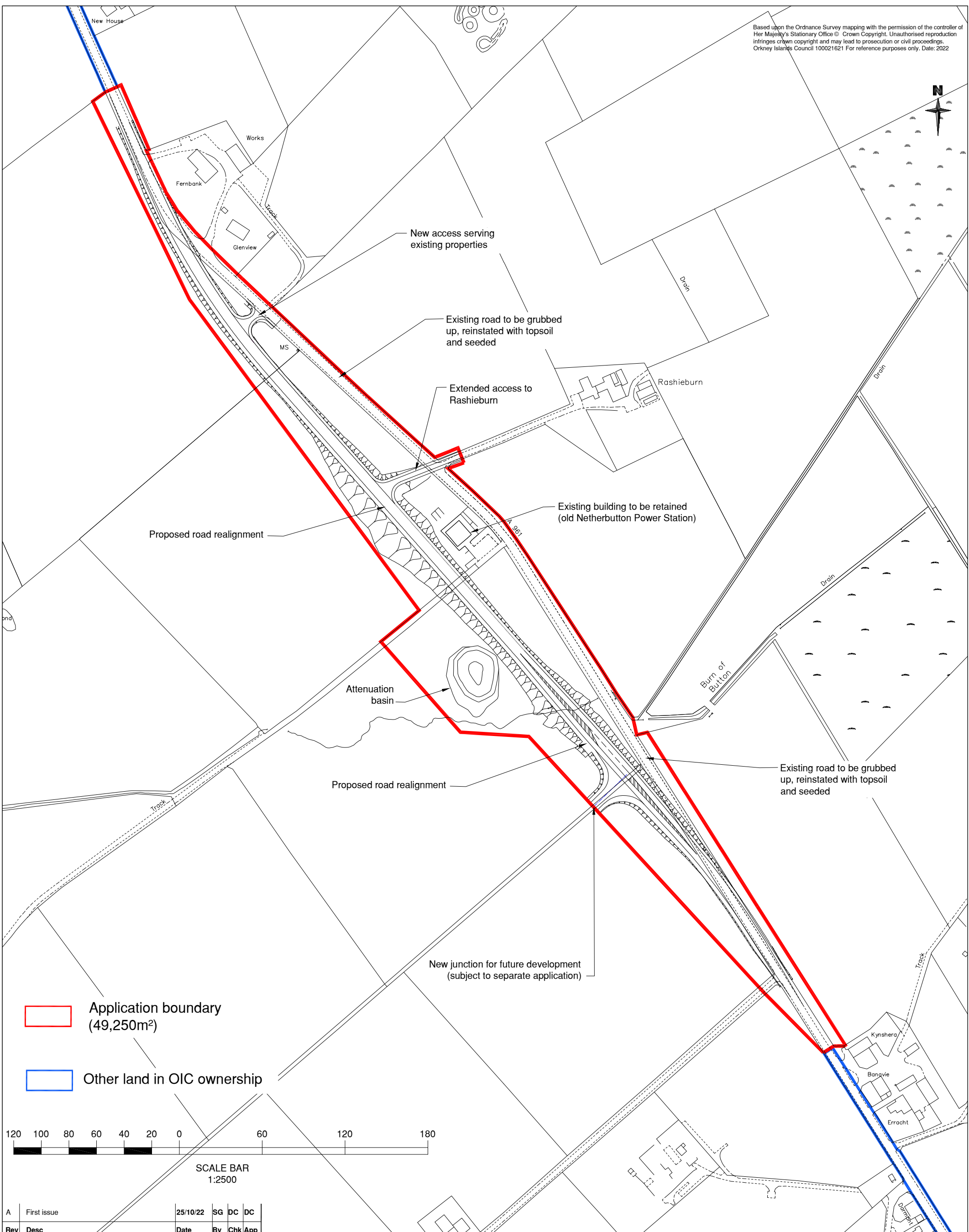
Jamie Macvie, Service Manager (Development Management), Email [jamie.macvie@orkney.gov.uk](mailto:jamie.macvie@orkney.gov.uk)

Sue Doyle, Planning Officer (Development Management), Email [sue.doyle@orkney.gov.uk](mailto:sue.doyle@orkney.gov.uk)

## 11. Appendices

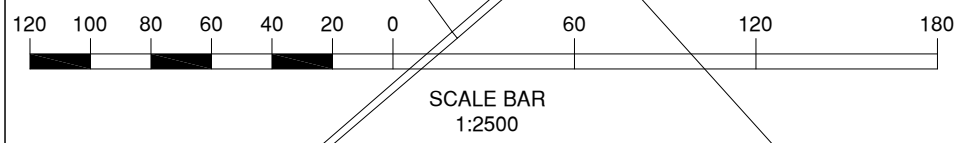
Appendix 1: Site Plan.

Appendix 2: Planning Conditions.



Application boundary (49,250m<sup>2</sup>)

Other land in OIC ownership



A	First issue	25/10/22	SG	DC	DC
Rev	Desc	Date	By	Chk	App

File Ref.		Drawing No.	
1004168		PP - 01	
Revision	A	Drawn	SG
Date	25/10/22	Checked	DC
Scale	1:2500	Approved	DC
Original drawing size 420mm x 297mm (A3)			

**A961 Road Realignment**  
**Site Plan**

**ENGINEERING**

**NEIGHBOURHOOD SERVICES AND INFRASTRUCTURE**

Council Offices, Kirkwall  
Orkney, KW15 1NY  
tel (01856) 873535

**ORKNEY ISLANDS COUNCIL**

Corporate Director: Hayley Green, MBA (Public Service)

## Appendix 2

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

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

02. No development shall commence until a Construction Phase Plan is submitted to and approved, in writing, by the Planning Authority. This Plan shall fully detail how the section of road shall be constructed, including the tie-in points with the existing public road and how traffic flow on the A961 would be maintained at all times. Thereafter, the development shall be constructed wholly in accordance with the Construction Phase Plan.

Reason: In the interest of road safety.

03. The forward visibility splays from the new private accesses on the hereby approved section of road, shall be maintained free from any obstruction more than one metre in height above the edge of carriageway level throughout the lifetime of the development.

Reason: In the interest of public safety.

04. The surface water drainage system hereby approved shall be installed fully in accordance with the approved drawings and be in a fully operational condition prior to the new section of road being opened to traffic. The surface water drainage system shall thereafter be maintained fully in accordance with the maintenance schedule provided throughout the lifetime of the development.

Throughout the lifetime of the development hereby approved, surface water must be treated in accordance with the principles of Sustainable Drainage Systems (SuDS) and be compliant with the guidance set out in CIRIA's SuDS Manual C753. The requisite surface water drainage shall be operational prior to the development being brought into use and shall be maintained as such thereafter.

Reason: In the interest of public safety and to prevent surface water drainage from the road affecting adjacent land.

05. Any drystone wall along the length of the development site with the A961 that is damaged during the development works shall be repaired to its previous condition and using a matching construction technique. No drystone wall shall be removed until full details of the sections of wall that would be affected, together with full details of the reinstatement of an equivalent length of drystone wall within the application site area, are submitted to and approved, in writing, by the Planning Authority. Thereafter, and within six months of the road being brought into use, the agreed sections of new wall shall be completed.

Reason: In the interests of visual amenity, to retain the appearance of the boundary at the location and in the interest of road safety.

06. No development shall commence until a Species Protection Plan for otter is submitted to and approved, in writing, by the Planning Authority. The Plan shall detail mitigation measures to minimise the risk of entrapment by otters during construction and operation, and the risk of vehicle collisions with otters during operation. Thereafter, the development shall be constructed wholly in accordance with the Species Protection Plan.

Reason: To comply with species protection legislation.

07. Turves stripped shall be stored (and where necessary watered during periods of dry weather) before being used to restore the existing road route and/or newly created embankments. If a seed mix is used to supplement turf use, the seed mix shall be limited to native species.

Reason: To conserve and enhance biodiversity.

08. No development shall commence until full details of landscaping for the SuDS pond, including proposed planting with plant species native to Orkney, have been submitted to and approved, in writing, by the Planning Authority. Thereafter, and no later than the first planting season following the development being brought into use, the landscaping shall be completed wholly in accordance with approved details.

Reason: To demonstrate good ecological practice including habitat enhancement to enhance biodiversity.

09. No development shall commence until full details of pollution prevention and control measures, including implementation, to prevent sediment from the development entering the Burn of Button, have been submitted to and approved, in writing, by the Planning Authority. Thereafter, the development shall be constructed wholly in accordance with the approved pollution prevention and control measures.

Reason: To prevent sediment entering the Burn of Button and causing localised pollution issues and affecting the Scapa Flow Special Protection Area.

10. No demolition or other development shall commence until a photographic survey of the existing wartime building and structures on the application site has been submitted to and approved, in writing, by the Planning Authority, in conjunction with the Islands Archaeologist. All external and internal elevations (unless otherwise agreed in writing) of the building and structures, together with the setting of the building and structures and any specific features of the existing building and structures shall be photographed and annotated. The photographic viewpoints shall be clearly located on measured floor or elevation drawings to accompany the photographic survey. The photographs and plans shall be in a digital format and shall be clearly marked with the planning reference number.

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 Environment and Cultural Heritage (2017) and Planning Policy Advice: Historic Environment (Topics and Themes) (2017).



11. No development shall commence until a Site Protection Plan has been submitted to and approved, in writing, by the Planning Authority, in conjunction with the Islands Archaeologist. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include: (1) the location and extent of the historic environment features to be protected during construction works; and (2) details of warning signs and how exclusion zones will be satisfactorily demarcated for the duration of the works, eg type of fencing. Thereafter, the development shall be constructed wholly in accordance with the approved Site Protection Plan. No construction works shall take place at any time within the exclusion zones.

Reason: In the interests of protecting Orkney's known archaeological and cultural heritage resources.

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

There shall be no bonfires or other open fires allowed on site at any time.

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