

Minute

Planning Committee

Wednesday, 5 September 2018, 10:30.

Council Chamber, Council Offices, School Place, Kirkwall.



Present

Councillors Owen Tierney, Stephen Sankey, Alexander G Cowie, Norman R Craigie, Robin W Crichton, David Dawson, Barbara Foulkes, John A R Scott, Graham L Sinclair, Magnus O Thomson, Duncan A Tullock and Kevin F Woodbridge.

Clerk

- Angela Kingston, Committees Officer.

In Attendance

- Roddy Mackay, Head of Planning, Development and Regulatory Services.
- Jamie Macvie, Planning Manager (Development Management).
- Stuart West, Planning Manager (Development and Marine Planning) (for Items 1 to 3).
- Peter Trodden, Solicitor.
- James Green, Senior Policy Planner (Development and Marine Planning) (for Item 1).

Observing

- David Barclay, Senior Planner (Development Management) (for Items 1 and 3).

Declarations of Interest

- No declarations of interest were intimated.

Chair

- Councillor Owen Tierney.

1. Planning Application 17/305/MAR

Proposed Creation of Salmon Farm with Feed Barge at Lober, St Margaret's Hope

Richard Darbyshire, Mark Steward and Kirsty Brown, representing the applicant, Scottish Sea Farms, Fiona Matheson, representing the objector, Orkney Fisheries Association, and Wendy Witten, objector, were present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

1.1. That letters of objection relating to the application for planning permission in respect of the proposal to create a salmon farm with feed barge at Lober, St Margaret's Hope, had been received from the following:

- Orkney Fisheries Association, 4 Ferry Terminal Buildings, Kirkwall Pier, Kirkwall.
- Orkney Trout Fishing Association, c/o Caolilla, Heddle Road, Finstown.
- The Royal Society for the Protection of Birds (Scotland), 12 to 14 North End Road, Stromness.
- Tom Dowie, The Howe, Hoxa, St Margaret's Hope.
- Peter Finnigan, Swartiquoy, Hoxa, St Margaret's Hope.
- Martha Fleming, 50/2 Cumberland Street, Edinburgh.
- Niall Logan, Wester Acredyke, Balmore, Glasgow.
- Victoria Logan-Berg, 19 Steps Street, Stenhousemuir, Larbet.
- Lauren MacKellar, The Gill, Lowertown, St Margaret's Hope.
- Peter MacKellar and family, The Gill, St Margaret's Hope.
- Ian Nelson, 9 Vincent Road, Cobham, Surrey.
- Helen Martini, Cools, South Ronaldsay.
- John McInnes, 13 Kersland Drive, Milngavie, Glasgow.
- Heather Parry, Shore House, St Margaret's Hope.
- Jenny Rambridge, Longhouse, Dam of Hoxa, St Margaret's Hope.
- Philip Walker, Parkwell, Kingskettle, Cupar.
- Geoff Ward, 10 Warners Grove, St Ives.
- Alastair Wilkinson, Lobers, St Margaret's Hope.
- Wendy Witten, Crows Nest, St Margaret's Hope.

After hearing representations from Fiona Matheson, representing the objector, Orkney Fisheries Association, and Wendy Witten, objector, and from Richard Darbyshire, representing the applicant, Scottish Sea Farms, Councillor Barbara Foulkes, seconded by Councillor John A R Scott, moved that planning permission be granted in respect of the proposal to create a salmon farm with feed barge at Lober, St Margaret's Hope, subject to conditions as proposed by officers.

Councillor Robin W Crichton, seconded by Councillor David Dawson, moved an amendment that the application for planning permission in respect of the proposal to create a salmon farm with feed barge at Lober, St Margaret's Hope, be deferred to enable members of the Committee to undertake an unaccompanied site visit.

On a vote being taken 5 members voted for the amendment and 7 for the motion, and the Committee:

Resolved, in terms of delegated powers:

1.2. That planning permission be granted in respect of the proposal to create a salmon farm with feed barge at Lober, St Margaret's Hope, subject to the conditions attached as Appendix 1 to this Minute.

2. Planning Application 18/135/PP

Proposed Construction of Access Road and Installation of Services and Drainage for Nine House Sites and Landscaping near Errival, St Ola

William Gray, applicant, Stephen Omand, agent for the applicant, and Alan Bremner, objector, were present during discussion of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

2.1. That letters of objection relating to the application for planning permission in respect of the proposal to construct an access road and install services and drainage for nine house sites and landscaping near Errival, St Ola, had been received from the following:

- Alan Bremner, Bendigo, St Ola, Kirkwall.
- P and C Strutt, 2 Glendale Park, St Ola.

After hearing representations from Alan Bremner, objector, and from Stephen Omand, agent for the applicant, William Gray, Councillor Barbara Foulkes, seconded by Councillor Norman R Craigie, moved that planning permission be granted in respect of the proposal to construct an access road and install services and drainage for nine house sites and landscaping near Errival, St Ola, subject to conditions as proposed by officers.

Councillor Duncan A Tullock, seconded by Councillor Owen Tierney, moved an amendment that the application for planning permission in respect of the proposal to construct an access road and install services and drainage for nine house sites and landscaping near Errival, St Ola, be deferred to enable members of the Committee to undertake an unaccompanied site visit.

On a vote being taken 7 members voted for the amendment and 5 for the motion, and the Committee:

Resolved, in terms of delegated powers:

2.2. That consideration of the application in respect of the proposal to construct an access road and install services and drainage for nine house sites and landscaping near Errival, St Ola, be deferred to enable members of the Committee to undertake an unaccompanied site visit, with an officer from Roads Services in attendance to respond to any queries in respect of road safety matters.

3. Planning Application 18/136/PP

Erection of House with Integral Garage (Amendment to 11/001/PP) (Retrospective) at Seaways, Firth

Nick Mathieson, applicant, Anita Moar, accompanying the applicant, and Stephen Omand, representing the applicant, and Edward Drever, objector, and Alistair Bruce, representing the objector, were present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

3.1. That letters of objection relating to the application for retrospective planning permission in respect of the erection of a house with integral garage at Seaways, Firth, had been received from the following:

- Edward Drever, Marsdene, Grimbister, Kirkwall.
- William Clouston, Torsker, Finstown.

After hearing representations from Alistair Bruce, representing the objector, Edward Drever, and from Stephen Omand, representing the applicant, Nick Mathieson, on the motion of Councillor David Dawson, seconded by Councillor Robin W Crichton, the Committee:

Resolved, in terms of delegated powers:

3.2. That planning permission be granted retrospectively in respect of the erection of a house with integral garage at Seaways, Firth, subject to the conditions attached as Appendix 2 to this Minute.

Councillor Graham L Sinclair left the meeting at this point.

4. Planning Application 18/145/PP

Proposed Erection of Lattice Tower and Installation of Cabinet at Upper Hammerfield, Westside Road, Rousay

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

4.1. That letters of objection relating to the application for planning permission in respect of the proposal to erect a lattice tower and install a cabinet at Upper Hammerfield, Westside Road, Rousay, had been received from the following:

- Paul Caress, Lower Hammerfield, Rousay.
- John Vetterlein, Springfield, Rousay.
- Ann Chapman, Braes, Rousay.

After hearing a statement from John Vetterlein, objector, which was read out by the Clerk, the Committee:

Resolved, in terms of delegated powers:

4.2. That planning permission be granted in respect of the proposal to erect a lattice tower and install a cabinet at Upper Hammerfield, Westside Road, Rousay, subject to the conditions attached as Appendix 3 to this Minute.

5. Planning Application 18/165/PP

Proposed Erection of Four Houses at Breckan Brae, St Mary's, Holm

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

5.1. That a letter of objection relating to the application for planning permission in respect of the proposal to erect four houses at Breckan Brae, St Mary's, Holm, had been received from Kathy Potts, 12 Storehouse Place, St Mary's, Holm.

The Committee resolved, in terms of delegated powers:

5.2. That planning permission be granted in respect of the proposal to erect four houses at Breckan Brae, St Mary's, Holm, subject to the conditions attached as Appendix 4 to this Minute.

6. Planning Application 18/252/PP

Proposed Reinstatement of House, Extension and Creation of Access at Quoypettie, Deerness

Neville Martin, applicant, was present during consideration of this item.

After consideration of a report by the Executive Director of Development and Infrastructure, copies of which had been circulated, and after hearing a report from the Planning Manager (Development Management), the Committee:

Noted:

6.1. That letters of objection relating to the application for planning permission in respect of the proposal to reinstate a house, extend and create an access at Quoypettie, Deerness, had been received from the following:

- John Winstanley and Lorna Baxter, West Manse, Deerness.
- Elizabeth Corsie, Upper Noltland, Deerness.
- Elizabeth, Andrew and Heather Buchan, Mullhill, Deerness.

After hearing a statement from John Winstanley and Lorna Baxter, objectors, which was read out by the Clerk, and from Neville Martin, applicant, on the motion of Councillor Duncan A Tullock, seconded by Councillor David Dawson, the Committee:

Resolved, in terms of delegated powers:

6.2. That planning permission be granted in respect of the proposal to reinstate a house, extend and create an access at Quoypettie, Deerness, subject to the conditions attached as Appendix 5 to this Minute.

7. Conclusion of Meeting

At 14:50 the Chair declared the meeting concluded.

Signed: Owen Tierney.

Appendix 1.

Proposed Creation of Salmon Farm with Feed Barge at Lober, St Margaret's Hope (17/305/MAR)

Grant subject to the following conditions:

01. At all times when equipment is on site the following navigational marks and requirements shall be met/provided:

- The site should be marked with 2 lit yellow poles fitted with yellow 'X' topmarks.
- Each light should display a character of flash yellow one every five seconds (Fl Y 5s) with a nominal range of 2 nautical miles, and be installed on the top of the pole above the 'X' topmark.
- The poles should be positioned at the most Northerly and Westerly corners of the cage group.
- Each light should be 1 metre above site equipment handrails and installed to be clearly seen by vessels approaching from all navigable directions.
- Poles should be ≥ 75 mm diameter, the 'X' topmark should be ≥ 75 cm length by 15cm width.
- The feed barge should exhibit an all-round fixed white light with a nominal range of 2 nautical miles from a point at least 1 metre above any other obstruction.
- A weekly check of the site's marking equipment shall be performed, and records kept of its physical and working status for audit purposes.
- Outlying anchor points should not be marked with buoys, unless specifically requested by local users, and alternative means to locate anchors should be utilised.
- Loose floating lines around site equipment are to be avoided.
- The UK Hydrographic Office should be notified by Scottish Sea Farms Ltd and all information regarding the site positions forwarded in order that Chart BA2581 can be correctly updated.

Reason: In the interests of navigation and marine safety.

02. The finished surface of all equipment above the water surface, excepting the feed barge as considered by condition 16, including surface floats and buoys associated with the development, but excluding those required to comply with navigational requirements, shall be finished in a dark, matt, neutral colour unless alternative finishes or colours are agreed in advance in writing with the Planning Authority.

Reason: To minimise the visual impact of the development.

03. In the event of equipment falling into disrepair or becoming damaged, adrift, stranded, abandoned or sunk in such a manner as to cause an obstruction or danger to navigation, the developer shall carry out, or make suitable arrangements for the carrying out of, all measures necessary for lighting, buoying, raising, repairing, moving or destroying, the whole or any part of the equipment, as soon as safely practicable, or as agreed in writing with the Planning Authority.

Reason: To ensure that the development does not cause a danger to other users of the area.

04. In the event that the fish cages or associated equipment approved by this permission cease to be in operational use for the growing of finfish for a period exceeding three years, those cages and associated equipment shall be wholly removed and the site restored to the satisfaction of the Planning Authority, within four months of being notified by the Planning Authority unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the development is removed, in full, from the site once operational use has ceased ensuring the development will not adversely affect the area.

05. At least three months prior to cessation of use of the site for fish farming, a scheme for the decommissioning and removal of all equipment shall be submitted to, and agreed in writing by, the Planning Authority. Upon cessation the approved scheme shall be implemented within an agreed timescale.

Reason: To ensure that decommissioning of the site takes place in an orderly manner and to ensure proper storage and disposal of redundant equipment in the interest of amenity and navigational safety.

06. All equipment and associated moorings approved by this permission shall be wholly contained within the area identified within development description and shall accord with the approved site plan, plan reference OIC-01 with mooring extent corners:

- 58 50.183N 2 59.327W.
- 58 50.236N 2 58.796W.
- 58 50.193N 2 58.673W.
- 58 50.067N 2 58.628W.
- 58 50.003N 2 59.260W.

On first installation, the position of the corners of the cage group, corner anchors of the development shall be recorded using Global Positioning System. These positions should be re-measured and recorded regularly, at least once every six months, and immediately following storm events. A record of all positional information must be maintained and made available on request to the Planning Authority.

Reason: To prevent the equipment moving beyond the location approved by this planning permission and to ensure the safety of maritime traffic.

07. The development shall be constructed, implemented and managed in accordance with the following Policies and Plans:

- St Margaret's Hope (Lober) Escapes Prevention and Recapture Strategy, Appendix B.
- St Margaret's Hope (Lober) Environmental Management Plan: Sea Lice, Appendix F.
- St Margaret's Hope (Lober) Predator Exclusion Plan, Appendix G.

- St Margaret's Hope (Lober) Marine Biosecurity Plan, Appendix K.

The development shall thereafter be operated and maintained in accordance with these Policies and Plans throughout the lifetime of the development, unless otherwise agreed, in writing, with the Planning Authority. For the avoidance of doubt any and all modifications, amendments and revocations of these Policies and Plans require to be agreed in writing with the Planning Authority in advance of any such changes to the approved details occurring on site.

Reason: In order to safeguard the natural heritage and biodiversity interests in the area.

08. Access to the site shall be undertaken in full accordance with the St Margaret's Hope (Lober) Vessel Management Plan, Appendix E. For the avoidance of doubt there shall be a restriction of travel speed to 8 knots in the period 1 October to 31 March inclusive.

Reason: In order to provide additional safeguards for protected species and to safeguard the natural heritage interests in the area, notably wintering birds.

09. Details of the nature and location of the on-land construction site for the cages and equipment shall be submitted to, and approved in writing by, the Planning Authority prior to work commencing on site. Thereafter, on-land construction shall be carried out in accordance with those agreed details.

Reason: To ensure any on-land work is appropriately controlled in the event that a dedicated planning application is not required for such.

10. No anti-predator or static gill nets shall be deployed at this site, unless otherwise agreed, in writing, with the Planning Authority in conjunction with Scottish Natural Heritage.

Reason: To ensure that qualifying interests do not become entangled in such nets in the interests of protecting the qualifying interests of the Scapa Flow pSPA in order to comply with Habitats Regulations requirements.

11. The detail of cage top nets to be installed at this site, including mesh size and colour, shall be submitted to, and approved in writing by, the Planning Authority in conjunction with Scottish Natural Heritage, prior to work commencing on site. Thereafter the proposal shall be carried out in accordance with those agreed details.

Reason: To ensure that qualifying interests do not become entangled in such nets in the interests of protecting the qualifying interests of the Scapa Flow pSPA in order to comply with Habitats Regulations requirements and for the avoidance of doubt.

12. If lighting is required for security purposes on site, infra-red lights and cameras shall be used, unless otherwise agreed in advance of installation, in writing, with the Planning Authority.

Reason: To avoid unnecessary lighting in the interests of visual amenity and to limit impacts to the natural environment.

13. All lighting above the water surface and not required for safe navigation purposes should be directed downwards by shielding and be extinguished when not required for the purpose for which it is installed on the site. The maturing lights on site shall only be used between 1 December and 31 May inclusive each year, unless otherwise agreed, in writing, with the Planning Authority.

Reason: In the interest of visual amenity.

14. If use of any Acoustic Deterrent Devices (ADDs) is proposed at this site, prior consultation with the Planning Authority shall be carried out. This consultation shall include the submission of information regarding the specifics of the ADD system and any mitigation measures to be implemented on site. The Planning Authority, in conjunction with Scottish Natural Heritage, will review the information supplied to determine the significance of any issues affecting natural heritage interests which may arise due to the ADD deployment at this site. Written guidance through site protocols and ADD usage shall be agreed, in writing, by the Planning Authority. The use of ADDs shall be carried out only in accordance with approved details.

Reason: To protect internationally and nationally important species.

15. Upon the first use of the development hereby approved and thereafter, the maximum stocked biomass of the Lober site shall not exceed 1247.1 tonnes with a maximum production biomass per cycle not exceeding 1745.94 tonnes.

Reason: To ensure that the development is operated in accordance with the parameters as applied for and in the interests of the marine environment, to ensure that no unacceptable burden is placed on existing infrastructure.

16. Prior to the feed barge being brought onto site, the barge shall be painted in a colour or combination of colours agreed, in writing, by the Planning Authority. Thereafter the barge shall be retained in the agreed colour throughout the lifetime of the development, unless otherwise agreed, in writing, with the Planning Authority.

Reason: In the interest of visual amenity.

17. Wildlife and entanglement records shall be collected on site in accordance with a recording and reporting procedure. That procedure and the adaptive management measures and mitigation shall be agreed, in writing, with the Planning Authority, in conjunction with Scottish Natural Heritage, prior to the site being brought into use.

Reason: To understand the level of entanglement, and adapt the fish farm if required, to minimise risk to key receptors in the vicinity of this proposed development.

18. The fish farm shall be constructed in accordance with the specific waste management plan, and thereafter operated and maintained in accordance with this plan throughout the lifetime of the development, unless otherwise agreed, in writing, with the Planning Authority.

Reason: To protect internationally and nationally important natural heritage interests and to ensure marine navigational safety.

Informatives

01. The Aquatic Animal Health (Scotland) Regulations 2009 requires the authorisation of all Aquaculture Production Businesses (APBs) in relation to animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. The authorisation procedure is undertaken on behalf of the Scottish Ministers by the Fish Health Inspectorate (FHI) at Marine Scotland Marine Laboratory. To apply for authorisation for an APB or to amend details of an existing APB or any site that an APB is authorised to operate at, you are advised to contact the FHI as follows: Fish Health Inspectorate, Marine Scotland Marine Laboratory, 375 Victoria Road, Aberdeen, AB11 9DB. Telephone 01224 295525. Email ms.fishhealth@gov.scot.

02. All marine farms, whether finfish, shellfish or algal, are required to apply for a marine licence under Part 4 of the Marine (Scotland) Act 2010. To apply for a marine licence, or to amend details of an existing marine licence (formally Coast Protection Act 1949 – Section 34 consent), please visit the Scottish Government's website at <http://www.gov.scot/Topics/marine/Licensing/marine/Applications> where application forms and guidance can be found. Alternatively you can contact the Marine Scotland Licensing Operations Team (MS-LOT) by emailing MS.MarineLicensing@gov.scot or calling 01224 295 579.

03. If the site does not hold an up to date Marine Licence from the Scottish Government, Northern Lighthouse Board would encourage Scottish Sea Farms Ltd to rectify this situation. This consent is concerned solely with the safety of navigation and would include the information given above. For further information and application forms please go to the web site link given below.
<http://www.scotland.gov.uk/Topics/marine/Licensing/marine>.

04. Loose floating lines around site equipment are strongly discouraged as this can cause serious safety implications for other mariners.

05. The UK Hydrographic Office should be notified by Scottish Sea Farms, and all information regarding the site positions forwarded.

Appendix 2.

**Erection of House with Integral Garage (Amendment to 11/001/PP)
(Retrospective) at Seaways, Firth (18/136/PP)**

Grant subject to the following conditions:

01. The vehicular access to the development shall be upgraded to the Council's Road Services specifications for a 'Typical Access for a Single Development for 2 to 4 Houses' attached to and forming part of this Decision Notice within 3 calendar months of the date of this permission. The approved details shall thereafter be implemented and retained throughout the life of the development unless otherwise agreed in writing by the Planning Authority.

Permission will be required from the Council's Road Services to carry out any required works within the area of the road boundary and this shall be obtained prior to any works commencing.

Reason: To ensure a suitable standard of access provision in the interests of road safety.

02. The occupation of the dwelling house shall be limited to a person working in the approved rural business, or a widow or widower of such person, and to any resident dependants, ie son/daughter.

Reason: To accord with the previous application which was approved under the Orkney Local Development Plan 2014.

03. Surface water drainage provision within the application site shall accord with the principles of Sustainable Urban Drainage Systems (SUDS) and is designed to the standards outlined in Sewers for Scotland Second Edition (or any superseding guidance prevailing at the time).

Reason: To ensure that surface water drainage is provided timeously and complies with the principles of SUDS; in order to protect the water environment.

Appendix 3.

Proposed Erection of Lattice Tower and Installation of Cabinet at Upper Hammerfield, Westside Road, Rousay (18/145/PP)

Grant subject to the following conditions:

01. The materials used on the development hereby granted planning permission shall be as stated:

- Lattice Tower of the Communications Mast – Matt, Galvanised Steel, Colour: Light Grey (RAL 9018).
- Cabinet – Galvanised Steel, Painted (Matt), Colour: Dark Brown.

Thereafter, only the approved materials shall be used on the development unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the visual impact of the development and to protect the visual amenity of the area.

02. If the communications equipment hereby approved is not operational for a period of one year, it shall be removed entirely from the tower. If the ancillary equipment (tower and equipment cabinets) hereby approved becomes redundant, it shall be removed in its entirety from the site and the site reinstated to its previous condition within six months, to the satisfaction of the Planning Authority.

Reason: To protect the visual amenity of the area.

03. No work shall be undertaken during the bird breeding season of 1 April to 31 July, unless otherwise agreed in writing with the Planning Authority.

Reason: To avoid any potential disturbance to natural heritage interests.

04. A method statement for the construction, maintenance and removal of the mast, concrete plinth, control cabinet and all other associated equipment shall be submitted to, and agreed in writing with, the Planning Authority prior to work commencing on site.

Reason: To minimise any damage to the SSSI and impacts on the SPA.

Appendix 4.

Proposed Erection of Four Houses at Breckan Brae, St Mary's, Holm (18/165/PP)

Grant subject to the following conditions:

01. The external surfaces of the development hereby approved shall be finished with the following materials, unless otherwise agreed in writing by the Planning Authority:

- Roof – flat profile tiles, colour black (Mini Stonewold 63).
- Walls – dry dash, colour 'Arctic White' with matching render below DPC.
- Windows – colour brown/light oak.
- Doors – colour brown/light oak.
- Rainwater Goods – colour black.

Reason: To ensure that the external appearance of the development is acceptable.

02. Boundary treatment shall be as indicated on the Location and Site Plan hereby approved. All fencing shall be installed prior to the first occupation of the dwellings and thereafter shall be retained throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

Reason: In the interests of the protection of privacy and residential amenity between dwellings.

03. Throughout the lifetime of the development hereby granted planning permission, surface water must be treated in accordance with the principles of Sustainable Urban 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.

All surface water shall be contained within the development site and there shall be no surface water drainage run-off onto the road or adjacent land.

Uncontaminated surface water, including roof water, should be disposed of by the use of SUDS in accordance with General Binding Rules 10 and 11 of CAR. Further details regarding General Binding Rules and Controlled Activities Regulations (CAR) may be found on SEPA's website at:

https://www.sepa.org.uk/media/34761/car_a_practical_guide.pdf.

Further information on SUDs may be found on SEPA's website at: www.sepa.org.uk and http://www.susdrain.org/resources/SuDS_Manual.html.

Reason: To ensure the provision of an adequate surface water drainage system and to accord with Policy 13B – Sustainable Drainage Systems (SuDS) of Orkney Local Development Plan 2017, Scottish Planning Policy – Managing Flood Risk and Drainage, and in the interests of road safety.

04. Prior to the dwellings hereby approved being occupied and brought into first use, they shall connect to the public foul sewer as agreed under 10/385/PP for plots 8A, 9 and 10 and under 15/319/PP for plot 8B.

Reason: In the interests of environmental protection, to accord with Policy 13C 'Waste Water Drainage' of Orkney Local Development Plan 2017, and so that foul drainage from Plot 8B cannot access the public foul drainage system without being pumped.

05. Throughout the lifetime of the development hereby approved, only the access points into the plots shown on Location and Site Plan OIC-01 stamped approved and attached to the decision notice shall be used for vehicular access to the development and the driveway from the road shall be tarmac/bituminous surfacing as shown on the approved plan.

All works to the access and driveway shall be completed prior to first occupation of the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

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

Reason: In the interests of road safety.

06. 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.

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

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

Appendix 5.

Proposed Reinstatement of House, Extension and Creation of Access at Quoypettie, Deerness (18/252/PP)

Grant subject to the following conditions:

01. For the avoidance of doubt, the 'Gallery' indicated in the floor plan hereby approved shall be used for purposes incidental to the enjoyment of the house only, and for no other purpose or use.

Reason: For the avoidance of doubt, to enable the Planning Authority to retain effective control over the application site, to prevent overdevelopment or an adverse impact on the amenity of the area.

02. The access hereby approved with the public road shall be constructed to the Council's Roads Services standard drawing 'SD-01 Typical Access for Single Development (2-4 houses)', attached to and forming part of this decision notice, including dimensions, road construction, any pipe required, and verge or footway. The access shall be constructed and completed wholly in accordance with these details prior to first occupation of the development hereby approved, and thereafter shall be retained in accordance with these details throughout the lifetime of the development, unless otherwise agreed in writing by the Planning Authority.

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

Reason: In the interests of road safety.

03. 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.

Reason: To protect residential amenity of the area during the construction of this development.