



ORKNEY
ISLANDS COUNCIL

Item: 4

Local Review Body: 13 May 2025.

Proposed Erection of Self-catering Pod with Associated Landscaping and Parking at Braehead, Ontoft Road, South Ronaldsay (24/306/PP).

Report by Chief Executive.

1. Overview

- 1.1. Planning application 24/306/PP in respect of the proposed erection of a self-catering pod, with associated landscaping and parking, at Braehead, Ontoft Road, South Ronaldsay, was refused by the Appointed Officer on 4 March 2025.
- 1.2. Under the Town and Country Planning (Scotland) Act 1997 (the Act) and the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations), where an application for planning permission for local development has been determined by the Appointed Officer in accordance with the Council's Planning Scheme of Delegation, the applicant is entitled to seek a review of that decision by the Local Review Body.
- 1.3. The applicant has submitted a Notice of Review (see Appendix 1) requesting that the decision of the Appointed Officer, referred to at paragraph 1.1 above, be reviewed. The applicant has indicated that they think the most appropriate way for their review to be conducted is by site inspection with no other further procedure.
- 1.4. A letter from the Chief Planner, Scottish Government, issued in July 2011, confirmed that a review by a Local Review Body should be conducted by means of a full consideration of the application afresh.
- 1.5. Section 21 of the Scheme of Administration states that the Local Review Body will undertake unaccompanied site inspections for all planning applications subject to a local review, prior to meeting to consider the review. The purpose of the site inspection, together with the procedure to be adopted, are set out in section 21.2 of the Scheme of Administration. The applicant and interested parties have been advised that an unaccompanied site inspection to the site at Braehead, Ontoft Road, South Ronaldsay, is due to be undertaken on 12 May 2025 at approximately 16:00.
- 1.6. The review procedure is set out in section 4 below.

2. Recommendations

- 2.1. The Local Review Body is required to:
 - i. Determine whether it has sufficient information to proceed to determination of the review, and if so whether to uphold, reverse or vary the decision of the Appointed Officer.
- 2.2. Should the Local Review Body determine that the decision is reversed or varied, it is required to:
 - i. Determine the reasons, and, if applicable, the relevant matters in respect of potential conditions to be attached to the decision notice.
- 2.3. Should the Local Review Body determine that the decision is reversed or varied, it is recommended that members of the Local Review Body:
 - i. Delegate powers to the Chief Executive, following consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions and informatives, if appropriate, to attach to the Decision Notice.
- 2.4. Should the Local Review Body determine that it does not have sufficient information to proceed to determination of the review, it is required to:
 - i. Determine what further information is required, which parties are to be requested to provide the information, and whether to obtain further information by one or more of the following methods:
 - By means of written submissions under the procedure set out in Regulation 15 of the Regulations; and/or
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Regulations.

3. Planning Authority Decision

- 3.1. The Planning Handling Report, Planning Services file and the Decision Notice are attached as Appendices 2, 3 and 4 to this report.
- 3.2. On 4 March 2025, the Appointed Officer refused planning application 24/306/PP on the following grounds:
 01. The proposed development would create a Noise Sensitive Receptors, in this instance the self-catering pod, which would be subject to excessive noise. This would contradict the principles of the Environmental Protection Act 1990, which

seeks to protect the amenity of these users. Therefore, the proposal is contrary to Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023).

02. The proposal cannot conclude the financial involvement of future occupants of the pod, namely that occupants would have no control of turbine operations to mitigate noise impacts. Without financial involvement, the proposal is contrary to Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023).

03. The proposed development is prejudicial to the operation of an existing wind turbine, reference 12/152/TPP, as the proposed site would place the wind turbine in breach of conditions. Therefore, the proposal does not comply with Orkney Local Development Plan 2017, Policy 1 (iii).

04. The proposed development would have a negative effect on the amenity of the area as the noise levels from wind turbine 12/152/TPP would cause unacceptable amenity impacts and would cause the wind turbine to be in breach of conditions. Therefore, the proposal is contrary to the Orkney Local Development Plan 2017 Policy 2 (ii).

05. The proposed site would result in detrimental impacts on the amenity of users due to noise levels from the existing wind turbine 12/152/TPP as noise levels would be over the 35 dB(A) requirement. Therefore, the proposal is contrary to National Planning Framework 4 Policy 14 C.

4. Local Review Procedure

- 4.1. In response to a Notice of Review, "interested parties" are permitted to make a representation to the Local Review Body. "Interested parties" include any party who has made, and not withdrawn, a representation in connection with the application. No representations were received.
- 4.2. The Local Review Body may uphold, reverse or vary the decision of the Appointed Officer. In the event that the decision is reversed, an indication of relevant matters, in respect of potential planning conditions, are as follows:
 - Duration of consent.
 - Hours of work.
 - Occupation (Short term letting).
 - Demolition affecting breeding birds.
 - Biodiversity enhancement.

- Surface water drainage.
 - Access.
- 4.3. All conditions should be in accordance with Planning Circular 4/1998 regarding the use of conditions in planning permissions.
- 4.4. If the decision is reversed and the development is approved, it is proposed that powers are delegated to the Chief Executive, following consultation with the Planning Advisor and the Legal Advisor, to determine the necessary conditions and informatives, based on the relevant matters agreed in terms of section 4.2 above.
- 4.5. If the Local Review Body decides that further procedure is required, it may decide to hold a pre-examination meeting to consider what procedures to follow in the review, or to obtain further information by one or more of the following methods:
- By means of written submissions under the procedure set out in Regulation 15 of the Regulations 2013; and/or.
 - By the holding of one or more hearing under the Hearing Session Rules set out in Schedule 1 of the Regulations.

5. Relevant Planning Policy and Guidance

- 5.1. Section 25 of the Act as amended states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise ... to be made in accordance with that plan...”.
- 5.2. The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and other supplementary planning advice and guidance can be read on the Council website [here](#). Although the Orkney Local Development Plan is “out-of-date” and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.
- 5.3. National Planning Framework 4 was approved by Parliament on 11 January 2023 and formally adopted by Scottish Ministers on 13 February 2023. The statutory development plan for Orkney consists of the National Planning Framework and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of National Planning Framework 4 and a provision of the Orkney Local Development Plan 2017, National Planning Framework 4 is to prevail as it was adopted later. It is important to note that

National Planning Framework 4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in National Planning Framework 4 and can be used to guide decision-making.

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

- National Planning Framework 4:
 - Policy 14 – Design, Quality and Place.
 - Policy 23 – Health and Safety.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design.
 - Policy 7 – Energy.
- Development Management Guidance:
 - Wind Energy: Definitions Associated with Noise Assessments (2023).

For Further Information please contact:

Gavin Barr, Planning Advisor to the Local Review Body, extension 2530, Email: gavin.barr@orkney.gov.uk.

Implications of Report

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

- Cost of Living.
 - Sustainable Development.
 - Local Equality.
 - Improving Population Health.
9. **Environmental and Climate Risk:** None.
 10. **Risk:** None.
 11. **Procurement:** None.
 12. **Health and Safety:** None.
 13. **Property and Assets:** None.
 14. **Information Technology:** None.
 15. **Cost of Living:** None.

List of Background Papers

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

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

Planning Circular 4/1988, available [here](#).

Appendices

Appendix 1 – Notice of Review (pages 1 – 8).

Appendix 2 – Planning Handling Report (pages 9 – 16).

Appendix 3 – Planning Services File (pages 17 – 86).

Appendix 4 – Decision Notice (pages 87 – 90).

Pages 1 to 90 can be viewed [here](#), clicking on “Accept and Search” and inserting the planning reference “24/306/PP”.

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County 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)																																																				
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3. Application Details																																																					
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Planning authority's application reference number	24/306/PP																																																				
Site address	Braehead, Ontoft Road, South Rendley Orkney																																																				
Description of proposed development	Erect a self-catering pod with associated landscaping and parking.																																																				

Date of application

Date of decision (if any)

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

4. Nature of Application

Application for planning permission (including householder application) Application for planning permission in principle Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition) Application for approval of matters specified in conditions

5. Reasons for seeking review

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

6. Review procedure

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

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

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

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

7. Site inspection

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

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

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

Visit possible.

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.

Please see attached document.

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

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

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

Please see attached Document

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:

[Redacted Signature]

Name:

Fiona Lawrie

Date:

07/03/24

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

Dear Planning Committee

I am writing to appeal the decision to refuse planning for a camping pod near our house at the Braehead.

As a small farm (approx. 26 cattle/30 sheep) struggling to survive, we applied for planning for a pod to hopefully access the Farm Diversification Grant by OIC to support small farms which would help fund a large part of this project. We have been advised by a member of the grant team who are familiar with our project (as we have an application submitted pending obtaining planning) that it meets the grant criteria and that there is still funding available if we were able to obtain planning.

Having a pod on our land would help secure the financial viability of our small farm

It would also benefit the local community, bringing 2-4 more independent travellers each week to travel on the ferry, use the local shops and visit our local eateries and tourist attractions.

What really inspired us to move forward with this project quickly last August was the need/call out for more accommodation during the Island Games, and indeed if planning had gone through the first time, then the pod would be in place for the Island Games. We had hoped to be able to offer free accommodation to athletes to launch/promote our first summer season. We were very excited about this project. It is getting late, but if the project were passed soon, it may still be a possibility to have it in place by the Island Games in June.

Planning was submitted in August 2024. What initially slowed down planning were Environmental/Landscaping issues. We would only be landscaping a postage stamp sized plot of land, changing it from old grass full of docs and weeds to a pod cabin with a little area of landscaping bushes and plants around it. The initial report which stated that we were knocking down a stone building was in fact inaccurate. It is a rusty old metal lean to which will soon fall if we do not knock it down and half of an old concrete water tank.

Five months after submitting our initial application, Environmental Health wanted a noise survey which we have partially failed to meet. **My question is why did it take 5 months for Environmental Health to request this?** The real irony being our house is closer to the turbine than the pod will be, and we live noise pollution free. On a flat calm day, we hear more noise from the local ferry, cars on the road, barking dogs and children playing at the local school. Normal human life noises. The other irony is that OIC with the farm diversification grant clearly recognizes the needs to support and help small farms-whereas OIC planning and Environmental Health do not take this into consideration. Simply one OIC department has cancelled the other one out.

As owners of a small farm, we live a fairly green sustainable lifestyle and I am a big supporter of environmental issues, but I do feel that the Environmental Agencies seem to have too much power in the planning process and that the balance between the economic development of the islands and environmental protection issues are out of sync and not in favour of helping the islands to develop their economic potential.

We are putting in an appeal, we imagine we have little hope since we only partially meet the noise survey requirements. However, if the project is considered from an economic point of view for the island, the benefits far out way the negatives of the small decibel criteria that we do not comply with. Furthermore, at the end of the day the people who will decide if the pod is too noisy would be the visitors who would soon post any issues on Trip Advisor. We are confident that this would not be an issue. We live noise pollution free and so would our visitors.

Obviously, we are requesting that you reconsider the decision made about our project, and in the event that we are unsuccessful, We would like to request that for other projects more balance is given to the economic aspects of projects in planning and that there is more give and take between Economics and the Environment. We need to and should protect the Environment of our islands for everyone, but we also need the economy to thrive for the future of our islands and for our young people.

I hope you will come and visit the site yourself and see what you think about the (zero) noise from the turbine. Thank you for your consideration of the planning application whatever the outcome.

Kind regards

Billy and Fiona Norquay

4.3 Analysis and Conclusions

The noise assessment has been undertaken in accordance with the consultation requirements set out by the planning officer, which specify that noise levels from the wind turbine must not exceed 35 dB $L_{A90,10mins}$ within the curtilage of the proposed glamping pod at wind speeds of up to and including 10 m/s.

Based on the calculations presented, it is evident that the noise levels are likely to exceed 35 dB in most external areas around the glamping pod at 10 m/s, and in some areas at 8 m/s (on the western side of the patio, but being below 35 dB on the eastern side). The noise levels are predicted to comply with the 35 dB threshold at wind speeds of 7 m/s and below, but as per above, with exceedances at wind speeds of 8 m/s and above.

Despite this partial compliance, the results suggest that the proposal does not fully meet the requirements specified by the planning officer due to the exceedances at higher wind speeds.

However, contextually, it is significant to note that the glamping pod is a holiday rental situated on the same land as the wind turbine, both of which are owned by the applicant. As highlighted in the original planning condition for the turbine, the 35 dB limit was not deemed applicable to the Braehead property due to the owner's financial interest in the turbine.

As discussed in Section 3.2 of this report, ETSU-R-97 provides further support for this interpretation, stating that for receptors with a financial interest in the development, the fixed lower noise limit may be increased to 45 dB $L_{A90,10mins}$.

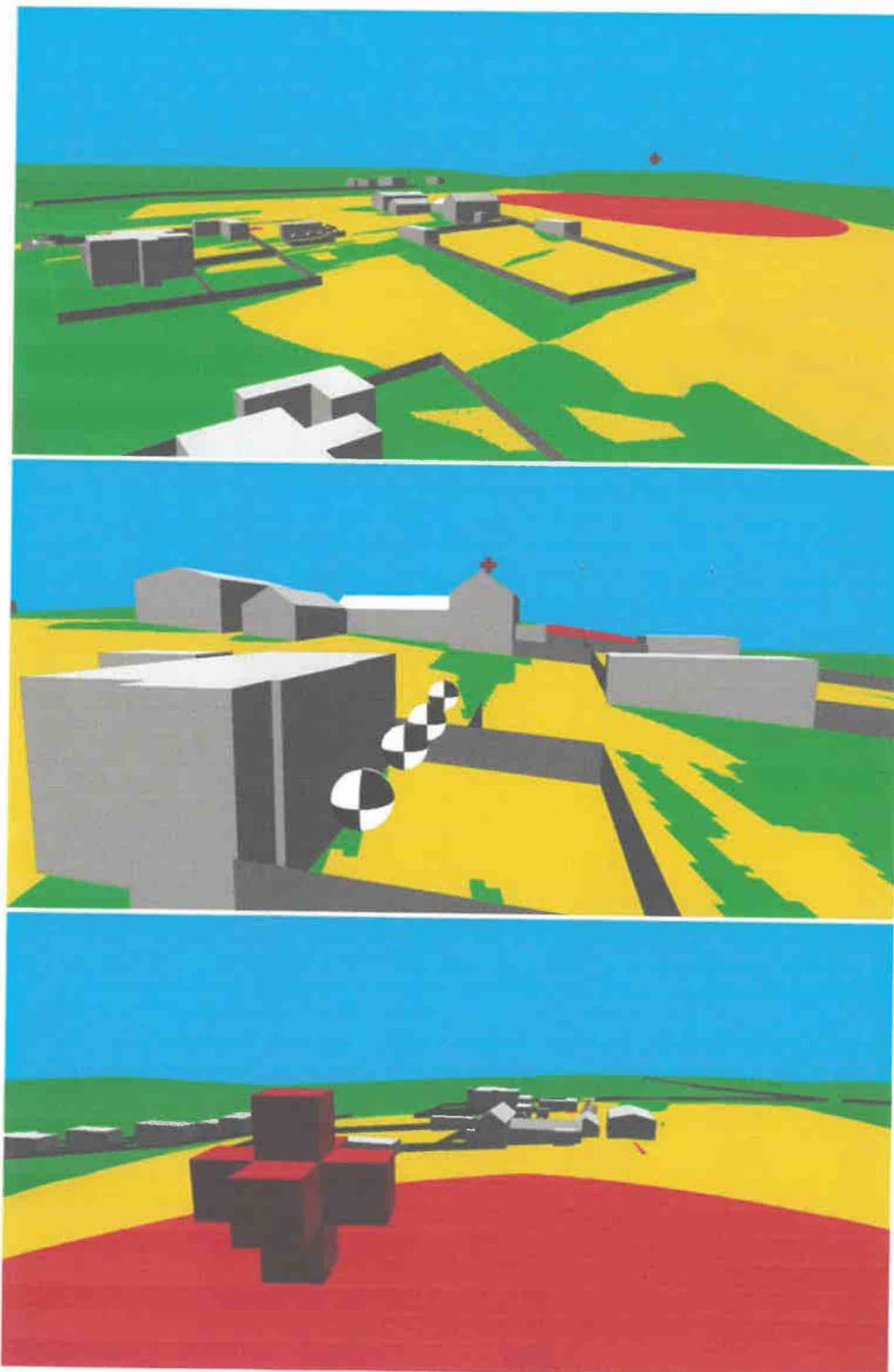
Given that the pod is owned and operated by the same individual who owns the turbine, it is reasonable to extend this logic to suggest that the exceedances of 35 dB at higher wind speeds are acceptable in this specific context, given that predicted levels in the external area at 10 m/s are in the range of 37 – 41 dB and therefore, within a 45 dB limit.

Furthermore, the use of the pod as a holiday rental introduces additional practical considerations. Any potential noise-related complaints from guests would be directed to the owner of the pod, who is also the owner of the turbine. This dynamic effectively negates the likelihood of complaints being made to the Council, as the owner would address such concerns directly.

In conclusion, while the proposal does not fully comply with the consultation requirements at higher wind speeds, the site-specific circumstances, including shared ownership, financial interest, and the nature of the glamping pod as a holiday rental, suggest that the exceedances are unlikely to result in actionable complaints. The proposed mitigation measures provide additional options to address noise levels should compliance with the 35 dB threshold be deemed necessary.

Appendix A – Noise Maps

Figure A.1 – Images of the model setup



Planning Handling Report.

Site: Braehead, Ontoft Road, South Ronaldsay, KW17 2TL

Proposal: Erect a self-catering pod with associated landscaping and parking

Determination under delegated powers

1. Summary

Application Number:	24/306/PP
Application Type:	Planning Permission
Applicant:	Mrs Fiona Lawtie, Braehead, St Margaret's Hope, KW17 2TL
Agent:	Glampitect, 30 Craiglockhart Dell Road, Edinburgh, EH14 1JP

All application documents (including plans, consultation responses and representations) are available for members to view at the following website address:

https://www.orkney.gov.uk/Service-Directory/D/application_search_submission.htm
(then enter the application number given above).

2. Consultations

2.1. Development & Marine Planning - Environment

No adverse comment, subject to conditions.

2.2. Scottish Water

No objections.

2.3. Roads Services

No adverse comment, subject to condition and informative.

2.4. Environmental Health

“We are in agreement with the conclusion in the report that the noise levels at the proposed development are likely to exceed the 35 dB(A) requirement at noise sensitive receptors. Therefore, we object to the application on noise grounds.

It is also noted from the report that mitigations have been put forward with regards to addressing the higher noise limits. However, this would be a matter for Development Management to address.”

3. Representations

No valid representations received.

4. Relevant Planning History

No relevant planning history.

5. Pre-application Advice

Pre-application advice was sought by the applicant regarding the replacement of a ruinous building with holiday accommodation in March 2024. The ruinous building is placed within their land ownership, and it was then stated that a potential constraint within the application site was present – a wind turbine located to the east of the existing ruinous building.

It was stated, “As the use of a house would be to provide accommodation this is regarded as noise sensitive and as such consideration of amenity matters arising in relation to noise would be a consideration. Where wind turbines are within 250 metres of an identified development site for a noise sensitive use the developer would be required to demonstrate that the existing wind turbine would not cause an unacceptable amenity impact to the proposed development and that the legitimate operation of the permitted wind turbine is not negatively impacted by the proposed development. I would refer you to the Wind Energy Noise Assessment Definitions provided via the related downloads per <https://www.orkney.gov.uk/Service-Directory/D/development-management-guidance.htm>”.

Therefore, it was known prior to this application that a wind turbine within the area may be a constraint affecting proposed development.

6. Relevant Planning Policy and Guidance

The full text of the Orkney Local Development Plan 2017 (OLDP 2017) and supplementary guidance can be read on the Council website at:

<https://www.orkney.gov.uk/Service-Directory/D/Planning-Policies-and-Guidance.htm>

The policies listed below are relevant to this application:

- National Planning Framework 4
 - Policy 14. Design, quality and place.
 - Policy 23. Health and safety.
- Orkney Local Development Plan 2017:
 - Policy 1 – Criteria for All Development.
 - Policy 2 – Design
 - Policy 7 – Energy
- Development Management Guidance
 - Wind Energy: Definitions Associated with Noise Assessments (2023).

7. Legal Aspects

7.1.

Section 25 of the Town and Country Planning (Scotland Act 1997 (“the Act) states that in making determinations under the Planning Acts the determination should be in accordance with the development plan unless material considerations determine otherwise.

7.2. 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.

7.3. Status of National Planning Framework 4

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

8. Assessment

8.1. Proposal and Site

Planning permission is sought for the erection of a self-catering pod within the St Margaret’s Hope boundary, situated in the curtilage of an existing dwelling. The proposed pod would be located to the south of the dwelling, requiring the demolition of an existing shed to accommodate the development. The site is in proximity to a wind turbine located approximately 140 meters to the north.

8.2. Wind Turbine

8.2.1.

A Noise Impact Assessment has been submitted with the application, dated 23 January 2025. Both this Noise Impact Assessment and the consultation response from Environmental Health (19 February 2025) confirm that the noise levels at the site would exceed acceptable limits, resulting in unacceptable impact on the proposed development. Whilst the Noise Impact Assessment outlines mitigation strategies, the findings indicate that noise levels would remain above the acceptable threshold, affecting the amenity of future occupants of the pod.

8.2.2.

Correspondence issued to the applicant on 8 March 2024 regarding a separate holiday accommodation proposal identified the wind turbine as a constraint on

development within this location. The current application does not sufficiently demonstrate how noise impacts can be effectively mitigated. As confirmed in Development Management Guidance, it is 'occupants' of a property who must be protected from amenity impacts, whether living somewhere permanently or on holiday or other short-term basis, and unlike a financially involved property owner who would have a level of control over the turbine operation, temporary guests of the pod would not have the ability to manage or mitigate the noise impact.

8.2.3.

While other aspects of the development are acceptable in planning terms, the identified noise constraints are a fundamental issue. Given that the proposal introduces a noise-sensitive receptor (i.e. a residential property) within an area where excessive noise levels have been established as a constraint, the site is not suitable for such a development. The noise limits applied are to protect the external amenity as well as within the building and applies to those areas of the property that would be frequently used for relaxation or activities for which a quiet environment is highly desirable.

8.2.4.

Planning permission for the existing wind turbine, reference 12/152/TPP, was approved with noise conditions to protect nearby receptors, as normal. The Noise Impact Assessment confirms that these conditions would be breached should the pod be approved, making the continued operation of the turbine non-compliant. As specified in NPF4, the Agent of Change principle applies, and existing noise emitting sources must be protected from future development that would, if brought into use, raise concerns in relation to that existing development. Failure to comply with planning conditions raises concerns regarding enforceability, and approval of the proposed noise-sensitive use in this location would complicate enforcement and compliance monitoring. NPF4 Policy 14C requires development to prevent significant adverse health effects, including prolonged noise exposure. The Noise Impact Assessment confirms that noise mitigation is insufficient, conflict with Policy 14C.

8.2.5.

Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' confirms that *"Financial involvement means that the developer has direct control of the existing wind turbine and benefits financially from it. The developer therefore has the ability to turn off the wind turbine and change how it operates. This is so they can protect the amenity at the noise-sensitive receptor. This is evidenced by legal documentation."* As confirmed above, the necessary consideration in such cases is that the occupant of the pod would not be financially involved and would not have control to turn off the wind turbine to alleviate the noise impact. It is on this basis that the proposed development, which would be occupied by occupants on holiday, differs from the adjacent domestic property, which is served by the turbine, where occupants in that case are financially involved, as they can turn off the turbine, and therefore can be subject to a higher noise level. The proposed development does not comply with the Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments'.

8.2.6.

Wherever possible, when development is considered contrary to relevant policies, Development Management will provide potential alternatives. In this case, the only viable option was to remove/relocate the pod, or remove/relocate the wind turbine. Both options are on the gift of the applicant. The applicant was also provided the option to withdraw the application, to avoid the need for refusal, or continue to determination. The applicant has decided to continue with determination.

8.3. Amenity

8.3.1.

Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' confirms that *"Noise Sensitive Receptors are considered to be the land and buildings that fall into Classes 7 – Hotels and hostels, Class 8 - Residential institutions, Class 9 – Houses and Class 10 – Non-residential institutions; of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and sui generis uses where persons will sleep overnight and use as accommodation for a period of time such as a short term holiday let. It is considered that users of these classes are able to enjoy the amenity of these locations without the disturbance of excessive noise from a neighbouring user."* As proposed holiday accommodation, it is therefore clear that the Development Management Guidance, and associated noise requirements, apply to the development as proposed.

8.3.2.

The proposed self-catering pod is a noise-sensitive receptor, and the Noise Impact Assessment confirms that the site would experience unacceptable noise levels from the adjacent wind turbine. Mitigation measures were proposed by the applicant – including that the owner could manage complaints from guests, and that the owner would have a financial involvement in the two met. Critically, neither of these suggested mitigations addresses the key requirement that occupants of any property must be protected from noise, even if that noise is generated by the landlord (or in this case, the owner of the occupied holiday accommodation). The guests would have no control over the operation of the turbine. Rather than providing sufficient mitigation, this emphasises the issue if planning control is removed from noise management, because the owners would therefore be both the source of the noise, and also outlet for any noise complaints. It is critical therefore that all noise sensitive receptors, i.e. all residential development, be protected at the basic level.

8.3.3.

NPF4 Policy 23E explicitly states that developments with unacceptable noise impacts should not be supported. Given that excessive noise has been identified as a known constraint in this location, introducing a new noise-sensitive use would be fundamentally inappropriate. Ensuring a high level of amenity is a core principle of sustainable development. Allowing the proposal to proceed despite the identified noise issues would compromise the living conditions of future occupants, contradicting policy requirement for satisfactory amenity.

8.3.4.

As short-term holiday accommodation and a noise-sensitive receptor, this must be protected from excessive noise and failure to mitigate noise impacts would result in harm to the amenity of future occupants and therefore be contrary to Policy 1 (iv) and (v) of the Orkney Local Development Plan 2017.

8.3.5.

The mitigation strategy is submitted includes, *“However, contextually, it is significant to note that the glamping pod is a holiday rental situated on the same land as the wind turbine. Both of which are owned by the applicant. As highlighted in the original planning condition of the turbine, the 35 db limit was not deemed acceptable to the Braehead property due to the owner’s financial interest in the turbine”*. The applicant’s financial interest in both the wind turbine and the glamping pod is acknowledged; however, this does not mitigate the potential noise impacts experienced occupants of the pod. Holiday guests may not be fully aware of the potential noise levels prior to booking. The absence of financial interest of occupants does not negate their right to a reasonable level of amenity during occupation. Furthermore, the mitigation strategy fails to address how compliance with noise limits could be monitored and enforced. Temporary visitors may be less likely to report noise disturbances formally; however, this does not mean the impacts would not exist. In determining planning applications, the planning authority must ensure that noise conditions remain enforceable and that any mitigation strategies align with established guidance, rather than relying on an assumption that complaints will not arise. Therefore, the mitigation strategy cannot be accepted in relation to Development Management Guidance ‘Wind Energy: Definitions Associated with Noise Assessments’ (2023).

8.3.6.

Further mitigation was suggested: *“Furthermore, the use of the pod as a holiday rental introduces additional practical considerations. Any potential noise-related complaints from guests would be directed to the owner of the pod, who is also the owner of the turbine. This dynamic effectively negates the likelihood of complaints being made to the council, as the owner would address such concerns directly.”* The Council could face challenge in relying on this as an effective mitigation measure. Whilst the owner may indeed manage complaints directly, this does not eliminate the potential for noise-related impacts on occupants. If issues persist, dissatisfied guests could still escalate their concerns to the Council, particularly if they feel their complaints are not being adequately addressed. Furthermore, this approach assumes that all guests would be fully aware of the turbine’s presence and potential noise levels before booking their stay. If guests are unaware or misinformed, they may be more likely to raise concerns. Additionally, future changes in ownership or management could alter how such complaints are handled, reducing the effectiveness of this strategy in the long term. Therefore, as above, the mitigation cannot be acceptable under the Development Management Guidance ‘Wind Energy: Definitions Associated with Noise Assessments’ (2023).

9. Conclusion

9.1.

The proposed development for a self-catering pod within the curtilage of an existing dwelling is, in most respects, acceptable and would have general policy support. However, development must meet all critical policy tests, and the proximity of the wind turbine and the associated noise impacts present a significant constraint that cannot be mitigated to an acceptable level. The Noise Impact Assessment confirms that noise levels at the site would exceed the required conditions, leading to an unacceptable impact on the amenity of future occupants. The mitigation strategies provided do not comply with the Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023). Temporary guests / occupants cannot be considered financially involved, nor do they have control over the operation of the turbine. Furthermore, the assumption that guests would not report noise issues to the Council does not negate the reality of potential disturbances.

9.2.

Given that the proposed development would create a new noise-sensitive receptor in an area where unacceptable noise levels have been assessed and identified, the proposal is contrary to established planning guidance. Approval would result in a conflict between the existing wind turbine and the amenity expectations of the proposed development, making the development unsuitable for occupation.

9.3.

The proposed development is contrary to Policies 14C and 23E of National Planning Framework 4, Policies 1 (iii), (iv), (v), and 2 (ii) of the Orkney Local Development Plan 2017, and Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023). There are no material considerations that outweigh this conclusion.

10. Reason for Refusal

01. The proposed development would create a Noise Sensitive Receptors, in this instance the self-catering pod, which would be subject to excessive noise. This would contradict the principles of the Environmental Protection Act 1990, which seeks to protect the amenity of these users. Therefore, the proposal is contrary to Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023).

02. The proposal cannot conclude the financial involvement of future occupants of the pod, namely that occupants would have no control of turbine operations to mitigate noise impacts. Without financial involvement, the proposal is contrary to Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023).

03. The proposed development is prejudicial to the operation of an existing wind turbine, reference 12/152/TPP, as the proposed site would place the wind turbine in breach of conditions. Therefore, the proposal does not comply with Orkney Local Development Plan 2017, Policy 1 (iii).

04. The proposed development would have a negative effect on the amenity of the area as the noise levels from wind turbine 12/152/TPP would cause unacceptable amenity impacts and would cause the wind turbine to be in breach of conditions. Therefore, the proposal is contrary to the Orkney Local Development Plan 2017 Policy 2 (ii)

05. The proposed site would result in detrimental impacts on the amenity of users due to noise levels from the existing wind turbine 12/152/TPP as noise levels would be over the 35 dB(A) requirement. Therefore, the proposal is contrary to National Planning Framework 4 Policy 14 C.

11. Contact Officer

Isla McLeod. Graduate Planner

Date: 28th February 2025



DESIGN & ACCESS STATEMENT

TO SUPPORT THE DEVELOPMENT OF A GLAMPING SITE AT

Braehead,
St Margaret's Hope,
Orkney,
KW172TL

www.glampitect.co.uk
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Proposed is the installation of 1no. glamping pod for overnight guest use, associated patio, footpaths, permeable track, parking & turning area, bicycle racks and recycling/refuse storage. Also intended is minor landscaping of the site, planting of native species hedgerow, and shrubbery throughout the site.

The pod will be connected to the existing foul mains east of the site. All hard landscaping will be constructed from permeable materials and the pod will be surrounded by a gravel border to allow roof run-off to easily infiltrate the ground.

The chosen high-end glamping pod will be constructed off-site by the manufacturer Pod Factory and delivered as a full unit ready for installation.

The application site is just outside St Margaret's Hope, Orkney. The site location will be easily accessible from across the country via both car and public transport. The proposal supports sustainable travel by including E.V. charging points bike racks, guests will be encouraged to bring their own bikes to explore the area.

The small-scale, sustainable development will provide subtle and discreet countryside holiday accommodation for tourists visiting the area on short breaks and weekend stays. The site is proposed to be in operation year-round, making it an excellent option for visitors to retreat and access everything the area has to offer in all seasons.

In designing the proposed site, the **Orkney Local Development Plan (2017)** was referenced, and the following policies were considered. It is believed that the proposal is compliant with each of the following policies:

- **Policy 1: Criteria for All Development**

The design of the proposed glamping site has been carefully considered to not take away from the local landscape character. Materials chosen are to match the surrounding area using natural materials and the inclusion of new indigenous shrubbery and bushes. The proposal will not affect the seascape, with the chosen unit being 3m in height and situated very close to the existing surrounding buildings.

The site has taken into account the existing coastal character and due to the positioning of the unit being near existing dwellings, it is believed the small-scale development will be respectful of the surrounding area.

The development is believed not to cause a burden to the local area and land as the entirety of the site is contained within a small portion of the chosen land, therefore it does not encroach over vast amounts of land and will be discreet to the surrounding area.

The development will not hinder any surrounding properties as all access routes will be existing and the pods will be sheltered from view of neighbouring properties.

The development will promote responsible waste management in line with any local waste plans with the onsite recycling and refuse point included in the service hut. The units will also not create or enhance any risk to public health and safety.

- **Policy 2: Design**

The development will reinforce the identity of the surrounding area by developing the site with existing and new indigenous shrubbery and screening materials. This will then enable the proposed site to enforce a natural effect on the appearance of the area.

The proposed development will contain easy wayfinding with a permeable track and vehicle parking on the site leading directly to each pod. The existing access track leading to the site will not be hindered in any way by the development.

Glamping installations require minimal groundwork and due to the natural small gradient of the site, only minor levelling will be required to create the pod footings. No harmful construction practices will be utilised during construction.

To minimise energy and light pollution, the exterior lighting throughout the site will be fitted with sensors to allow for the lighting to operate only when needed and for short periods of time. One lighting bollard has been proposed per pod to allow safe passage of guests to and from their units at night.

- **Policy 3: Settlements, Town Centres & Primary Retail Frontages**

The proposed application site lies within the settlement boundaries of the small village St Margaret's Hope.

The centre of town is approximately a 10-minute walk from the proposed site, allowing guests suitable access to the local amenities such as The Murray Arms Hotel and Seafood, Robertsons Coffeehouse & Bar and The Old Trading Post - Post Office. The town is filled with small businesses ran by local residents therefore we believe this proposal would contribute positively to the local economy.

The proposal would not create any adverse effects to the vitality and viability of existing town centres.

- **Policy 4: Business, Industry & Employment**

This proposed business looks to support and encourage employment on Orkney. The 1 glamping pod will require a variety of services to ensure they are well maintained and are providing guests with luxury amenities.

Roles in the form of general maintenance, housekeeping, booking operator, and a site manager will be required to ensure the successful survival of the business.

As the land is located adjacent to the site operator's dwelling, this will ensure the site is always maintained and secure. Due to the nature of glamping, the site location will allow guests to enjoy the scenic views and peacefulness that Orkney is well known for.

The new business is locationally required to be within the countryside. Glamping sites thrive within the countryside setting and within rural areas due to their nature and the implications that follow glamping. Guests want to connect with the natural environment and have the opportunity to escape their busy everyday lives. With such scenic views, it is anticipated this site will have high bookings all year round. If these were sited within busy environments, it is thought the business would not function successfully.

The site being located within the proposed area will also ensure guests' security and will allow the site operators to be a moment away if guests were ever in need of assistance.

- **Policy 8: Historic Environment & Cultural Heritage**

The development will use existing and new indigenous shrubbery and screening materials. This will then enable the proposed site to enforce a natural effect on the appearance of the area. The proposal has been kept to a very small area of an existing field with it only using a small amount of the site for the pod.

The proposal does not propose any adverse effects on local wildlife and any existing biodiversity in the area. Additional native shrubs have been proposed around the pods to help integrate the pods into the landscape and to improve biodiversity on the site.

There are no existing trees within the chosen site area therefore the proposal does not impose any threat to trees or woodland.

- **Policy 10: Green Infrastructure (Paths, Open Spaces & Green Networks)**

No public right away or footpaths are found in proximity to the site. The existing access provides safe access to and from the public road. The existing access track is found under the site operator's ownership and will be utilised for guest use to reach the pod. The track will be kept well-maintained.

- **Policy 12: Coastal Development**

The proposed small-scale glamping site will not create any adverse effect on the existing coastal character. The unit has been positioned adjacent to an existing fence line and wall to retain development to existing boundaries.

- **Policy 13: Flood Risk, SuDS & Waste Water Drainage**

The chosen site lies outwith any potential flood risk areas. Therefore, all units will be out of risk of flooding and will provide a safe environment for all guests.

SuDS will be incorporated throughout the development through the use of permeable materials for all paths and a gravel border around each unit for surface water runoff from the roofs.

As the site is rural a private waste drainage supply has been proposed for the units. The units will connect to a new septic tank which will not pose any risk to the natural and built environment surrounding the site.



3.1 Location

The site is within the settlement boundaries of St Margaret's Hope, Orkney – just a short walk from the town centre, only approximately 0.6 miles away.

Guests will access the site and island via the local St Margarets ferry terminal again, approximately 0.6 miles and a short 12-minute walk.

Many tourist spots and attractions are within a suitable travel distance to the site, but the main focus of the site will be to encourage guests to embrace the natural scenery the island has to offer. It is perfectly suited for visitors looking to enjoy the natural beauty of this area and the proposal will create a significant economic benefit to the surrounding area and local businesses.

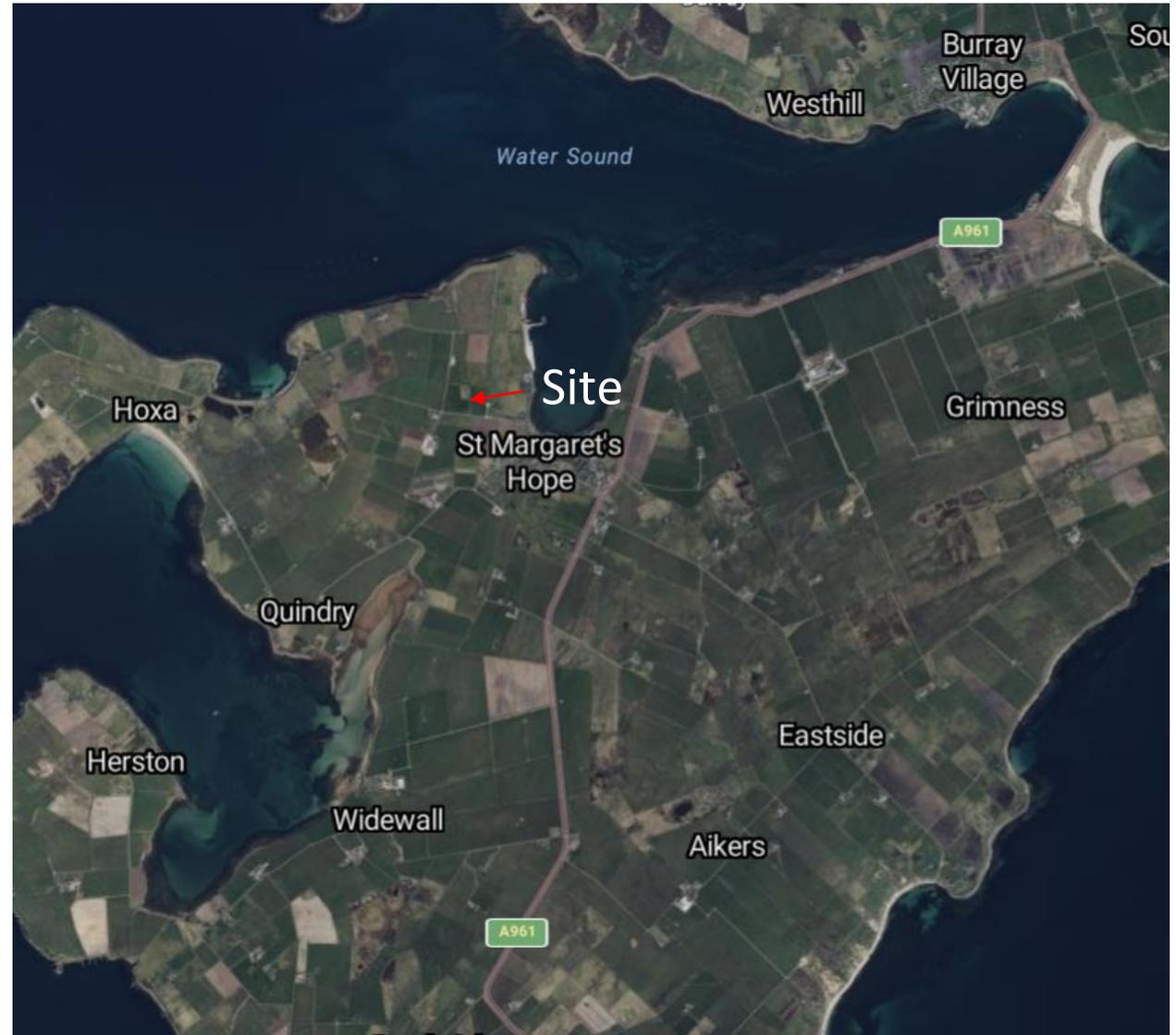


Figure 1. Aerial view of site location. Source: Bing Maps

3.2 Proposed Site Information

Although found on the remote island of South Ronaldsay, the site is situated within the settlement boundaries of St Margaret's Hope this then being the governing designation.

The site can be found situated between existing walls and dwellings and therefore expected to be greatly shielded from the elements. The site has a subtle downward gradient running from northwest to southeast.

The nearest neighbouring property is approximately 35 meters south of the proposed pod, due to the small scale of the site and the existing land features, including a tall stone wall, it is not expected that the site will cause any impact.

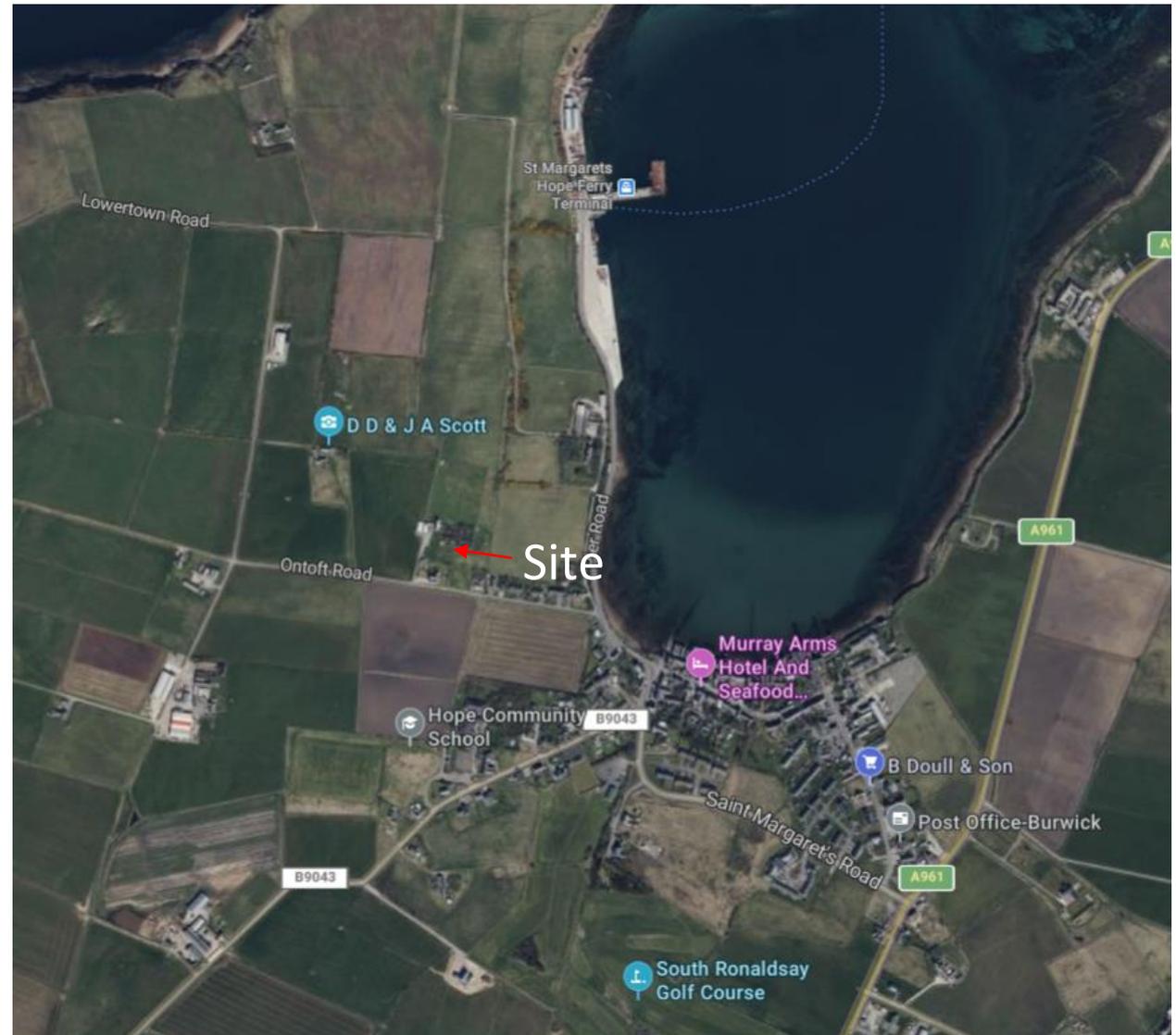


Figure 2. Aerial view of site. Source: Google Maps

3.3 Site Access

The glamping site will be reached by following Ontoft Road and connecting to Pier Road which will lead guests directly into town or north to the ferry terminal. It is felt that the additional traffic generated by the glamping site will not negatively impact other road users. The access to the site is an already established farm road, the one car to be associated with the site is not expected to make an impact on this.

Visibility is good in both directions from the site entrance onto the public road where the access lies perpendicular, as can be seen in figures 3 and 4 below.



Figure 3. Facing west on public road.



Figure 4. Facing east on public road.

3.4 Site Photos



View 1. Facing south down access track connecting to Back Road with site on left.



View 2. Facing south east with site shown in front.



View 3. Facing west on Ontoft Road from access.



View 4. Facing east on Ontoft Road with access track on left.

3.5 Flood Risk

It has been identified from flood maps that the site lies in low zone with regard to surface water, river, and sea flooding. It is therefore anticipated that a flood risk assessment is not required. There is also no risk from future flooding found on SEPA flood maps.

All hard landscaping will be constructed from permeable materials to allow water to freely infiltrate the ground. Likewise, a pebble border around the pod will be provided for roof run-off. See drawing 'Drainage Plan' for additional information.

Flood Maps

Surface Water Flooding

High Likelihood

Each year this area has a 10% chance of flooding.

Medium Likelihood

Each year this area has a 0.5% chance of flooding.

Low Likelihood

Each year this area has a 0.1% chance of flooding.



Figure 5. Map of Surface Water Flood Risk. Source: sepa.uk

Flood Maps

River Flooding

High Likelihood

 Each year this area has a 10% chance of flooding.

Medium Likelihood

 Each year this area has a 0.5% chance of flooding.

Low Likelihood

 Each year this area has a 0.1% chance of flooding.

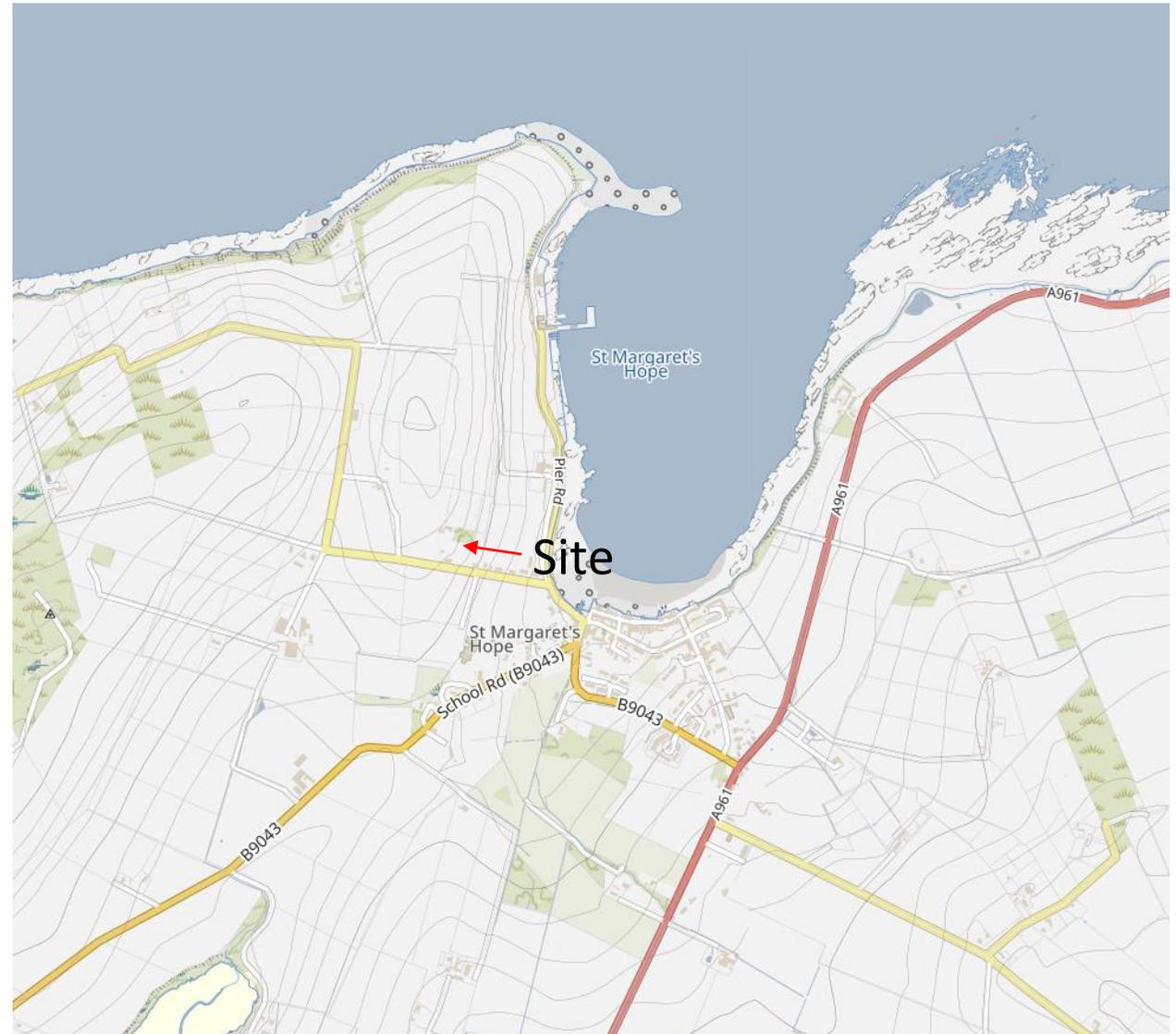


Figure 6. Map of Flood Risk from rivers and sea. Source: sepa.uk

Flood Maps

Coastal Flooding

High Likelihood

 Each year this area has a 10% chance of flooding.

Medium Likelihood

 Each year this area has a 0.5% chance of flooding.

Low Likelihood

 Each year this area has a 0.1% chance of flooding.



Figure 7. Map of Flood Risk from coastal. Source: sepa.uk

Flood Maps

Future Flood Maps

River Medium Likelihood

- By the 2080s, each year this area may have a 0.5% chance of flooding.
- Future scenario data not available.

Coastal Medium Likelihood

- By the 2080s, each year this area may have a 0.5% chance of flooding.
- Future scenario data not available.

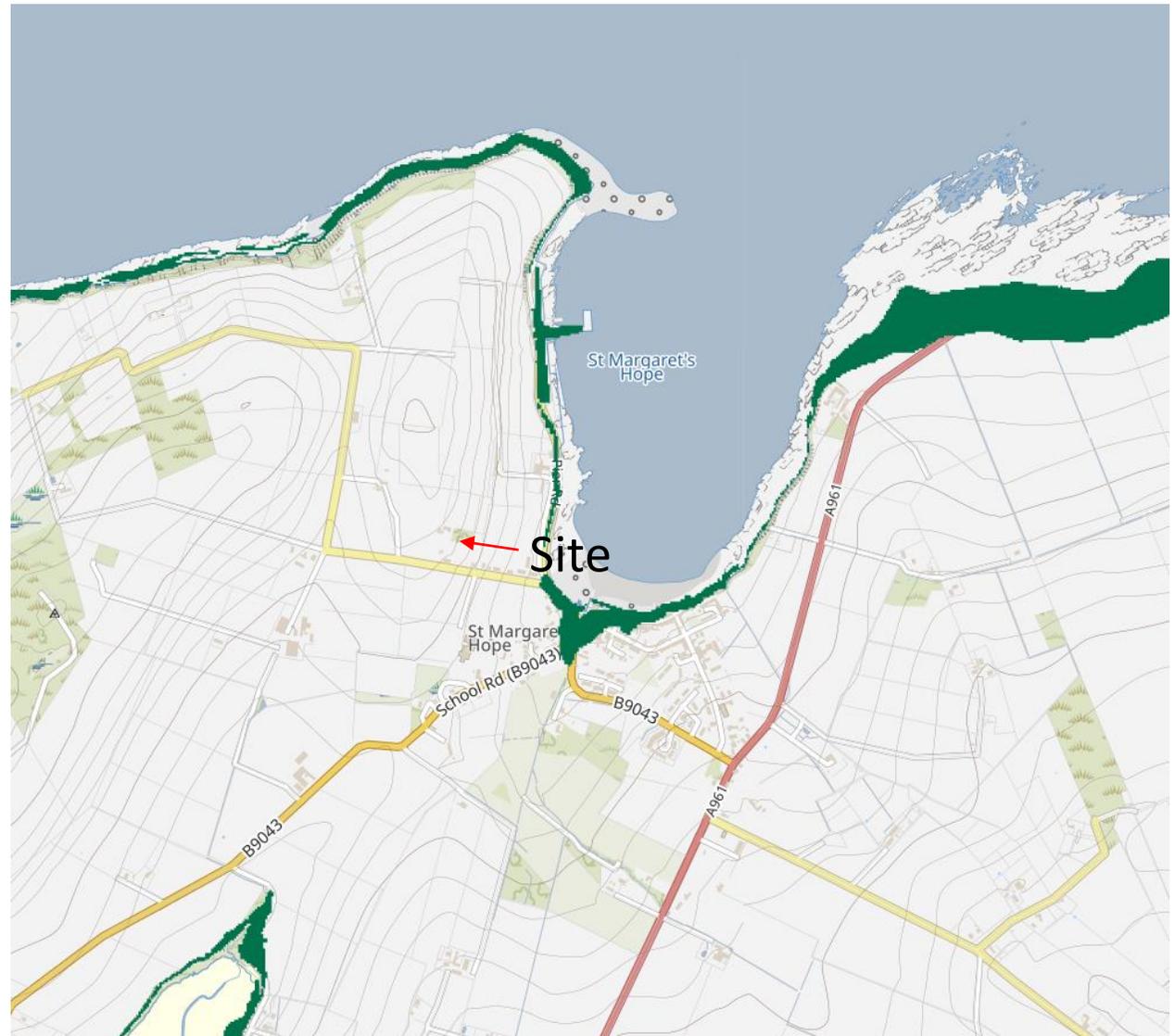


Figure 8. Map of Flood Risk from future flooding. Source: sepa.uk

3.6 Public Rights of Way

No public rights of way are affected by this proposal both during construction and after completion.

Guests will be able to easily explore the area on foot or bicycle, reducing the need for cars. Any local routes will be promoted within the pod to encourage guest use.

Layers	
	Footpath, Bridleway, Byway ■ ■ ■ ■
	National Trails / Coastal Path ■
	Right to Roam ■
	Cycle Network ■ ■



Figure 9. Map of Public rights of way. Source: footpathmap.co.uk

3.7 Justification for Proposed Use

The proposed glamping site will offer contemporary, luxury holiday accommodation to visitors within a suitable travel distance of the mainland and with the island area. Most of Orkneys many tourist attractions are accessible using public transport from the glamping site and all are accessible by private transport. St Margaret's Hope offer plenty of cafes, restaurants and local shops for guests to visit and as such, the proposal will create an economic benefit to local businesses and services. The proposed accommodation will allow visitors to spend time outdoors to relax in a natural setting as well as explore the surrounding area.

Glamping installations require minimal groundwork and non-harmful construction practices. We, therefore, believe the proposed small-scale glamping pod, built from natural materials, will provide an ecologically viable accommodation solution, suited to the area.

The concept of luxury glamping is now gaining popularity throughout the UK, with standards and guests' expectations on the rise. This site is intended to be amongst the best available in the area and provide an exciting new alternative, offering guests a secluded retreat in nature and high-quality, modern glamping accommodation.



4.1 Proposed Layout

From the public road, guests will turn directly onto the existing farm track and arrive at the new permeable access track and site. From here guests will find the proposed permeable parking and turning area with secure bike racks and EV charging. Guests will then follow the short track to the proposed private fenced-off area for the pod where they will find a small patio and a safely fenced-off patio area containing a private hot tub. The site will be surrounded by native shrubs to help integrate the site well.

The pod is sited facing east to make the most of the surrounding coastal views.

See drawing 'Proposed Layout Plan' for further information.

KEY

1. Existing track
2. Proposed permeable access track
3. Existing fence to be removed
4. Existing stone shed to be removed
5. Proposed permeable parking area with EV charging
6. Proposed bin storage
7. Proposed native hedge
8. Proposed native shrubs
9. Proposed fence
10. Proposed new field gate
11. Proposed permeable footpath
12. Proposed stone chipping patio
13. Proposed Glamping pod
14. Existing neighboring building
15. Existing wall
16. Proposed bike rack
17. Proposed paving stones for fence off patio area
18. Proposed private hot tub



Figure 10. Proposed Layout Plan

4.2 Landscaping

The proposed site has a slight downward slope running from northwest to southeast. As a result, some minor levelling may be required to create suitable footings for the pod (small footings or ground screws). Where needed, a minor cut-and-fill exercise will be carried out so there will be no need for the removal of any earth from the site. Any broken ground will be re-instated (turfed where required).

The intention is to maintain the existing topography of the site, thus preventing the need for any retaining structures.

The design of the glamping site has been developed with landscaping, ecology and biodiversity at the forefront. Landscape features include:

- Introducing a new native hedgerow throughout the site of the site for screening and habitat creation for small mammals and birds.
- Planting native shrubs around pod to benefit pollinating insects.
- Improving access and character of the public footpath.
- Providing habitat opportunities with the installation of dead wood piles as well as bat and bird boxes.
- Minimising lighting to avoid disturbance to wildlife and dark skies.

4.3 Drainage Strategy

The pod will be connected to the existing foul mains drainage, located east of the site. See drawing 'Drainage Plan' for further information.

New vehicular track and parking / turning area are to be constructed with a porous build-up on free-draining stone. The short new footpaths are to be constructed with a build-up of permeable gravel with timber borders.

The pod will have a 250mm wide by a min 200mm deep gravel border to all draining sides.

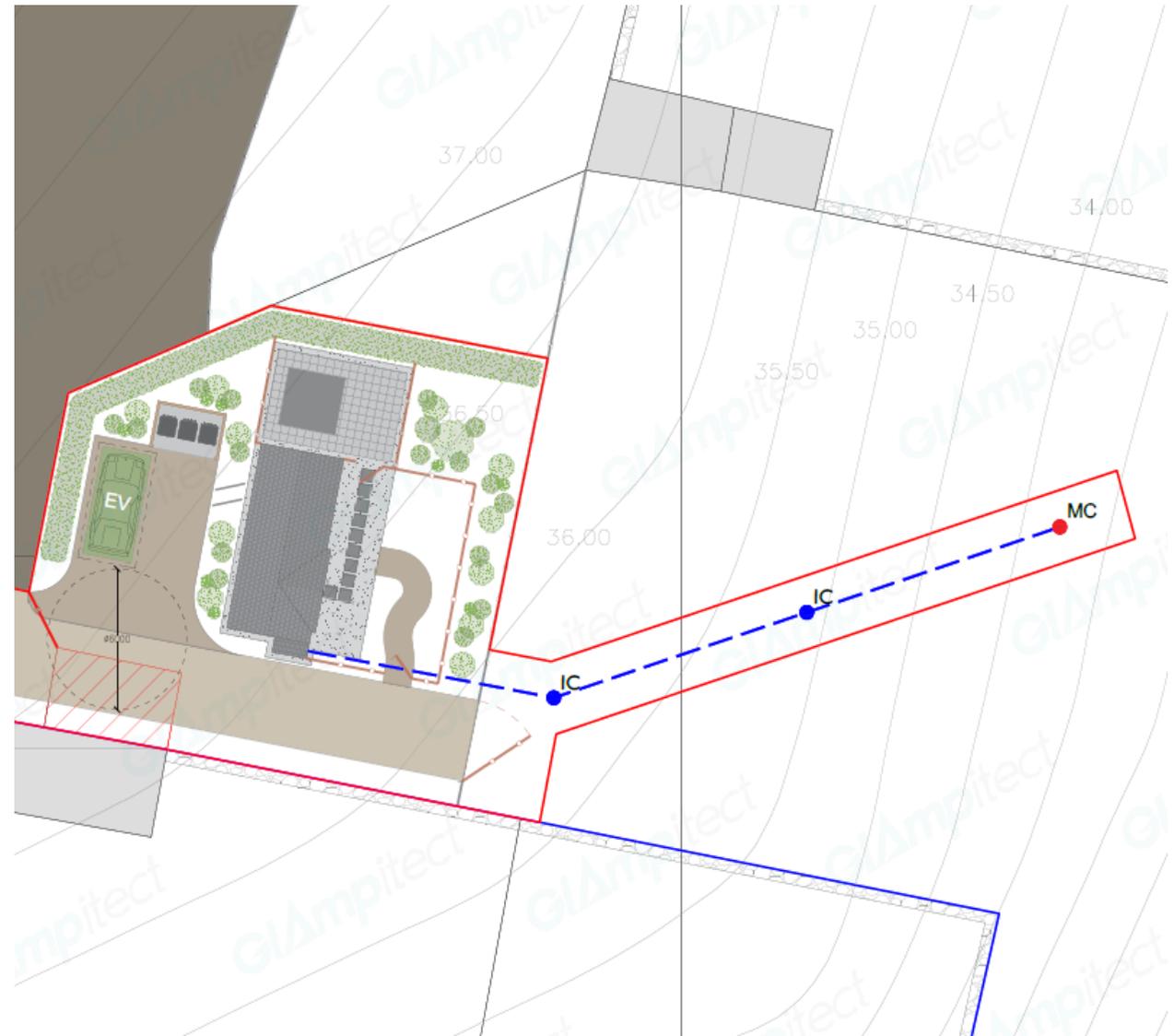


Figure 11. Proposed Drainage Plan

4.4 Lighting Strategy

1no. LED lighting bollards with PIR sensor will be provided on the short footpath for safety when walking at night.

The chosen lighting will minimise effects on local wildlife, not cause disruption to neighbours and is suitable for use in dark sky areas.

Benefits of low-level lighting bollard:

- LED mains are wired.
- Low-level height, only 40cm high.
- LED bulbs installed into this pillar lamp are in such a manner that they shine downwards onto cascading reflectors, keeping all light at low level.
- Integrated PIR sensor, keeping light levels low and only on when required.
- Range 2-8metres, set at 5m as shown.
- Lighting duration (5 seconds to 6 minutes) are configurable.
- Detects movement at an angle of 90 degrees.

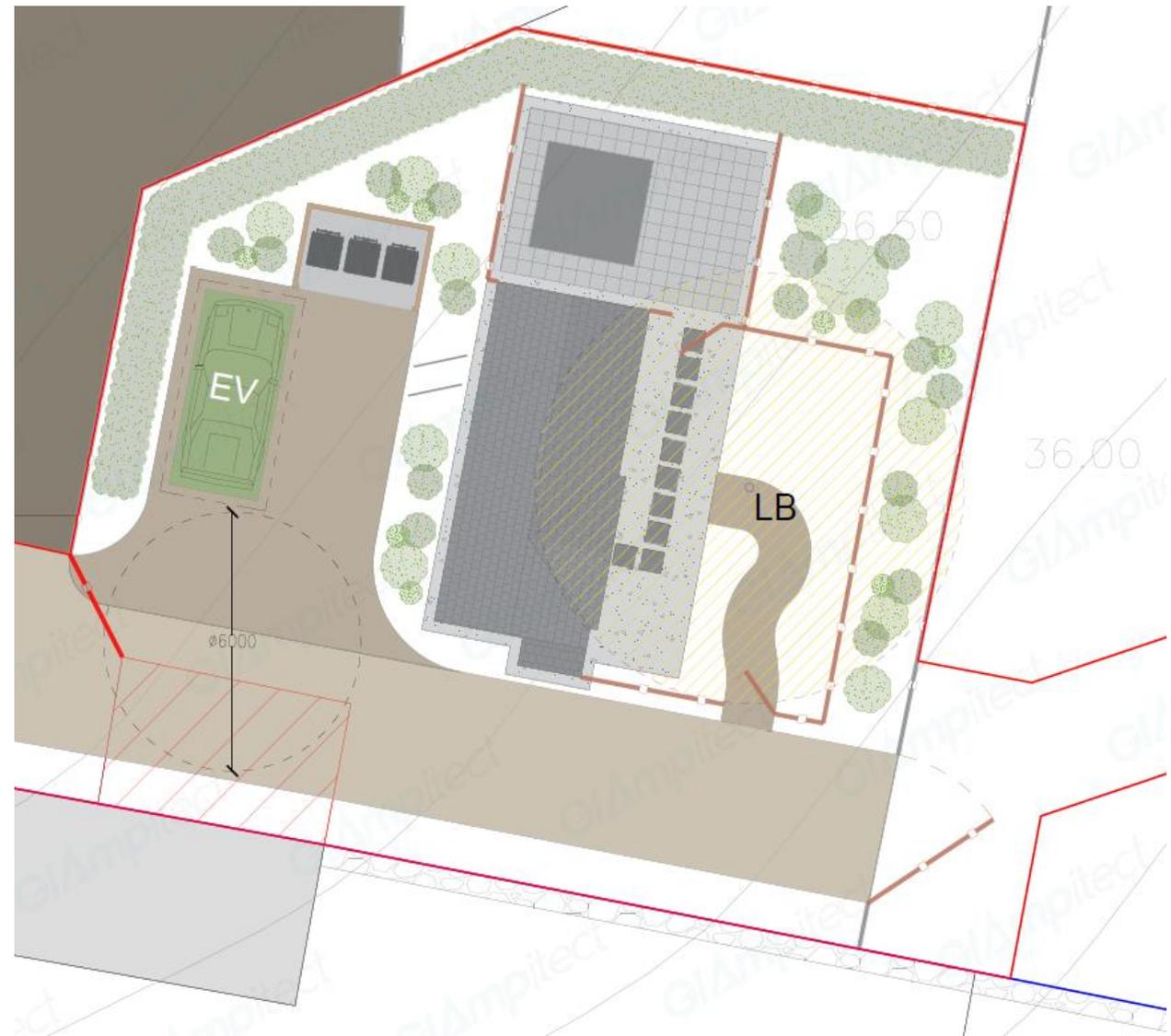


Figure 12. Lighting Plan

4.5 Proposed Unit

1no. high-quality glamping pod is to be installed, to be constructed off-site and delivered as full unit by manufacturer Pod Factory. See drawing 'Pod Plan and Elevations' for more details.

The pod is considered to be a temporary structure and has been designed to meet the specifications to be defined as a caravan under the Caravan Act. It is a single-story unit (approx. 3m tall) so no restriction of neighbouring views will occur. Since the pod will be clad in natural materials, they will also be in harmony with the surrounding landscape and will naturally weather over time.

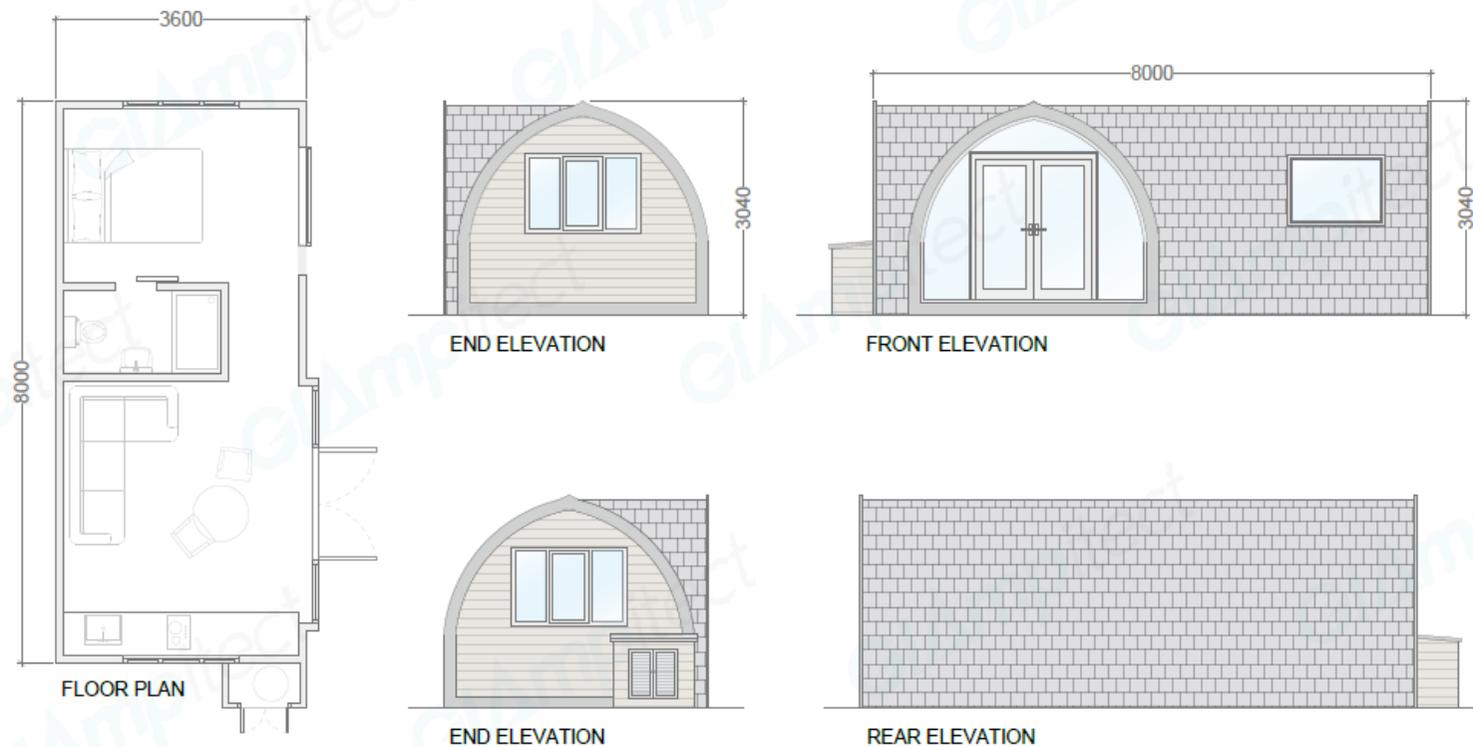


Figure 13. Proposed pod drawings

4.6 Use

The site will be operated as a typical (year-round) holiday let, with the glamping pod being rented out on a per-nightly basis. Patrons will likely be couples and small families as the chosen target markets by the site operators. Party groups will not be permitted.

The site will be marketed as a peaceful and relaxing retreat in nature, which should mean noise from guests is not a consideration, with minimal likelihood of noise and disruption to neighbouring properties and road users etc.

There is no intention to use the unit for long-term lease / permanent residences. The compact footprint of the pod would not be suited to this in any case.

Land Usage Item	Area Used	% Of Site
Ownership Area (Blue Line Boundary)	121,877 m ²	-
Site Area (Red Line Boundary)	671 m ²	0.50 % (of blue line)
Existing track (within Red Line Boundary)	175 m ²	26 %
Glamping pod (1no. unit)	30 m ²	4 %
Permeable track, parking and turning area	138 m ²	20.5 %
Permeable Footpaths	7 m ²	1 %
Permeable Patio	47 m ²	7 %

4.7 Installation

4.7.1 Stage 1 – Access

The minimal increase in traffic associated with the glamping site will be of a negligible impact on the surrounding area with a maximum of 1no. vehicles on-site at any one time. The existing access is of suitable condition and width to provide easy and safe vehicle access. The existing access will provide initial access for the installation of plant and services and will then become the main visitor access as well as provide access for any maintenance vehicles when the site is in operation.

4.7.2 Stage 2 - Groundwork

The slightly sloping gradient across the site will mean some minor groundwork may be required to level the ground for the footings of the unit. The existing topography will be retained, with no retaining walls or structures required.

The pod will be connected to the local foul mains drainage. See drawing 'Proposed Drainage Plan' for further information. Service ducting will be laid for power, water and telecoms as required. Pipework will be run for water and cables for electricity and telecoms will be pulled. All service installation and groundwork will be conducted by local contractors.

4.7.3 Stage 3 – Unit Install

1no. pod is to be prefabricated off-site and delivered as a full unit, ready to connect to services. By manufacturing the pod off-site, construction waste will be kept to a minimum and a high-quality finish can be achieved more easily than traditional construction. The choice of glamping pod aims to minimise disruption to the site as much as possible due to their temporary nature.

Any new native hedgerow, shrubbery and wildflowers planted will match species of the local area as closely as possible.

4.7.4 Stage 4 – Roads, Parking & Clean up

No more plant/transport access is required other than to build up the new vehicular track and parking / turning area and footpath. These will be constructed with permeable materials to avoid the use of concrete/tarmac and a dedicated surface water drainage system.

Finally, a total clear-out of the site will be carried out to ensure no leftover waste from the build stage is left. All cleaning waste will be recycled where possible and safely disposed of otherwise.



The glamping pod is designed and manufactured to be energy efficient, using materials with a low environmental impact such as reclaimed wood, recycled materials or composite materials made from recycled content wherever possible. Additionally, locally sourced materials will be used as much as possible. Low VOC (volatile organic compound) paints and finishes will be employed to ensure good indoor air quality. Floors and walls will be well-insulated with high-quality insulation to minimise heat loss during colder seasons and reduce the need for heating or cooling. Double glazing will be utilised throughout to also reduce heat loss. LED light fittings will be installed as standard throughout.

Water-saving sanitary fittings and appliances within the unit will deliver water efficiency to the site. A sustainable surface water drainage strategy (SuDS) will be implemented across the site with all hard landscaping to be constructed from permeable materials to allow water to freely infiltrate the ground without the need of a dedicated surface water drainage system. Minimal surface water run-off from the pod will discharge into pebble borders around the unit.

Appropriate implementation of measures will minimise environmental impacts arising from any site works; the site will be constructed with efficient construction methods as stated in Stage 3 above thus reducing any waste and carefully considered groundworks will result in no removals required from the site. The site has been designed to integrate harmoniously with the surrounding natural environment to minimise disruption and preserve natural features.

An efficient operational waste management and recycling strategy will be carried out by the operator as required by the council. The waste and recycling bins will be located near to the parking area for easy access by guests and will be moved to the public roadside by the site operator on collection days.

The proposed glamping site will provide a new and exciting accommodation option for the surrounding area, offering a unique relaxing and sustainable stay in nature. Demand for this type of rural accommodation is high throughout the country, which has also been shown to be true of other glamping sites within this part of the country.

The development will increase footfall for local businesses and through correct marketing, should increase the length of time tourists remain in the local area. This will be beneficial to the local economy including tourist attractions, restaurants, other businesses and local services. The Applicant intends to build relationships with local businesses in the area to offer their goods and services to guests, including taxi services, shops, cafes, and restaurants to name but a few. The operator will promote these services within the pod, along with providing the guests with local knowledge of the many beauty spots to visit, allowing them to connect with nature and the surrounding area.

The operator also intends to use local businesses where possible to carry out groundworks and installation of services, utilising local suppliers and local labour. The development will also support local employment with the creation of 2 part-time roles for site cleaning and maintenance.

The construction of a glamping site in this location using glamping pod with a small footprint and of a temporary nature can be achieved in less time, with less intrusive construction methods and less environmental impact, than traditional permanent tourist accommodation builds require. This is clearly favourable in an area of countryside rich in natural beauty.

Through a thoughtful and considered approach, the design for this proposal emphasises the integration of a small-scale glamping development with the natural landscape to ensure a comfortable and enjoyable experience for all guests. The project aims to promote sustainability and a harmonious connection between the built environment and the rural surroundings. Based on the points discussed throughout this document, it is reasonable to suggest that the proposed glamping accommodation is warranted in this location, to cater for increasing visitor demand, without sacrificing the area's beauty, ecology or heritage assets.

Orkney Islands Council Biodiversity Form for Planning Applications To be completed and submitted alongside planning applications	
Planning reference or address of development:	
Date of form completion:	
Person/company completing form:	
Baseline - what's there	
<p>– Please provide photographs to give an overview of the habitats and features present on site, and, referring to the photographs, describe below the dominant habitat type and most recent land use. If the land use has recently changed please also describe the previous known land use. List any species of note that use the site. (Example level of information: grass, grazed field, brown hare and curlew; coastal heath, rough grazing for sheep, Arctic skua; heather moorland, unmanaged, short eared owl; livestock fodder crops, agricultural field, geese; unmanaged meadow, previously livestock grazing field until farm changed hands last year, unknown; urban brownfield site previously with flats on it (demolished 5 years ago) within existing settlement, none as it's a concrete slab; etc).</p> <p>– Please provide a site layout plan that shows the location of existing broad habitat types and biodiversity features such as wetter/drier areas, ditches, watercourses, trees and shrubs, stone walls, ditches, invasive plant species, etc, both within and adjoining the proposed development site. The biodiversity features should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This is to enable assessment of how the existing biodiversity features might be affected by the construction and use of the proposed development. It can also be helpful to include photographs of the biodiversity features and their context within the site.)</p>	
Please submit referenced files alongside this form	

Baseline - what's there



Minimising effects on existing biodiversity (conserving and restoring)

- Referring to the plan provided above, please describe below how you have minimised adverse effects on existing biodiversity through siting, design and layout that retains existing habitats and features of biodiversity value, and where this has not been possible, please explain why.
- Where relevant, please also describe how degraded existing biodiversity features are going to be restored. (Restoration will not be applicable to all sites.)

Enhancement of biodiversity

- Please list below what enhancement measures have you intend to include and explain what they are seeking to achieve. Please include common and latin names of plant species and where the plants or seeds will be sourced from. (This is to check that species appropriate to the site and Orkney conditions are used.)
- Please provide a site layout plan that shows the location of enhancement measures. The enhancement measures should be marked on a site layout plan that shows all elements of the proposed development, including infrastructure such as roads, paths, services, drainage, electricity lines, etc. (This it to enable assessment of how the construction and use of the proposed development might interact with the proposed enhancement measures.)

Monitoring and maintenance of biodiversity retained and enhanced

- Please describe below how will the retained and enhanced biodiversity features and measures be monitored and maintained in the longer term to ensure they continue to benefit biodiversity, and who will be responsible for monitoring and maintenance. (Where detailed information on monitoring and maintenance will be provided in a landscaping or other site management plan to be submitted with the planning application, please provide the document title, author and date, and summarise the information below.)

Advice

- If you have sought or received advice about what is present on or makes use of the proposed development site and / or how to safeguard, restore and enhance biodiversity, please list below who has given you advice. (For example, an ecological consultant, others with relevant local knowledge, etc.)
- Where advice has been received, please summarise it below and provide a copy if advice was given in writing.

– Please describe how have you incorporated any advice you received into the proposed development, and if not, please explain why not.

INTERNAL MEMORANDUM TO: Development & Marine Planning - Environment

Date of Consultation	3rd October 2024
Response required by	24th October 2024
Planning Authority Reference	24/306/PP
Nature of Proposal (Description)	Erect a self-catering pod with associated landscaping and parking
Site	Braehead, Ontoft Road, South Ronaldsay, Orkney, KW17 2TL
Proposal Location Easting	344288
Proposal Location Northing	993718
Area of application site (Metres)	708
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 24/306/PP
PA Office	Development Management
Case Officer	Isla McLeod
Case Officer Phone number	
Case Officer email address	
PA Response To	planningconsultation@orkney.gov.uk

Comments:

Advice provided by: Nina Caudrey, Environmental Planner **Date of assessment:** 7 October 2024

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

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

Further information is required in relation to biodiversity. A condition is required in relation to breeding birds.

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

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

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

n/a

DETAILED ADVICE

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

– SSSIs

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

- **Local Nature Conservation Site, Local Nature Reserve,**

(9.A.3 / 4.d)

- **Protected species**

(9.B / NPF4 4.f)

Protected species – breeding birds

Birds are likely to use the existing stone building for breeding. All wild birds are legally protected, making it an offense to damage or destroy nests while being used or built. Different species have different nesting periods. For this site and likely range of species, the breeding season is considered to run from March to August inclusive. As breeding birds are likely to use the existing building, the following condition should be applied:

Condition: Demolition and other works on the existing stone building should not start during March to August (inclusive) and once started, must run continuously until demolition is complete and materials removed from site. If this is not possible, a pre-start inspection of the existing buildings/structures by a suitably experienced ecologist will be required to identify signs of breeding birds and an appropriate breeding bird protection plan submitted for approval in writing by Orkney Islands Council before any demolition or works associated with the development commence.

Reason: To avoid adverse effects on breeding birds, to safeguard biodiversity and to comply with protected species legislation.

Without the inclusion of the above condition, the development would be unacceptable in relation to breeding birds.

- **Wider biodiversity**

(9.C / NPF4 3)

Wider biodiversity

The proposed biodiversity measures require clarification, as the measures referred to in the submitted Biodiversity form (dated 17 September 2024) do not reflect those shown on the 1:200 Proposed layout plan drawing (reference 240622-01-02, revision A, dated 5 July 2024). For example, the plan refers to “proposed native hedge” and “proposed native shrubs”, while the Biodiversity form lists mainly non-native plant species. The form also includes reference to “wildflower meadow mix areas” that are not shown on the plan, as well as referring to measures unlikely to be effective in Orkney (bird boxes and feeders) and measures that are more likely to benefit people than biodiversity (fruit bushes).

To aid the applicant, the proposed hedge and shrub planting shown on the Proposed layout plan are likely to be considered to be sufficient enhancement for this particular site, location and development. The Biodiversity form should be revised to remove reference to the other measures mentioned above, with clarification provided on what species the hedge and shrub

planting would consist of. A revised site plan should be submitted along with the revised form, clearly showing where the different species of plants would be located.

Information should also be provided about how the measures will be maintained for the lifetime of the proposed development – leaving this detail until post-construction is not acceptable. As a guide, the applicant could refer to the worked example provided in the OIC Considering and including biodiversity in development guidance, available via <https://www.orkney.gov.uk/our-services/planning-and-building/development-and-marine-planning-policy/natural-and-built-environment/biodiversity/>.

Once this information has been submitted, it should be possible to provide further advice about proposed biodiversity measures in relation to NPF4 policy 3.c.

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

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

See advice for **Wider biodiversity**.

Tuesday, 08 October 2024



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
www.scottishwater.co.uk



Dear Customer,

Braehead, Ontoft Road, South Ronaldsay, Orkney, KW17 2TL
Planning Ref: 24/306/PP
Our Ref: DSCAS-0119193-DGN
Proposal: Erect a self-catering pod with associated landscaping and parking

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. 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

- This proposed development is within the Kirbister Water Treatment Works catchment. Single house developments; unless utilising private water sources, are required to submit a Water Connection Application via our Customer Portal to allow us to fully appraise the proposals. We recommend that this is done at the earliest opportunity to allow for network appraisal to be carried out ahead of development proceeding.

Waste Water Capacity Assessment

- This proposed development is within the St Margarets Hope Waste Water Treatment Works catchment. Single house developments; unless utilising private drainage methods, are required to submit a Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. We recommend that this is done at the earliest opportunity to allow for network appraisal to be carried out ahead of development proceeding.

Please Note

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works. When planning permission has been granted and a formal connection application has been submitted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Next Steps:

Single house developments; unless utilising private water or drainage sources, are required to submit a Water Connection Application and Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. Please note that Single House developments are not required to submit a Pre-Development Enquiry form (PDE) however local network capacity will be assessed on receipt of application forms.

Further information on our application and connection process for Single Household development can be found on our website <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

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.

Yours sincerely,

Ruth Kerr

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

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

Supplementary Guidance

- 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
 - 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 Development Operations 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 a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal

INTERNAL MEMORANDUM TO: Roads Services

Date of Consultation	3rd October 2024
Response required by	24th October 2024
Planning Authority Reference	24/306/PP
Nature of Proposal (Description)	Erect a self-catering pod with associated landscaping and parking
Site	Braehead, Ontoft Road, South Ronaldsay, Orkney, KW17 2TL
Proposal Location Easting	344288
Proposal Location Northing	993718
Area of application site (Metres)	708
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 24/306/PP
PA Office	Development Management
Case Officer	Isla McLeod
Case Officer Phone number	
Case Officer email address	
PA Response To	planningconsultation@orkney.gov.uk

Comments:

No adverse comment provided the undernoted condition and informative are applied to any planning permission that may be granted.

CONDITION

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

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

Reason: In the interests of road safety.

INFORMATIVE

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

specifications. You are therefore advised to contact Roads Services for further advice as60 early as possible.

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

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

INTERNAL MEMORANDUM TO: Development & Marine Planning - Environment

Date of Consultation	28th October 2024
Response required by	18th November 2024
Planning Authority Reference	24/306/PP
Nature of Proposal (Description)	Erect a self-catering pod with associated landscaping and parking
Site	Braehead, Ontoft Road, South Ronaldsay, Orkney, KW17 2TL
Proposal Location Easting	344288
Proposal Location Northing	993718
Area of application site (Metres)	708
Supporting Documentation URL	http://planningandwarrant.orkney.gov.uk/online-applications/ Please enter - 24/306/PP
PA Office	Development Management
Case Officer	Isla McLeod
Case Officer Phone number	
Case Officer email address	
PA Response To	planningconsultation@orkney.gov.uk

Comments:

Advice provided by: Nina Caudrey, Environmental Planner **Date of assessment:** 30 October 2024

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

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

Biodiversity measures proportionate to the nature and scale of the development have been proposed and should be secured by condition. A condition is required in relation to breeding birds.

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

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

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

n/a

DETAILED ADVICE

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

– **SSSIs**
(9.A.2 / NPF4 4.c)

– **Local Nature Conservation Site, Local Nature Reserve,**
(9.A.3 / 4.d)

– **Protected species**
(9.B / NPF4 4.f)

Protected species – breeding birds

Birds are likely to use the existing stone building for breeding. All wild birds are legally protected, making it an offense to damage or destroy nests while being used or built. Different species have different nesting periods. For this site and likely range of species, the breeding season is considered to run from March to August inclusive. As breeding birds are likely to use the existing building, the following condition should be applied:

Condition: Demolition and other works on the existing stone building should not start during March to August (inclusive) and once started, must run continuously until demolition is complete and materials removed from site. If this is not possible, a pre-start inspection of the existing buildings/structures by a suitably experienced ecologist will be required to identify signs of breeding birds and an appropriate breeding bird protection plan submitted for approval in writing by Orkney Islands Council before any demolition or works associated with the development commence.

Reason: To avoid adverse effects on breeding birds, to safeguard biodiversity and to comply with protected species legislation.

Without the inclusion of the above condition, the development would be unacceptable in relation to breeding birds.

– **Wider biodiversity**
(9.C / NPF4 3)

Wider biodiversity

Biodiversity measures proportionate to the nature and scale of the proposed development have been proposed. A condition is required to ensure that the proposed biodiversity measures are carried out and therefore contribute to meeting the requirements of National Planning Framework 4 (NPF4) policy 3 on biodiversity:

Condition: That the proposed biodiversity measures described in the submitted Biodiversity form (version published 24 October 2024, dated 17 September 2024) and shown on 1:50 Proposed landscaping plan drawing (version published 24 October 2024, reference 240622-01-11 revision A, dated 5 July 2024) is implemented in full no later than the first planting season following commencement of development. Thereafter the biodiversity measures shall be permanently retained in accordance with the approved details, including replacement of any measure that does not survive, is removed, or is damaged, unless otherwise agreed in writing with the planning authority.

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

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

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

See advice for **Wider biodiversity**.

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
Email: planning@orkney.gov.uk



8th January 2025

Mrs Fiona Lawtie
c/o - Glampitect
30 Craiglockhart Dell Road
Edinburgh
Scotland
EH14 1JP

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS 1997 (AS AMENDED)

Dear Sir/Madam

Ref No: 24/306/PP
Type: Planning Permission
Location: Braehead, Ontoft Road, South Ronaldsay, Orkney, KW17 2TL
Proposal: Erect a self-catering pod with associated landscaping and parking

I refer to the above application and would be grateful if you could submit to us the following additional information:

The additional information has previously been requested on the 15th of October 2024 and 25th of November 2024.

A wind turbine, approved under reference 12/152/TPP, is located within 250 metres of the application site area. As proposed development for a noise sensitive use it must be confirmed that this wind turbine would not cause any unacceptable amenity impacts to the occupants of the proposed development.

Submit a desk-based Noise Impact Assessment to evidence that noise emissions from the wind turbine (including the application of any tonal penalty) would not exceed a sound pressure level not exceeding 35dB LA90, 10 mins, within the curtilage of the proposed development, at wind speeds up to an including 10m/s, standardised/measured to a height of 10m or as otherwise specified within the noise emission conditions within the relevant permission. Noise emissions should be calculated having regard to BWEA/Renewable UK guidelines and that the assessment undertaken should be carried out independent of manufacturer's specifications by an appropriately qualified person and detailed in full.

Note the requirements provided within Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023) available here:

<https://www.orkney.gov.uk/media/4i4de2yh/wind-energy-noise-assessment-definitions.pdf>

Submission of this requested Noise Impact Assessment will allow formal consultation with Environmental Health

Please note that this information is requested under Regulation 24 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 and must be provided in writing within 14 days of the date of this letter.

If you fail to meet this deadline, then your application may be recommended for refusal for reasons which include the information and details supplied with it being inadequate and fail to demonstrate that the proposed development accords with planning policy and/or other applicable material considerations.

The above information is given without prejudice to the formal consideration of the application by the Planning Authority.

Yours faithfully

Isla McLeod
Graduate Planner



Proposed Glamping Site

Braehead, Orkney, KW17 2TL

Noise Impact Assessment

22nd January 2025

First Issue



Proposed Glamping Site

Braehead, Orkney, KW17 2TL

Noise Impact Assessment

22nd January 2025

First Issue

Revision History

Version	Comments	Author	Date
First Issue	First issued version of the report	Chris Parker-Jones Director and Acoustic Consultant BSc (Hons) MSc MIOA	22nd January 2025

ParkerJones Acoustics Limited

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BS4 4LB	WC2A 3EE			

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1.0 Introduction

ParkerJones Acoustics Limited (PJA) has been instructed to undertake an updated Noise Impact Assessment for the proposed erection of a “self-catering pod with associated landscaping and parking” under application 24/306/PP with Orkney Islands Council, at Braehead, Ontoft Road, South Ronaldsay, Orkney, KW17 2TL.

This noise impact assessment has been prepared in response to the requirements set out by Orkney Islands Council, who have requested a desk-based assessment to determine whether noise emissions from an existing wind turbine (approved under reference 12/152/TPP) comply with a sound pressure level not exceeding 35 dB $L_{A90,10min,s}$ at wind speeds up to 10 m/s, given the turbine is located within 250 metres of the proposed development. This assessment must include the application of any tonal penalties, adhere to BWEA/Renewable UK guidelines, and be undertaken independently of the turbine manufacturer's specifications by a suitably qualified professional.

The purpose of this Report is, therefore, to verify through calculation and noise predictions the level of noise emissions from the existing turbine within the curtilage of the proposed glamping site, and thus compare these against the aforementioned limits.

The calculations and analysis of the results also consider the ETSU-R-97 publication “The Assessment and Rating of Noise from Wind Farms” (1997).

2.0 Site/Development Description

The proposed development under reference 24/306/PP involves the installation of a self-catering glamping pod at Braehead, Ontoft Road, South Ronaldsay, Orkney, KW17 2TL. The site is located within the settlement boundaries of St Margaret's Hope, as shown in the aerial view in **Figure 2.1**, and the Applicant's ownership is outlined in the location plan in **Figure 2.2**.

The proposed glamping pod, as shown in **Figure 2.3** (site plan) and **Figure 2.4** (floor plan), is a prefabricated structure with a footprint of approximately 30m² and a maximum height of 3 metres. It will be installed on permeable footings with minimal disturbance to the existing gradient of the land. The pod will be clad in natural materials and positioned to face eastwards. A small patio area with a hot tub is located on the northern side of the pod, with a slatted timber privacy fence.

The site is adjacent to an existing 15kW wind turbine, constructed under planning permission reference 12/152/TPP. This turbine is a C&F Green Energy CF15 model with a hub height of approximately 15.35 metres and a total height of 21 metres. Both the wind turbine and the proposed glamping pod, along with the Braehead property, are located on land owned by the same individual. The turbine is situated approximately 130 metres north of the proposed glamping pod location.

Figure 2.1 – Aerial view of the site and surrounding area



Figure 2.2 – Site location plan

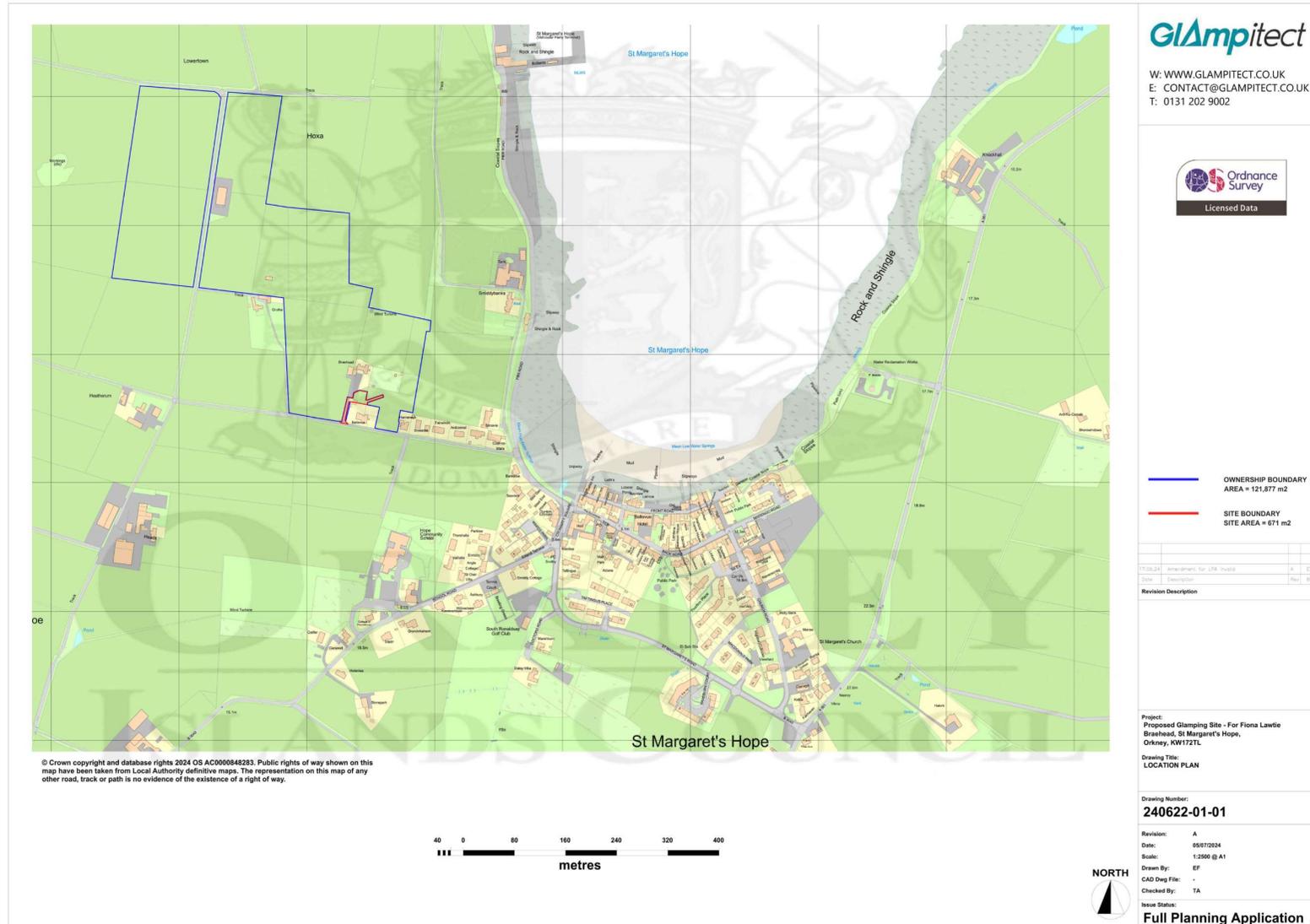


Figure 2.3 – Proposed site plan

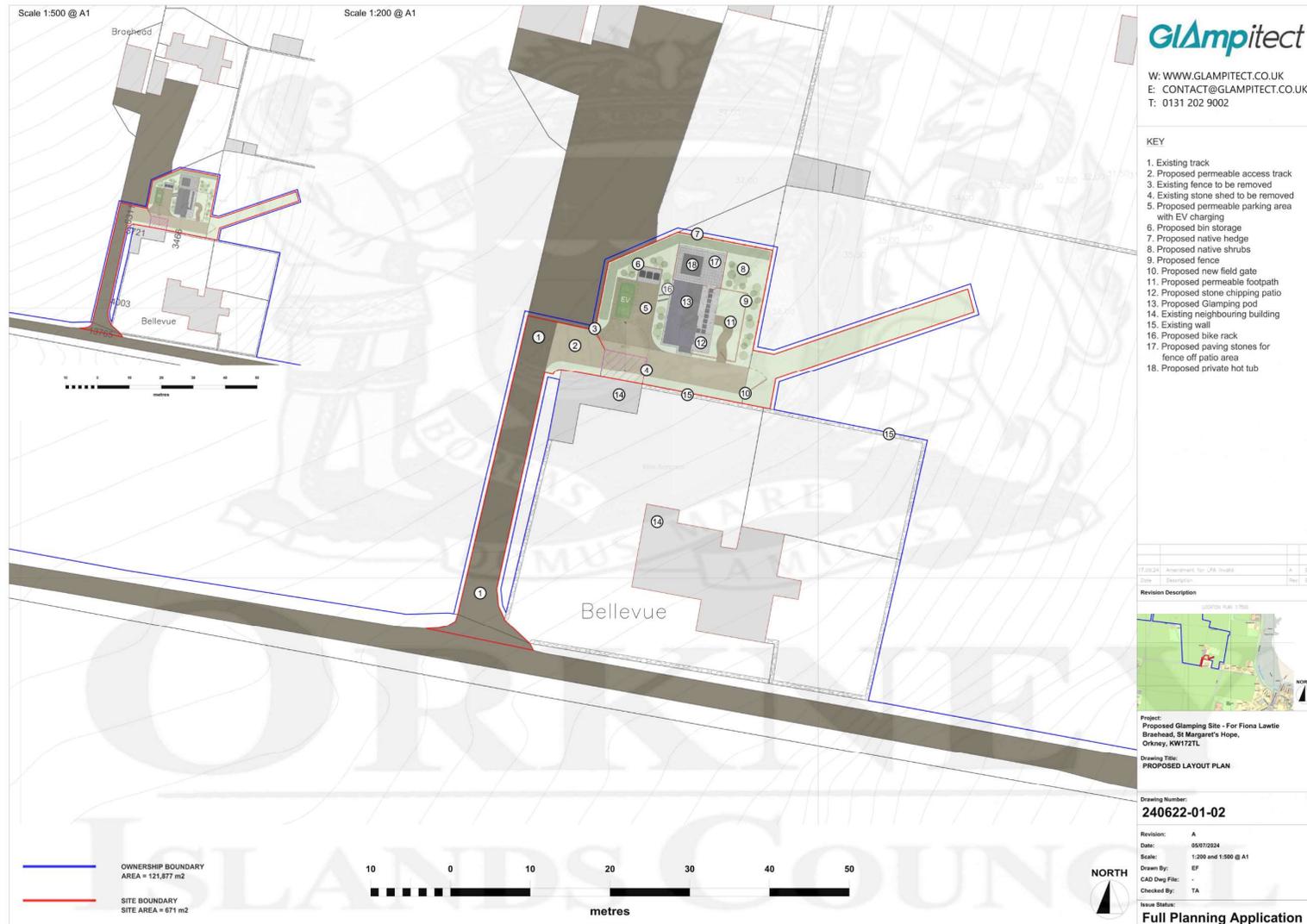
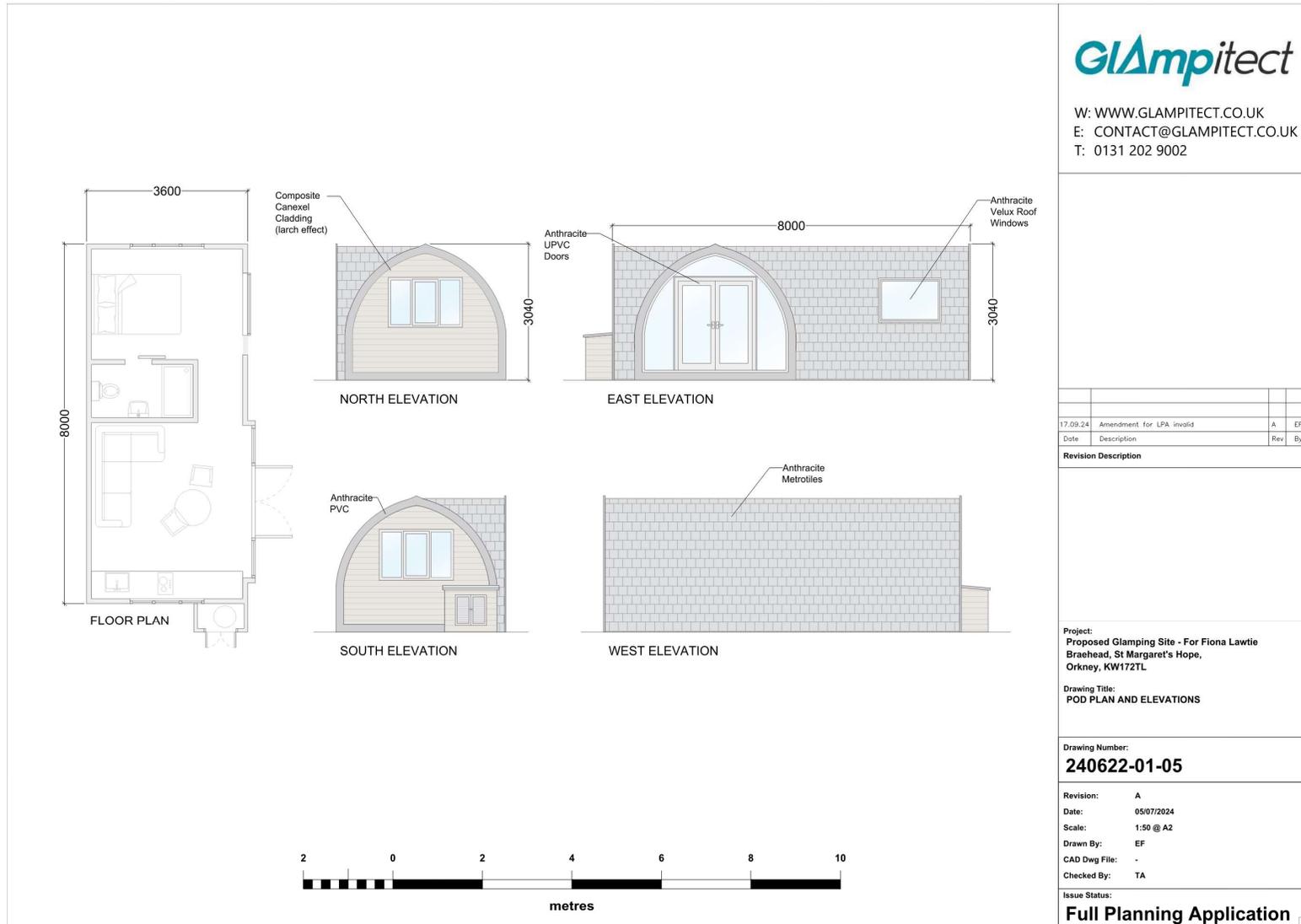


Figure 2.4 – Proposed pod plan and elevations



3.0 Relevant Guidelines and Criteria

3.1 Planning Requirements

In a letter issued on the 8th of January 2025 by Orkney Islands Council, the following criteria were outlined:

"A wind turbine, approved under reference 12/152/TPP, is located within 250 metres of the application site area. As proposed development for a noise sensitive use it must be confirmed that this wind turbine would not cause any unacceptable amenity impacts to the occupants of the proposed development.

Submit a desk-based Noise Impact Assessment to evidence that noise emissions from the wind turbine (including the application of any tonal penalty) would not exceed a sound pressure level not exceeding 35dB LA90, 10 mins, within the curtilage of the proposed development, at wind speeds up to an including 10m/s, standardised/measured to a height of 10m or as otherwise specified within the noise emission conditions within the relevant permission. Noise emissions should be calculated having regard to BWEA/Renewable UK guidelines and that the assessment undertaken should be carried out independent of manufacturer's specifications by an appropriately qualified person and detailed in full.

Note the requirements provided within Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023) available here:

<https://www.orkney.gov.uk/media/4i4de2yh/wind-energy-noise-assessment-definitions.pdf>

Submission of this requested Noise Impact Assessment will allow formal consultation with Environmental Health"

The proposed limit of 35 dB is in line with the limits applied to the planning consent of the turbine (condition no. 3) which reads as follows:

"Throughout the life of the development, noise generated by the wind turbine(s) hereby permitted, shall not exceed 35dB(A) L90, 10 min at wind speeds not exceeding 10 m/s as measured not less than 10m from the façade of the nearest noise sensitive property. Measurements shall be made in accordance with the guidance in the supplementary guidance notes to the planning obligation, chapter 8 of the publication "The Assessment and Rating of Noise from Wind Farms (ETSU-R-97, Department of Trade and Industry, September 1996)."

However, the condition also notes that *"the property of Braehead, St Margaret's Hope is not considered as a noise sensitive property in relationship to the turbine(s) hereby approved due to the owner's financial interest in the turbine(s)."*

It is important to note that the owner of Braehead and thus the land on which the turbine resides, is also the landowner of the area in which the proposed glamping pod will be situated.

3.2 ETSU-R-97

ETSU-R-97 provides a framework for the assessment and rating of noise from wind turbine installations. It has become the accepted standard for wind farm developments in the UK, and the methodology has therefore been adopted for this assessment.

According to ETSU-R-97, wind farm noise assessments should consider noise impact at different wind speeds, as both the background noise level and the wind turbine noise emissions tend to vary depending on the wind speed. Both levels are assessed in terms of the $L_{A90,10min}$ at nearby properties. All wind speeds referred to relate to a height of 10m above ground level (AGL) at the site of the development.

ETSU-R-97 recommends that noise limits at nearby residential properties should be based on whichever is the highest of either:

- fixed lower noise limits of 35 to 40 dB $L_{A90,10min}$ for the daytime period (depending upon factors¹) and 43 dB $L_{A90,10min}$ for the nighttime period at all receptors at wind speeds of up to 10 m/s; or
- variable limits of 5 dB above the prevailing wind speed-related background noise level at the specific receptor at wind speeds of up to 12m/s;

If the receptor has a financial interest in the development, then ETSU-R-97 states that the fixed lower limits referenced above can increase to 45 dB $L_{A90,10min}$ at all times and that the variable limits may potentially increase (*"consideration should be given to increasing the permissible margin above background"*).

1 - The number of dwellings in the neighbourhood of the windfarm (the lower the number of dwelling the higher the fixed limit); the effect of noise limits on the number of kWh generated (to the greater the potential effect on output the higher the fixed limit); and the duration and level of exposure (the shorter the duration of exposure and lower the level, the higher the fixed limit).

4.0 Assessment

4.1 Turbine Data / Source Noise Levels

The acoustic performance of the C&F Green Energy CF15 wind turbine has been assessed within a testing report instructed by the manufacturer², with a reported sound power level (SWL) of 89 dB(A) at a wind speed of 8 m/s, as per the IEC 61400-11 standard and BWEA guidelines. Corresponding sound pressure levels (SPLs) have been quoted as 53 dB(A) at 25m and 45 dB(A) at 60m³. These levels are based on standardized acoustic testing and represent the manufacturer's reported noise characteristics.

Theoretical calculations of SPLs, assuming free-field spherical spreading from the A-weighted SWL, yield approximately 50 dB(A) at 25m and 42 dB(A) at 60m, 3 dB(A) lower than quoted in the test report.

This indicates that the stated SPLs from the manufacturer include a 3 dB(A) correction. This correction likely accounts for factors such as tonality, low-frequency contributions, and impulsivity as per the IEC 61400-11 standard and BWEA guidelines. Whilst the manufacturer's report does not provide 1/3-octave band data (as it provides only an A-weighted value) or is explicit about the specific corrections that have been applied, it does state that "*Characterizations of the turbine's apparent sound power level, 1/3 octave bands, and tonality are made.*" It would therefore appear reasonable to believe that the 3 dB(A) correction is a combination of these factors. This includes contributions from 1/3-octave band analysis, which captures frequency-specific details, particularly low-frequency components that propagate effectively; tonality corrections to account for tonal components that exceed masking noise thresholds; and impulsivity corrections for short-duration, high-energy noise events such as blade movements or mechanical noise. Together, these factors likely contribute to the overall 3 dB(A) correction applied by the manufacturer to ensure the reported SPLs more accurately reflect real-world noise propagation and perceptual effects.

The noise slope value for this turbine is specified as 1.76 dB/m/s, indicating that the sound power level increases by 1.76 dB for every 1 m/s increase in wind speed above or below the reference wind speed of 8 m/s. This noise slope has been used to calculate the sound power levels between 3 m/s and 10 m/s, in increments of 1 m/s, which are listed in **Table 4.1**. It is seen that the sound power level would be highest (92.6 dB(A)) at a 10 m/s windspeed.

2 - Intertek, Test Report No. 100373741CRT-001a, December 21st, 2011; revised February 23rd, 2012. Available at: https://www.intertek.vn/uploadedFiles/Intertek/Divisions/Commercial_and_Electrical/Media/PDF/Energy/Wind/100373741CRT-001a2322012.pdf

3 - The original test report was uploaded as part of planning application 12/152/TPP for the turbine and was the December 2011 version. However, **PJA** identified a subsequent revision to the test report, dated February 23rd, 2012, which included updates to the acoustics sections as per the "Acoustics Report dated January 5th, 2012." The quoted sound power levels (SWLs) and sound pressure levels (SPLs) differ from those in the original version of the report submitted with the planning application due to these updates.

Table 4.1 – Calculated turbine sound power levels at wind speeds between 3 m/s and 10 m/s

Sound power level L_w at corresponding wind speed (dB(A)) – wind speed at reference 10m height – hub height 15.343m							
3 m/s	4 m/s	5 m/s	6 m/s	7 m/s	8 m/s	9 m/s	10 m/s
80.3	82.0	83.8	85.5	87.3	89.0	90.8	92.6

4.2 Receptor Noise Levels

4.2.1 Calculation Method

The noise predictions within this report have been undertaken using the proprietary software CadnaA® by DataKustik, a 3-D noise mapping package which implements a wide range of national and international standards, guidelines and calculation algorithms, including those set out in ISO 9613-2:1996.

The majority of the objects within the model (buildings, roads, barriers/fences, etc) have been imported from OpenStreetMap – or drawn manually where not possible. The scaled site plan and elevations for the proposed development have also been accounted for in the model. Topography data has been imported from an Ordnance Survey dataset for the grid area that the site resides in.

The noise model has assumed:

- a ground absorption factor of:
 - 0 (hard, sound reflective), and on any buildings, roads, patios, gravel or other tarmacked areas (this includes most of the area around the glamping pod); and
 - 1 in all greenfield/agricultural land.
- a maximum reflection factor of three where buildings and barriers are assumed to have a ‘smooth’ reflective façade, as a worst-case;
- atmospheric sound absorption based upon a temperature of 10°C and a humidity level of 70%, as per Table 2 of ISO 9613-2:1996, and with a windspeed in the direction of the receptor (southerly from the turbine) at the corresponding wind speed (8 or 10 m/s) being modelled.

The turbine is modelled as a point source with the A-weighted sound power level corresponding to the modelled wind speed (i.e. 89 dB(A) at 8 m/s and 92.6 dB(A) at 10 m/s) and the 3 dB(A) correction applied (effectively increasing these sound power levels by 3 dB(A)). This correction accounts for tonality, impulsivity, and the absence of 1/3-octave or 1/1-octave band sound power data, which the manufacturer does not provide, as per the previous section.

The point source is modelled at a height of 15.434m, corresponding to the hub height (the centre point of the rotor) above the ground, while accounting for topography (the turbine sits on higher land in comparison to the glamping site).

The noise contours and receptor points have been modelled at a height of 1.5m above ground. The exception to this, are two receptor points to the east of the turbine, which are modelled at the same height as the hub height, at

distances of 25m and 60m, to show that the predicted sound pressure levels match those quoted by the manufacturer at a wind speed of 8 m/s.

By integrating the CadnaA 3D noise mapping software with the manufacturer's acoustic data and applying the necessary corrections, this report ensures a robust and realistic assessment of the wind turbine's noise emissions. The analysis complies with IEC 61400-11 and BWEA guidelines, while the CadnaA software allows for a detailed and site-specific evaluation of sound propagation tailored to the environmental and receptor conditions surrounding the proposed glamping pod.

Images of the noise model setup are provided in **Figure A.1** in **Appendix A**.

Figure A.2 shows the predicted $L_{A90,10min}$ levels at a wind speed of 8 m/s. As per the manufacturer's data, the sound pressure levels at 25m and 60m away, in free field / at the hub height, are 53 and 45 dB respectively.

At the receptor, i.e. the patio area (with hot tub) and gravel area around the pod, levels are predicted to range between ≈ 32 dB and 37 dB $L_{A90,10min}$ respectively, with the higher range occurring on the western side of the patio. The reason for this difference is the screening effect of the existing house to the north (a two-storey pitched roof building which happens to sit right in the line of sight between the pod and the turbine), which is anticipated to be more effective on the eastern side of the patio.

Figure A.3 shows the predicted $L_{A90,10min}$ levels at a wind speed of 10 m/s. The levels around the patio area (with hot tub) and gravel area around the pod, levels are predicted to range between ≈ 36 dB and 41 dB $L_{A90,10min}$ respectively.

At wind speeds of below 8 m/s, the predicted levels outside the glamping pod are predicted to be ≤ 35 dB $L_{A90,10min}$.

4.3 Analysis and Conclusions

The noise assessment has been undertaken in accordance with the consultation requirements set out by the planning officer, which specify that noise levels from the wind turbine must not exceed 35 dB $L_{A90,10\text{mins}}$ within the curtilage of the proposed glamping pod at wind speeds of up to and including 10 m/s.

Based on the calculations presented, it is evident that the noise levels are likely to exceed 35 dB in most external areas around the glamping pod at 10 m/s, and in some areas at 8 m/s (on the western side of the patio, but being below 35 dB on the eastern side). The noise levels are predicted to comply with the 35 dB threshold at wind speeds of 7 m/s and below, but as per above, with exceedances at wind speeds of 8 m/s and above.

Despite this partial compliance, the results suggest that the proposal does not fully meet the requirements specified by the planning officer due to the exceedances at higher wind speeds.

However, contextually, it is significant to note that the glamping pod is a holiday rental situated on the same land as the wind turbine, both of which are owned by the applicant. As highlighted in the original planning condition for the turbine, the 35 dB limit was not deemed applicable to the Braehead property due to the owner's financial interest in the turbine.

As discussed in **Section 3.2** of this report, ETSU-R-97 provides further support for this interpretation, stating that for receptors with a financial interest in the development, the fixed lower noise limit may be increased to 45 dB $L_{A90,10\text{mins}}$.

Given that the pod is owned and operated by the same individual who owns the turbine, it is reasonable to extend this logic to suggest that the exceedances of 35 dB at higher wind speeds are acceptable in this specific context, given that predicted levels in the external area at 10 m/s are in the range of 37 – 41 dB and therefore, within a 45 dB limit.

Furthermore, the use of the pod as a holiday rental introduces additional practical considerations. Any potential noise-related complaints from guests would be directed to the owner of the pod, who is also the owner of the turbine. This dynamic effectively negates the likelihood of complaints being made to the Council, as the owner would address such concerns directly.

In conclusion, while the proposal does not fully comply with the consultation requirements at higher wind speeds, the site-specific circumstances, including shared ownership, financial interest, and the nature of the glamping pod as a holiday rental, suggest that the exceedances are unlikely to result in actionable complaints. The proposed mitigation measures provide additional options to address noise levels should compliance with the 35 dB threshold be deemed necessary.

Appendix A – Noise Maps

Figure A.1 – Images of the model setup

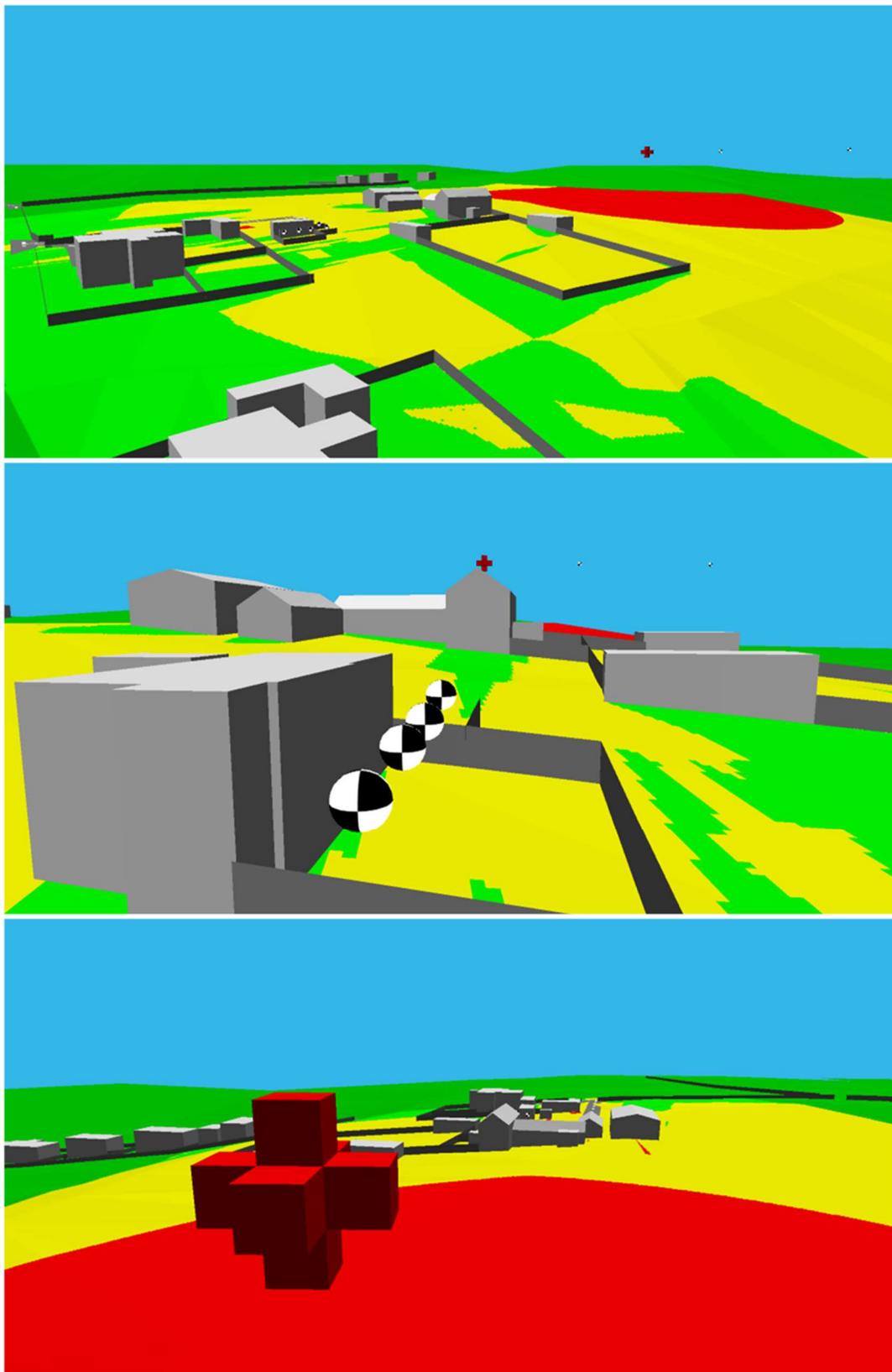


Figure A.2 – Turbine noise emissions $L_{A90,10mins}$ – grid height 1.5m – wind speed 8 m/s

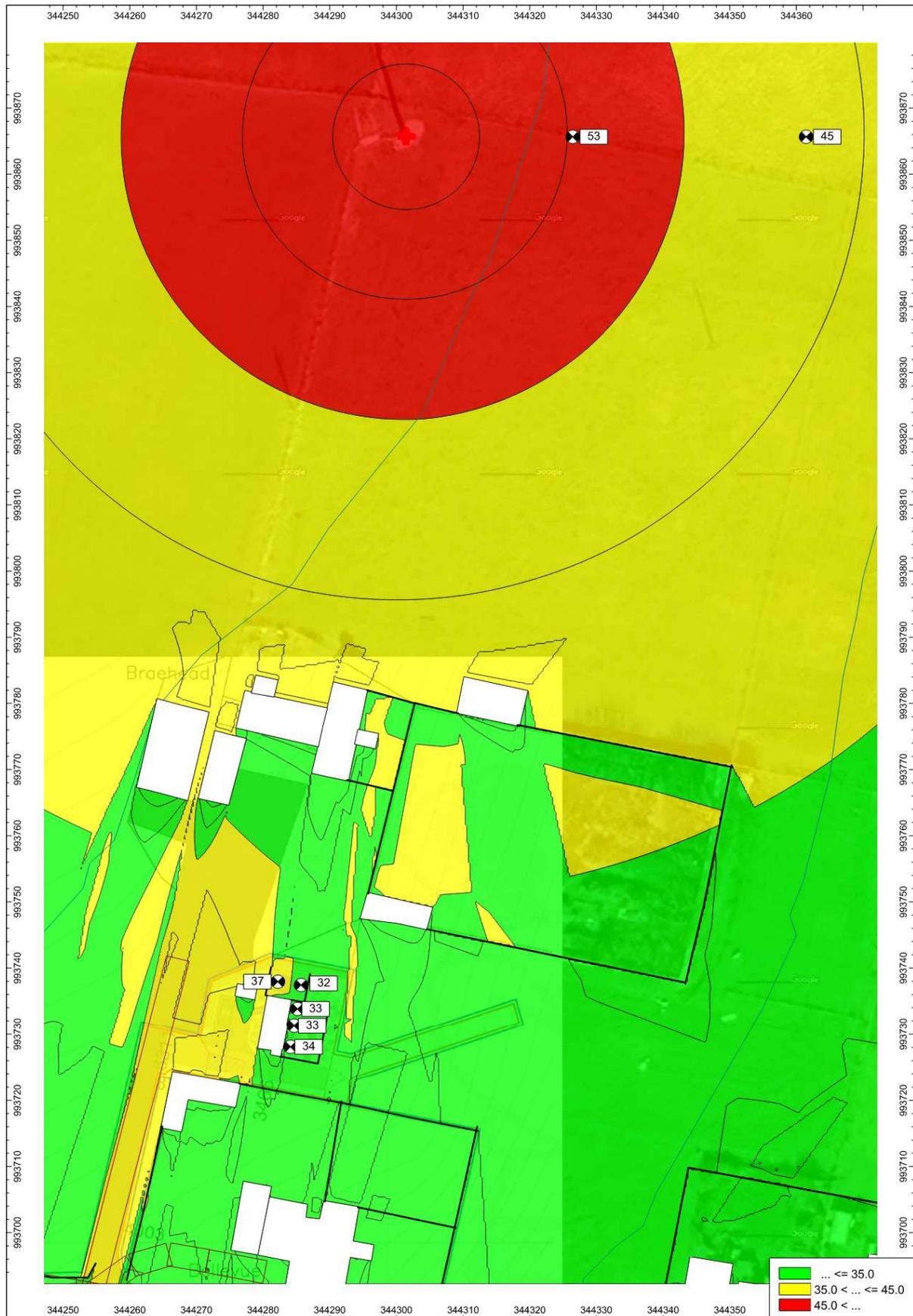


Figure A.3 – Turbine noise emissions $L_{A90,10mins}$ – grid height 1.5m – wind speed 10 m/s



Appendix B - Author Qualifications

This report has been produced by Chris Parker-Jones, the director and primary acoustic consultant at ParkerJones Acoustics. Chris holds the following qualifications:

- MIOA (Member of the Institute of Acoustics)
- BSc in Music Systems Engineering from the University of the West of England – 1st Class
- MSc in Sound and Vibration Studies from the University of Southampton - Distinction

Chris has worked as an acoustic consultant for various companies since July 2011.

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From: Nick Blowfield <nick.blowfield@orkney.gov.uk>
Sent: Wednesday, February 19, 2025 10:08 AM
To: planningconsultation <planningconsultation@orkney.gov.uk>
Cc: Isla McLeod <Isla.McLeod@orkney.gov.uk>
Subject: RE: Re-Consultation - Planning 24/306/PP

Classification: OFFICIAL

Hi Isla,

24/306/PP | Erect a self-catering pod with associated landscaping and parking | Braehead, Ontoft Road, South Ronaldsay, Orkney, KW17 2TL

Having reviewed the documentation submitted in support of the application, specifically the Noise Impact Assessment (NIA), Environmental Health offer the following comments:

We are in agreement with the conclusion in the report that the noise levels at the proposed development are likely to exceed the 35 dB(A) requirement at noise sensitive receptors. Therefore, we **object** to the application on noise grounds.

It is also noted from the report that mitigations have been put forward with regards to addressing the higher noise limits. However, this would be a matter for Development Management to address.

If you any queries regarding the above or wish to discuss further please do not hesitate to contact me.

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

REFUSE PLANNING PERMISSION
DELEGATED DECISION

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT, 1997 (as amended) ("The Act")
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Ref: 24/306/PP

Mrs Fiona Lawtie
Braehead
St Margaret's
Orkney
Scotland
KW172TL

With reference to your application registered on 1st October 2024 for planning permission for the following development:-

PROPOSAL: Erect a self-catering pod with associated landscaping and parking

LOCATION: Braehead, Ontoft Road, South Ronaldsay, Orkney, KW17 2TL

Orkney Islands Council in exercise of its powers under the above Act and Regulations, hereby **REFUSE Planning Permission for the reason(s) outlined on the next page.**

The plans to which this decision relates are those identified in Schedule 1 attached.

The Council's reasoning for this decision is: The proposed development is contrary to Policies 14C and 23E of National Planning Framework 4, Policies 1 (iii), (iv), (v), and 2 (ii) of the Orkney Local Development Plan 2017, and Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023). There are no material considerations that outweigh this conclusion.

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

Decision date: 4th March 2025

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

REASONS FOR REFUSAL

01. The proposed development would create a Noise Sensitive Receptors, in this instance the self-catering pod, which would be subject to excessive noise. This would contradict the principles of the Environmental Protection Act 1990, which seeks to protect the amenity of these users. Therefore, the proposal is contrary to Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023).

02. The proposal cannot conclude the financial involvement of future occupants of the pod, namely that occupants would have no control of turbine operations to mitigate noise impacts. Without financial involvement, the proposal is contrary to Development Management Guidance 'Wind Energy: Definitions Associated with Noise Assessments' (2023).

03. The proposed development is prejudicial to the operation of an existing wind turbine, reference 12/152/TPP, as the proposed site would place the wind turbine in breach of conditions. Therefore, the proposal does not comply with Orkney Local Development Plan 2017, Policy 1 (iii).

04. The proposed development would have a negative effect on the amenity of the area as the noise levels from wind turbine 12/152/TPP would cause unacceptable amenity impacts and would cause the wind turbine to be in breach of conditions. Therefore, the proposal is contrary to the Orkney Local Development Plan 2017 Policy 2 (ii).

05. The proposed site would result in detrimental impacts on the amenity of users due to noise levels from the existing wind turbine 12/152/TPP as noise levels would be over the 35 dB(A) requirement. Therefore, the proposal is contrary to National Planning Framework 4 Policy 14 C.

Ref: 24/306/PP

SCHEDULE 1 – PLANS, VARIATIONS AND ANY OBLIGATION**1. Plans and Drawings**

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

Other	OIC-11	
Location Plan	OIC-01	1
Site Plan	OIC-02	1
Floor & Elevation Plans	OIC-03	1
Floor & Elevation Plans	OIC-04	1
Access	OIC-05	1
Drainage Layout	OIC-06	1
Other	OIC-07	1
Other	OIC-08	1
Other	OIC-09	1

2. Variations

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

Date of Amendment:
Reasons

RIGHT TO SEEK A REVIEW

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

PROCEDURE FOR REQUESTING A REVIEW BY THE LOCAL REVIEW BODY

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

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

Forms to request a review are available from either address below, or from [Appeal a Decision](#)

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

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

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

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

Email: planning@orkney.gov.uk

3. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Act.