



**Item: 4**

**Planning Committee: 11 February 2026.**

**Proposed Creation of Access, Construction of Road and Associated Works, and Erection of Temporary Units and Generators near Houton Ferry Terminal, Houton Road, Orphir.**

**Report by Director of Infrastructure and Organisational Development.**

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## **1. Overview**

1.1. This report considers an application to create an access, construct a road and footpaths, profile land to construct platforms and hardstandings, install services and drainage infrastructure, and associated landscaping, and erect two temporary accommodation units and a welfare unit and two generators on land near Houton Ferry Terminal and Toilets, Houton Road, Orphir. Thirteen objections have been received. The development complies with relevant policies, and objections and other material considerations do not merit refusal of the application.

Application Reference:	25/315/PP.
Application Type:	Planning permission.
Proposal:	Create an access, construct a road and footpaths, profile land to construct platforms and hardstandings, install services and drainage infrastructure, and associated landscaping, and erect two temporary accommodation units and a welfare unit and two generators (12 months).
Applicant:	Scottish Hydro Electric Transmission Plc., c/o Murray Agnew, Grampian House, 200 Dunkeld Road, Perth, PH1 3AQ.

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

## **2. Recommendation**

2.1. It is recommended that members of the Committee:

- i. Approve the application for planning permission in respect of the creation of an access, construction of a road and footpaths, profiling of land to construct platforms and hardstandings, installation of services and drainage infrastructure, and associated landscaping, and erection of two temporary accommodation units and a welfare unit and two generators on land near Houton Ferry Terminal And Toilets, Houton Road, Orphir, subject to the conditions detailed in Appendix 1 to this report.

## **3. Consultations**

### **Scottish Water**

3.1. “Scottish Water has no objection to this planning application...”.

### **Health and Safety Executive**

3.2. “The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site.”

### **Health and Safety Executive - Explosives Inspectorate**

3.3. “...HSE therefore has no comment to make on the planning application provided that the development is not a vulnerable building. “Vulnerable building” means a building or structure of vulnerable construction, that is to say—

(a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m<sup>2</sup> and extending over more than 50% or 120m<sup>2</sup> of the surface of any elevation;

(b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m<sup>2</sup> and extending over at least 50% of any elevation;

(c) a building of more than 400m<sup>2</sup> plan area with continuous or individual glazing panes larger than 1.5m<sup>2</sup> extending over at least 50% or 120m<sup>2</sup> of the plan area; or

(d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.”

### **Marine Services and Transport**

- 3.3. No response received following consultation.

### **Scottish Environmental Protection Agency**

- 3.4. “We have no objection to the proposed development...”.

### **Environmental Health**

- 3.5. “Having reviewed the documentation submitted in support of the application, in particular the ‘Noise Impact Assessment’. Environmental Health recommend that the following conditions be applied should permission be granted.

- Fixed plant and equipment (mechanical and electrical)

Total noise from, all plant, machinery and equipment associated with ventilation, air-conditioning, heating and electricity generation or similar shall be so installed, maintained and operated such that any associated operating noise does not exceed NR35 during the day and NR25 at night within any residential property outwith the development, where NR35 and NR25 is the Noise Rating Curve at 35 and 25 (noise measurements/predictions to be made with a window of any residential property outwith the development open no more than 50 mm.)

Reason: to protect any nearby residents from excessive noise disturbance from the fixed plant and equipment.

Development Management may also wish to consider a condition requiring any noise complaints received to be investigated given the size of the site and the distribution of the plant and equipment across it. An example of such a condition is provided below for consideration.

- Investigation of complaints

Should Orkney Islands Council receive complaints about noise from this site, on instruction from the Planning Authority, a noise assessment is to be carried out to ensure compliance with the levels are being maintained. A report on the findings of the assessment is to be submitted to the Planning Authority for review.

Reason: to protect any nearby residents from excessive noise disturbance from the fixed plant and equipment.”

## **Roads Services**

3.6. “Whilst Roads Services do not object to this development proposal there are some concerns with the proposals, however it is accepted that the matters raised below could be addressed by appropriate planning conditions.

- Given that the area is planned it eventually planned to become a housing area, provision should be made for a new section of footway on the Houton Road between the site access and the access to Ceomara, for the safety of public transport users.
- Similarly to the above point a short section of footway should also be constructed on the northern side of Houton Road for the safety of public transport users.
- A means of safe pedestrian access should be provided from the southern end of the site towards the Houton Ferry Terminal waiting room.
- If the proposed footway running through is too fully constructed prior to the proposed temporary accommodation being constructed and coming into use, the resulting footway would not be considered as acceptable for a housing area given that the majority of the kerbing would be lowered for the temporary parking. Therefore, the footway would either need to be reconstructed once the temporary nature of the site usage ceased, or alternatively the area is not kerbed during the period of temporary use with footway being constructed after the temporary usage has ceased. It should also be noted that postponing the construction of the footway may also result in delaying the laying of the surface course of the carriageway.
- There is no streetlighting information provided, which is something that should be provided if the area is intended for housing in the future.
- A maintenance and management plan will be required for all aspects of the proposed new road and its related infrastructure, to ensure that the road is adequately maintained as Roads Services do not intend to adopt this section of road.
- As Roads Services do not intend to adopt the road a bin collection area must be provided close to the access with Houton Road, but out with the forward visibility splay from the access.
- The proposed hedging around the site must be maintained such that it does not encroach into the boundary of the public road, and is maintained to a maximum height of no greater than one meter above edge of carriageway level within the forward visibility splay from the junction with the Houton Road.

- The undernoted informative should also be included in any planning permission being granted.”

### **Islands Archaeologist**

3.7. “The proposed development lies within the area formerly occupied by a First World War seaplane base and utilised in the Second World War as an accommodation camp for military personnel.

The Archaeological Report concerning the proposed development area, commissioned by Orkney Islands Council (Marine Services), and uploaded to the OIC Planning Portal on 18th September 2025, is an acceptable report and no further desk-based or walkover survey work is required.

The interior of the wartime building still standing at the site has been examined and recorded, and no further survey is required prior to any alteration or demolition.

However, I would recommend a requirement for the removal of the stove/ boiler unit within the building prior to demolition, to be retrieved for retention by the Orkney Museum. It is also recommended that an opportunity be given to Orkney Museum staff to examine the boiler remaining in a pit identified during field survey (Pit F011 in the Archaeological Report) and identify if the unit should be retrieved for retention as part of Orkney Museum’s wartime collection. The retrieval and temporary retention of these should be by the developer. The developer should liaise with Orkney Museums to timetable any such on-site works as part of the proposed development.

It is recommended that an archaeological watching brief be undertaken during any earth-moving activities as part of the groundworks for the proposed development. This would allow the identification and recording of any previously unidentified features and the recovery of any artefacts of archaeological significance, likely to be related to the military use of the Site.

Therefore, I recommend that the following conditions are attached to the proposed development:

No works in connection with the development shall commence unless a WSI is submitted to and approved in writing by the Planning Authority, in conjunction with Orkney’s Islands Archaeologist, that details an Archaeological Watching Brief to be conducted during ground-breaking works at the development site. The WSI shall include provision for dealing with human remains, artefacts, ecofacts,

samples and structural remains, should any be found and which may cause temporary delays to the works. Works shall be funded by the applicant and carried out in accordance with the approved WSI and subsequent updates, or the condition will not be discharged.

Depending on the advice of Orkney Museums curators, the works shall enable the retrieval and retention of the stove and boiler units identified in the Archaeological Report.

Reason: In the interests of the protection of Orkney's archaeological and cultural heritage resources and to accord with National Planning Framework 4 Policy 7o), Orkney Local Development Plan 2017 Policies 8A and 8B(vi), Supplementary Guidance: Historic Environment and Cultural Heritage (2017) and Planning Policy Advice: Historic Environment (Topics and Themes) (2017)."

### **Orphir Community Council**

3.8. "I am writing this letter as Chair of Orphir Community Council and following our discussions at this week's community council we object to the above planning application for the following reasons:

- At present, Houton is a quiet, close-knit community with a very small population and is made up of individual dwellings spread about with a sense of tranquility around it. SSEN's plan to accommodate 42 SSEN staff would almost double the population. OIC has advised that this accommodation represents overflow from the Finstown site and may only be lightly populated. However, there are no guarantees this will remain the case, so potentially there will be 42 workers working shifts, staying there seven nights a week and using vehicles that will be needed relatively frequently because there are no amenities locally.
- The design, appearance and materials used for the proposed prefabricated buildings will not be in-keeping with the other buildings in Houton. The relatively small site will house potentially 42 people plus cars so there will be a lot of people in a small area. The proposed two-storey development of boxed prefabrication will not add to existing landscape and will look out of place in the landscape especially with its elevated position.
- Orkney Ferries terminal at Houton is the main way for locals and visitors to get to Hoy where a lot of people go to explore the island, scenery and history, the siting of the prefabrication structures will detract from the existing landscape.
- As the site has no mains electricity, it is fair to assume that the generator will be running 24 hours per day. Houton and Houton Bay is incredibly quiet, day

and night, and I am not confident that the stated bund will be sufficient to limit noise pollution. At times due to the layout of Houton and the bay it can sometime feel like an amphitheatre. The continuous noise of the generators will be more than the expected levels within the planning application.

- The plans say that there will be a welfare block on the site, presumably where the workers housed there will socialise and eat. This is a temporary structure and so it is reasonable to imagine the noise generated by 42 workers, living away from home and very closely together. There are no shops, bars, restaurants or entertainment in Houton so additional traffic will be disruptive, bringing workers home from town late at night.
- Although the plans note that there will be service buses, these will presumably only take workers to and from work. Houton has no amenities and cars would be needed for access to shops etc. There are 42 single rooms but only 15 parking bays on the proposed site. Although this is classed as overflow accommodation, there presumably will be times when all the cars owned by SSEN employees cannot be accommodated within designated bays. The Repsol site is for Flotta workers only and the Orkney Ferry car park is short of parking space. The road into Houton is not wide enough for parking on the street without causing traffic disruption and increases pedestrian vulnerability. Anyone who regularly uses the road between Houton and Kirkwall and Houton and Stromness will be aware of the speed and volume of vehicles that coincide with the ferry and the Flotta workers boat times. Additional cars will significantly worsen this situation. When residents take the turning into Houton, they must fork to the right to reach the houses beyond the Repsol car park. This is a difficult right turn as you cannot always see clearly if there is something coming up from the ferry area. Erecting a two-storey building will significantly increase the risk of accidents as visibility will be much worse when looking to the left. The proposed shrubbery adds an additional safety issue when exiting the site as relatively close to the corner for vehicles exiting the ferry and workers car parks. Children walk up and down to get the school bus and there are no pavements, so we worry that the potential of additional cars increases the risk of accidents.
- We can see no evidence that any additional water consumption has been considered. It will presumably be drawn from the public water supply network. During 2025 when demand exceeded supply from Kirkbister loch, tankers were required to take water from Hoy to Kirkbister to top-up levels.
- Many people enjoy swimming in Houton Bay as well as kayaking and other water sports. Seals and their pups are commonly found in Houton and there are occasional sightings of orcas nearby. Aside from the fumes created by diesel generators, the plan to install sewage treatment works with the outlet at

the low water mark would be insufficient due to how shallow Houton Bay is at low tide. Digging up former MOD land will have consequences for water quality, increased pollution and may destroy the wildlife that lives here. The dismantling of wartime buildings that have housed swallow populations for decades is bad enough. The noise of construction and an increase of people coming and going with vehicles will harm wildlife here.

- If the government is trying to end the use of fossil fuels, why does it seem acceptable to OIC to allow SSEN to have a large diesel generator running 24 hours per day? The topography of Houton means the noise from the generator will travel a distance more than that of a built-up area. Also, the diesel fumes may settle and not easily disperse. Orkney is supposed to have a green agenda, and I am unsure how this plan complies with the council's goals. SSEN plans to install two diesel generators for a period of one to five years on this site. The smell and pollution produced by the generator running 24 hours a day will be objectionable and hazardous and not in keeping with Orkney's green agenda.”

### 3.9. **Graemsay, Hoy and Walls Community Council**

“Firstly, members have concerns around road safety, not only during the initial build phase but also long-term. They point out that this is a very busy area, with heavy traffic during the day at ferry times, and when the Flotta Terminal launch arrives and departs. It is also an access road to many residential properties further along the road at Houton, and at the pier. They feel that adding another exit on to the Houton Road would create an additional hazard and potential accident point, especially as any vehicle coming out of the new access would have an uphill start and would have limited visibility of any traffic coming up from the pier. Vehicles turning into Houton from the A964 are often travelling at the upper end of the speed limit and would have less chance of being able to slow down for a vehicle exiting this new junction.

If the area is to be further developed in the future, there would be the possibility of larger vehicles coming and going from the site, and possible disruption for busses and other vehicles carrying passengers to and from the pier. Many people in the communities of Hoy and Flotta commute on a daily basis through the week, or travel frequently for appointments. The community council would therefore like assurances that any works in this area would not impact on their access to the pier and would not cause any delay to their journeys.”

## 4. Representations

4.1. Thirteen valid representations (objections) have been received from:

- Mrs L Baird, Orkney Lodge, Houton Bay, Orphir, KW17 2RD.
- Professor Colleen Batey, Quoy of Houton, Orphir, KW17 2RD.
- Caroline Beaton, Holmlea, Houton, KW17 2RD.
- Mrs Angela Fitzpatrick, Seaview, Houton, Orphir, KW17 2RD.
- Mr Michael Grainger, Ardeonaig, Houton, Orphir, KW17 2RD.
- Hilary Grant, Houth, Orphir, KW17 2RD.
- Bashir Hasham, Tanmaur, Orphir, KW17 2RD.
- Mrs Liz Johnston, Tower, Orphir, KW17 2RD.
- Johnny MacKay and Katy Beaton, Upper Fleck, Houton, Orphir, KW17 2RD
- Morag McCall, Ceomara, Orphir, KW17 2RD.
- Mrs Helen Michell, Njord, Orphir, KW17 2RD.
- Michael and Jill Purser, Eastaquoy, Orphir, KW17 2RD.
- Catherine Waters, Quoylea, Orphir, KW17 2RD.

4.2. One comment (neutral) has been received from:

- Bruce Sutherland, Mill House, Willow Road, Kirkwall, KW15 1NJ.

4.3. Two late representations (objections) were received, and two further representations (objections) which included an incorrect address. These are therefore not valid representations; however, matters included in those representations have been considered in the report.

4.4. Representations are on the following grounds:

- Temporary use.
- Impacts to residential amenity and community wellbeing.
- Impacts on privacy.
- Noise and light impacts.
- Environmental impacts including marine ecosystems and protected species.
- Traffic, access, parking, and road safety concerns.
- Drainage, water quality, and public water supply.
- Potential contamination or hazardous materials.
- Impacts on recreation and coastal users.
- Impact on character of the area.
- Proposal contrary to Policy 12 'Coastal Development' of the Local Development Plan.

- Proposal contrary to Policy 1 'Tackling the climate and nature crises' of NPF4.
- Proposal contrary to Policy 3 'Biodiversity' of NPF4.
- Proposal contrary to Policy 4 'Natural Places' of NPF4.
- Proposal contrary to Policy 14 'Design, quality and place' of NPF4.
- Proposal is contrary to Policy 30 'Tourism' of NPF4.

4.5. Representations also include other matters that are not material to the planning consideration, including planning procedure, records of enforcement, and detail of potential future development on the site.

## 5. Relevant Planning History

Reference	Proposal	Location	Decision	Date
25/283/PP.	Change of land use from agriculture to harbour authority operational land.	Houton Ferry Terminal and Toilets (Land Near), Houton Road, Orphir.	Awaiting determination.	

## 6. Relevant Planning Policy and Guidance

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

6.2. National Planning Framework 4 can be read on the Scottish Government website [here](#).

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

- National Planning Framework 4:
  - Policy 3. Biodiversity.
  - Policy 4. Natural places.
  - Policy 7. Historic assets and places.
  - Policy 9. Brownfield, vacant and derelict land and empty building.
  - Policy 13. Sustainable transport.
  - Policy 14. Design, quality and place.
  - Policy 18. Infrastructure first.
  - Policy 23. Health and safety.

- Orkney Local Development Plan 2017:
  - Policy 1: Criteria for All Development.
  - Policy 2: Design.
  - Policy 4: Business, Industry and Employment.
  - Policy 5: Housing
  - Policy 8: Historic Environment and Cultural Heritage.
  - Policy 9: Natural Heritage and Landscape.
  - Policy 13: Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14: Transport, Travel and Road Network Infrastructure.
- Supplementary Guidance:
  - Historic Environment and Cultural Heritage (2017).
  - Natural Environment (2017).
  - Settlement Statements (2017).
- Planning Policy Advice:
  - Amenity and Minimising Obtrusive Lighting (2021).
- Development Management Guidance:
  - Considering and Including Biodiversity in Development (2023).

## 7. Legislative Position

- 7.1. Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”
- 7.2. Annex A of Planning Circular 3/2013: ‘development management procedures’ provides advice on defining a material consideration, and following a House of Lords’ judgement with regards the legislative requirement for decisions on planning applications to be made in accordance with the development plan, confirms the following interpretation: “If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.”
- 7.3. Annex A continues as follows:
  - The House of Lords’ judgement also set out the following approach to deciding an application:

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

- The design of the proposed development and its relationship to its surroundings.
- Access, provision of infrastructure and planning history of the site.
- Views of statutory and other consultees.
- Legitimate public concern or support expressed on relevant planning matters.

- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

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

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

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

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

7.6. 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.

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

- 7.7. 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 NPF4 and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of NPF4 and a provision of the Orkney Local Development Plan 2017, NPF4 is to prevail as it was adopted later. It is important to note that NPF4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.
- 7.8. In the current case, there is not considered to be any incompatibility between the provisions of NPF4 and the provisions of the Orkney Local Development Plan 2017, to merit any detailed assessment in relation to individual NPF4 policies.

## **8. Assessment**

- 8.1. As noted in section 1 above, planning permission is sought for the creation of level hardstanding platforms, access road, and footpaths; installation of services (water, drainage, power, etc.); and provision of temporary accommodation for a period of up to 12 months on land near Houton Ferry Terminal, Houton Road, Orphir, as indicated in the Location Plan attached as Appendix 2 to this report.
- 8.2. The Houton area is a scattered area identified as a rural settlement in the Settlement Statement (2017). The wider area around the bay of Houton is made up of a scatter of housing with the ferry terminal at the north-east of the bay. Public and private ferries operate from Houton.
- 8.3. The application site is within an allocated site which extends to 1.5 hectares. The land slopes from north to south and is presently rough grazing. The area is a former military facility from both World Wars and there are remains of concrete platforms, pits and two buildings.
- 8.4. The planning application site is approximately 1.09 hectares in size, with proposed development comprising physical works including formation of accesses and level platforms and hardstandings, and temporary works thereafter including installation of two temporary accommodation units and a welfare unit and two generators, for a period of up to 12 months after installation.
- 8.5. The temporary accommodation would accommodate up to 42 personnel working at the electricity substation construction near Finstown. A lack of capacity within the area for electricity connection has required the inclusion of two generators,

situated within an acoustic bunded area. These units and the generators would be removed following 12 months of use.

- 8.6. The two generators proposed are 300kVA each, being 1.1 metres wide by 3.95 metres in length by 2.26 metres in height. The acoustic bund would be 'L' shaped, at a height of 2.56 metres.
- 8.7. Foul drainage would be treated by installation of a treatment plant at the lower end of the site, with an outlet to below mean low water springs, designed to be compatible with treatment plants required for future development on the site. A small, landscaped surface water pond is also proposed at the lower end of the site.
- 8.8. Landscaping to meet the biodiversity requirements are proposed, comprising a hedgerow along edges of the site, adjacent to the public road on the north and west boundaries and part of the south boundary. Land to the west of the site would be used to store topsoil; the land would be available for planting of native Orkney tree/hedge species should the site be further developed.
- 8.9. It is indicated that after the temporary period of the accommodation and welfare units, following their removal, the site would be left suitable for housing, with most infrastructure and services retained and available for housing. Further planning application(s) would be required for any future housing.

### **Principle**

- 8.10. The proposal lies within an area identified for development within the Local Development Plan and identified in Supplementary Guidance 'Settlement Statements' as Houton, Orphir. A presumption in favour of development therefore exists for housing, provided the development accords with the Settlement Statement and other policy considerations.
- 8.11. As noted above, this application has two main elements: the permanent creation of an access and services, which would facilitate the future development of this site for housing; and a 12-month temporary use to site temporary accommodation units, a welfare unit and two generators.
- 8.12. The access road and installation of services are part of the allocated long-term development of the site for housing and are acceptable in principle in terms of Policy 5 of the Local Development Plan, and Policy 18 of NPF4 in terms of Infrastructure first.
- 8.13. In terms of the temporary use, this would be residential with ancillary installations. NPF4 Policy 9 supports proposals which result in the sustainable reuse of

brownfield land, whether temporary or permanent. Policy 4 of the Local Development Plan supports development which would bring previously used land back into commercial use, and Policy 5 confirms redevelopment sites are “suitable for residential uses”.

- 8.14. The site forms part of a larger military base, including the Houton Seaplane and Kite Balloon Base. An Unexploded Ordnance (UXO) Risk Assessment was undertaken and forms part of the application, and findings identify risk and risk mitigation measures. A report has also been undertaken regarding risk of asbestos on site, which has identified presence within buildings and asbestos debris on the ground. Taking account of these reports, the land is likely at present to be defined as contaminated; the site therefore requires remediation of contamination. This can be covered by planning condition and would be a material benefit of the development.
- 8.15. Environmental Health is satisfied with proposed remediations and has no objection to the development, subject to the inclusion of a condition covering the requirement for a construction management plan to include the requirements of the assessment and reports of the UXO, contaminated land and asbestos assessment.
- 8.16. NPF4 Policy 23 promotes development which improves health and wellbeing. The work to clear the site, alongside the proposed development, would improve the quality of the area and make the land safe.

### **Roads and Access**

- 8.17. The proposal includes a road and parking within the site and a new access off the Houton Road. The access, road and infrastructure have been designed to be suitable for future housing development. The Houton Road branches off from the A964 Kirkwall to Stromness road approximately 114 metres to the east.
- 8.18. There is a regular daytime bus services from the area to Kirkwall and more limited services to Stromness. The temporary accommodation is 11 miles from the Finstown substation site. The developer proposes daily transport to move workers to the substation via 9-seater minibuses, to minimise the need for private cars for staff transfers at shift changes, thereby reducing traffic impact. If the temporary accommodation was at full capacity, five 9-seater minibuses would be required. The developer confirms staff would have all their meals at the main site in Finstown; therefore, the only other staff likely to access the site would be cleaners. 17 parking spaces are proposed, two of which are disabled spaces, and five spaces would be adequate size to accommodate minibuses, designated for that purpose.

- 8.19. Objectors have raised road safety concerns, including insufficient on-site parking leading to potential overspill, the limited width of the public road, and reduced visibility affecting sightlines. The absence of footpaths on the existing road is also raised, and that the speed and volume of current traffic may be exacerbated by the development. Additional concerns relate to disruption to ferry traffic and increased risk of accidents, citing vehicle speeds on the A964.
- 8.20. Roads Services has required that a planning condition be attached to any approval to secure the proposed “bus layby and short area of footpath within the site on the south side of the Houton Road along with a waiting area on the north side to provide for suitable drop of a pick up points for those using public transport”.
- 8.21. To ensure connectivity through the area, for pedestrian access to public transport and services, footpath access would be provided allowing for future pedestrian access through the site to the ferry terminal. A condition would be attached to secure this pedestrian access and connectivity, including for future housing.
- 8.22. Roads Services has indicated that, as the road network and infrastructure within the site would be private, and not maintained by Roads Services, details of a maintenance plan require to be agreed with Roads Services, which would be secured by a planning condition.
- 8.23. To protect sightlines/visibility splays, a planning condition would also address the proposed hedging around the site to ensure it does not encroach into the boundary of the public road, and is maintained to a maximum height of no greater than one metre above edge of carriageway level within the forward visibility splay from the junction with the Houton Road.
- 8.24. In considering the development proposal in relation to roads, access and traffic, including the submitted transport plan, advice from Roads Services, matters raised by objectors, and proposed conditions, it is concluded that the development accords with Policy 13 of NPF4 and Policy 14 of the Local Development Plan.

### **Residential Amenity**

- 8.25. Objections raise that Houton is a quiet area and that construction of a temporary development of the nature proposed would almost double the population of the area (if at full capacity). It is highlighted that there is no shop, pub, or restaurant, and public transport is infrequent and therefore transport to the facilities would be by taxis late at night which would be disruptive. It is also suggested that such a concentration of workers, living away from home and closely together, may wish to relax after a day at work which could involve activities that could disturb the

relative peace of the area. Disturbance is not anticipated any more than other typical residential properties, and the developer would ensure staff management and provide a point of contact for local residents should they wish to raise any issues regarding unreasonable behaviour.

- 8.26. Overlooking and privacy concerns have also been raised by objectors. Given the design of the units and the distance from neighbouring houses, no unacceptable impacts due to overlooking or loss of privacy are anticipated.
- 8.27. A condition regarding construction management would also be used to ensure that impacts on existing houses would be minimised while work is ongoing.

### **Noise**

- 8.28. The two proposed generators would provide additional electricity to the development, including air source heat pumps. A Plant Noise Impact Assessment is provided as part of the application which assesses noise impact from all plant proposed, on the nearest noise sensitive receptors.
- 8.29. For context, the applicant has advised that there is inadequate capacity in the network to provide electrical connection for the whole site; at present a connection is proposed for the welfare unit, and it is expected that further capacity in the network would be available to the site by 2030. Therefore, to serve the proposed development, two generators are proposed, with only one required operationally and the other in case of unit failure. The units would run on hydrotreated vegetable oil (HVO) fuel rather than diesel where possible, to reduce emissions and minimise odour. The network capacity is considered adequate to serve future sites, after the temporary accommodation units are removed.
- 8.30. Representations have raised objections, concerns and questions regarding noise from the proposed plant and equipment on site. The nearest residential noise sensitive receptors are the properties Ceomara, approximately 50 metres distant, Eastaquoy and Chris Haven slightly further also to the north-west, Orkney Lodge located 100 metres distant to the south-west, and Seaview 95 metres to the south-east. The accommodation blocks proposed are also noise sensitive receptors.
- 8.31. The proposed earth bunding around two sides of the generators is designed to assist noise mitigation. The Plant Noise Impact Assessment considered the internal noise level within the nearest noise sensitive receptors, with their windows open for ventilation, from air source heat pump and generator noise, using representative manufacturers noise data. The finding predicted to noise meet the Environmental Health internal noise level criteria of NR 25 (dB Leq).

8.32. Environmental Health has reviewed the assessment and raises no objection. To ensure the assessed noise levels are maintained, conditions would be attached to any consent in respect of total noise from fixed plant and equipment (mechanical and electrical) and due to the size of the site and the distribution of the plant and equipment, a further condition relating to investigation of any complaints regarding fixed plant and equipment noise. In terms of protection of residential amenity therefore, through design, mitigation, and planning conditions, there is no unacceptable impact anticipated.

### **Design**

8.33. The development comprises two, two storey flat-roofed modular accommodation units and a single storey flat roofed welfare unit. Each accommodation unit would house 11 ensuite rooms over two floors with an internal staircase, and an external staircase on each end.

8.34. Due to the sloping nature of the site the units would be set on platforms at different levels, with platforms being cut into the slope. The wider area is generally scattered housing, many single storey, but also one and a half and two storey houses. Near the ferry terminal are commercial buildings. There are also remains of wartime structures and large concrete areas to the east of the site.

8.35. A single matt colour is proposed on all proposed structures, to minimise the impact when seen set against the rising backdrop and the other commercial/storage buildings nearby. Visual impacts would largely be contained within the bay area and seen in the context of the existing ferry terminal and car parking.

8.36. Objectors have raised concerns that the proposal is out of character with the surrounding area. While the accommodation units would have a commercial appearance, the immediate context is varied. Given this existing mixed character, the temporary nature of the structures, and the use of recessive finishes, the visual impact is not considered unacceptable in terms of Policy 2 of the Local Development Plan.

8.37. An indicative layout plan for future housing has been provided; any future housing proposals would be subject to separate planning application(s).

8.38. Overall, the general layout and design are acceptable, on the temporary basis proposed. The development would, in the long-term, contribute positively to the quality of the surrounding built and natural environment and is in compliance with Policies 4, 9, 14 and 18 of NPF4 and Policies 1 and 2 of the Local Development Plan.

## **Landscaping and Biodiversity**

- 8.39. The nature of the site and the level of risk of UXO means that part of the land would remain undeveloped in the long term. This area would be landscaped and planted as part of any future housing development. The current application proposes hedging and planting along boundaries.
- 8.40. An otter survey was undertaken which indicates that presence of otters is expected in the bay, but otter activity in the landward area, including the application site, appears to be very low and is likely to be restricted to passing animals along the shore and into the short stretch of deep ditch behind it.
- 8.41. Policy 14 of NPF4 supports development proposals designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Policy 9 of NPF4 supports the sustainable reuse of brownfield land and improvements to the safety of the land. The planting proposed would meet the requirements of Policy 3 of NPF4 in terms of biodiversity enhancement, and Policy 8 of the Local Development Plan.

## **Archaeology**

- 8.42. Surveys and assessment of the site including photographs and recording of the buildings were undertaken to inform the application. The recommendation of the assessments is that an archaeological watching brief be undertaken during any earth-moving activities associated with groundworks required for phase 1 of the development, controlled by planning condition, specifically:
  - All groundworks undertaken as part of the proposed development be subject to archaeological monitoring by a suitably qualified archaeologist.
  - The stove/boiler within Building 001 be removed and protected prior to any works being undertaken which affect the fabric of the building.
  - The in-situ boiler within pit F016 be examined and assessed by specialist museum staff.
- 8.43. On this basis, wartime archaeological remains are adequately recorded and the development accords with Policy 7 of NPF4 and Policy 8 of the Local Development Plan.

## **Pollution**

- 8.44. The impacts of generators running 24 hours per day, including fumes and smell, have been raised by objectors. As stated above, only one generator is required at any time, and non-diesel fuel will be used wherever possible. Regardless, air

quality is managed under Environmental Health legislation; no objections on air quality were received.

- 8.45. The outfall from the wastewater treatment plant runs to an outlet at the shore. Objectors have raised concerns regarding impacts on water quality in the bay, impacting human health, water ecosystems, natural heritage, and a range of recreational users including cold water swimming and canoeing.
- 8.46. Where an outfall from a wastewater treatment plant discharges to sea below mean low water springs, it is regulated under the Environmental Authorisations (Scotland) Regulations 2018, therefore outside the planning process.
- 8.47. NPF4 Policy 4 seeks to protect, restore and enhance natural assets by avoiding development which would have an unacceptable impact on the natural environment. Policy 3 protects biodiversity and Policy 23 also seeks to protect people and places from environmental harm. Legislation exists to regulate impacts, to ensure the development would not impact negatively on the environment, noting that it is not uncommon for treated waste water systems to discharge to the sea, after appropriate treatment on site, and in accordance with Policy 13 of the Local Development Plan.

### **Other Considerations**

- 8.48. Impact on water supply capacity has been identified in objections. Scottish Water has raised no objection to the proposal. Capacity to serve the site is processed by Scottish Water.
- 8.49. Objections include concern regarding the 12-month temporary nature of accommodation units, and whether temporary or frequently changing occupants of such a facility could impact the amenity of the area. It is anticipated that the overspill accommodation would be required only during the peak workforce periods at the Finstown site, and the current site will not necessarily be required. A planning condition would restrict use of the accommodation to the workforce at the Finstown substation, in addition to controlling the temporary period of installation. This is considered to adequately address potential impact from the use of the site.

## **9. Conclusion and Recommendation**

- 9.1. The proposed structures would be for a temporary period of 12 months and would have no long-term visual impact. After the temporary period, the structures would be removed, resulting in a site that has been remediated from contamination and

with an access and services provided, assisting future housing development on a site allocated for housing within the settlement. On balance, the long-term benefits outweigh any short-term impacts, noting that adequate mitigation and conditions would be in place to control the development, in terms of construction and temporary occupation.

- 9.2. The proposed development complies with Policies 3, 4, 7, 9, 13, 14, 18 and 23 of National Planning Framework 4, and Policies 1, 2, 4, 5, 8, 9, 13 and 14 of the Orkney Local Development Plan 2017. The proposal is acceptable in principle, and detail. There are no material considerations including those raised in the objections that outweigh this conclusion. The application is therefore recommended for approval, subject to the conditions attached as Appendix 1 to this report.

**For Further Information please contact:**

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**Implications of Report**

- 1. Financial:** None.
- 2. Legal:** Detailed in section 7 above.
- 3. Corporate Governance:** In accordance with the Scheme of Administration, determination of this application is delegated to the Planning Committee.
- 4. Human Resources:** None.
- 5. Equalities:** Not relevant.
- 6. Island Communities Impact:** Not relevant.
- 7. Links to Council Plan:** Not relevant.
- 8. Links to Local Outcomes Improvement Plan:** Not relevant.
- 9. Environmental and Climate Risk:** None.
- 10. Risk:** If Members are minded to refuse the application, it is imperative that clear reasons for proposing the refusal of planning permission on the basis of the proposal being contrary to the development plan policy and the officer's recommendation be given and minuted. This is in order to provide clarity in the case of a subsequent planning appeal or judicial review against the Planning Committee's decision. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed. In addition, an award of costs could be made against the Council. This could be on the basis that it is not possible to mount a reasonable defence of the Council's decision.
- 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](#).

### **Appendices**

Appendix 1 – Planning conditions.

Appendix 2 – Location Plan.

## **Appendix 1.**

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

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

02. Planning permission for the two accommodation units, welfare unit and two generators is hereby approved for a temporary period of 12 months only, commencing on the date one month after the first structure is brought on to the application site, or first residential occupation of either accommodation unit, whichever is sooner (the "temporary commencement date"). Residential occupation shall cease 12 months after the temporary commencement date, and no later than two months from this date, the application site shall be cleared of all temporary development.

Reason: To ensure the temporary element of development is removed timeously.

03. Notwithstanding details included in drawings hereby approved, no development shall commence until full details of all finishes and colours of the external elevations of the temporary units have been submitted to and approved, in writing, by the Planning Authority. Thereafter, the development shall be carried out wholly in accordance with approved details.

Reason For the avoidance of doubt and in the interests of visual amenity.

04. All plant, machinery and equipment associated with ventilation, air-conditioning, heating and electricity generation, or any other plant, shall be installed, maintained and operated such that any associated total operating noise does not exceed NR35 during the day and NR25 at night within any residential property outwith the development, where NR35 and NR25 is the Noise Rating Curve at 35 and 25 (noise measurements/predictions to be made with a window of any residential property outwith the development open no more than 50 millimetres).

Reason: To protect any nearby residents from excessive noise disturbance from the fixed plant and equipment.

05. Should the Planning Authority receive complaints regarding noise from the development hereby approved, on instruction from the Planning Authority (in conjunction with Environmental Health), a noise assessment shall be carried out to ensure compliance with the levels set out in Condition 04. A report on the findings of the assessment shall be submitted to the Planning Authority for review.

Reason: To protect any nearby residents from excessive noise disturbance from the fixed plant and equipment, where noise assessment is considered expedient.

06. No development shall commence until a Construction Management Plan including (but not limited to): construction compound layout, hours of work, and compliance with Detailed UXO Risk Assessment and Risk Mitigation Measures, has been submitted to and approved, in writing, by the Planning Authority. Thereafter, all

works shall be carried out in strict accordance with the approved details throughout the duration of the construction period. For the avoidance of doubt, no temporary work or storage shall be carried out beyond the details submitted.

Reason: To safeguard the amenity of neighbouring properties and occupants.

07. No development shall commence until a Written Scheme of Investigation (WSI) has been submitted to and approved, in writing, by the Planning Authority, in conjunction with the Islands Archaeologist. The WSI shall detail an Archaeological Watching Brief, to be conducted during ground-breaking works. The WSI shall include provision for dealing with human remains, artefacts, ecofacts, samples and structural remains, should any be found and which may cause temporary delays to the works. Works shall be funded by the applicant and carried out in accordance with the approved WSI and subsequent updates.

Subject to advice from Orkney Museums curators, the works shall enable the retrieval and retention of the stove and boiler units identified in the Archaeological Report.

Reason: In the interests of the protection of Orkney's archaeological and cultural heritage resources and to accord with National Planning Framework 4 Policy 7o), Orkney Local Development Plan 2017 Policies 8A and 8B(vi), Supplementary Guidance: Historic Environment and Cultural Heritage (2017) and Planning Policy Advice: Historic Environment (Topics and Themes) (2017).

08. The proposed hedging/planting around the site must be maintained so that it does not encroach into the boundary of the public road and is maintained to a maximum height of no greater than one metre above edge of carriageway level within the forward visibility splay from the junction with the Houton Road.

Reason: In the interest of road safety.

09. No development shall commence until a plan showing a future footpath linking the proposed development to the Houton Ferry terminal, through the development hereby approved, has been submitted to and approved, in writing, by the Planning Authority.

Reason: To provide details of a future safe access for pedestrians through the site to the ferry terminal, and to ensure that is not prejudiced by the permanent parts of the development.

10. The temporary accommodation hereby approved shall not be occupied on a residential basis until a public footpath with layby and waiting area has been designed in accordance with the Council's Roads Services requirements and constructed along the public road 'Houton Road' wholly in accordance with approved details.

A further waiting area shall be constructed on the opposite side of Houton Road.

Full details of this public footpath with layby and waiting area, and further waiting area, shall be submitted to and approved, in writing, by the Planning Authority, and thereafter constructed wholly in accordance with these details.

Reason: To ensure safe pedestrian access, drop off and pick up points for buses and in the interest of road safety.

11. The temporary accommodation shall not be occupied on a residential basis until the access junction has been completed to the design and specification hereby approved.

Reason: To ensure the provision of a means of access in the interests of road safety and public amenity.

12. No development shall commence until full details of the siting and design of communal wheelie bin/kerbside recycling bin storage areas, suitable for the future use by house sites, have been submitted to and approved, in writing, by the Planning Authority. Thereafter, and prior to first occupation of the temporary accommodation, the bin storage areas shall be completed wholly in accordance with approved details.

Reason: To ensure that suitable provision is made for the storage of communal waste and recycling bins.

13. No development shall commence until a Maintenance Plan for the management in perpetuity of the communal areas, including roads, footpaths, landscaping and foul and surface water drainage, have been submitted to and approved, in writing, by the Planning Authority, in conjunction with Roads Services. Thereafter, the development shall be managed wholly in accordance with approved details.

Reason: To ensure long term maintenance of the roads and infrastructure in the interest of safety and amenity of the users of the area.

14. Throughout the lifetime of the development hereby approved, surface water shall be managed in accordance with the principles of Sustainable Drainage Systems (SuDS) and the guidance set out in CIRIA's SuDS Manual C753. Requisite surface water drainage measures shall be operational prior to the development being brought into use and shall be maintained as operational thereafter and throughout the lifetime of the development.

All surface water shall be contained within the application site and shall be managed to avoid flow into any adjacent road or other land.

Reason: To ensure appropriate management of surface water drainage, in accordance with Policy 13B 'Sustainable Drainage Systems (SuDS)' of the Orkney Local Development Plan 2017 and Policy 22(c) 'Flood Risk and Water Management' of National Planning Framework 4.

15. Any exterior lighting employed shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary.

Reason: To ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in 'sky glow'.

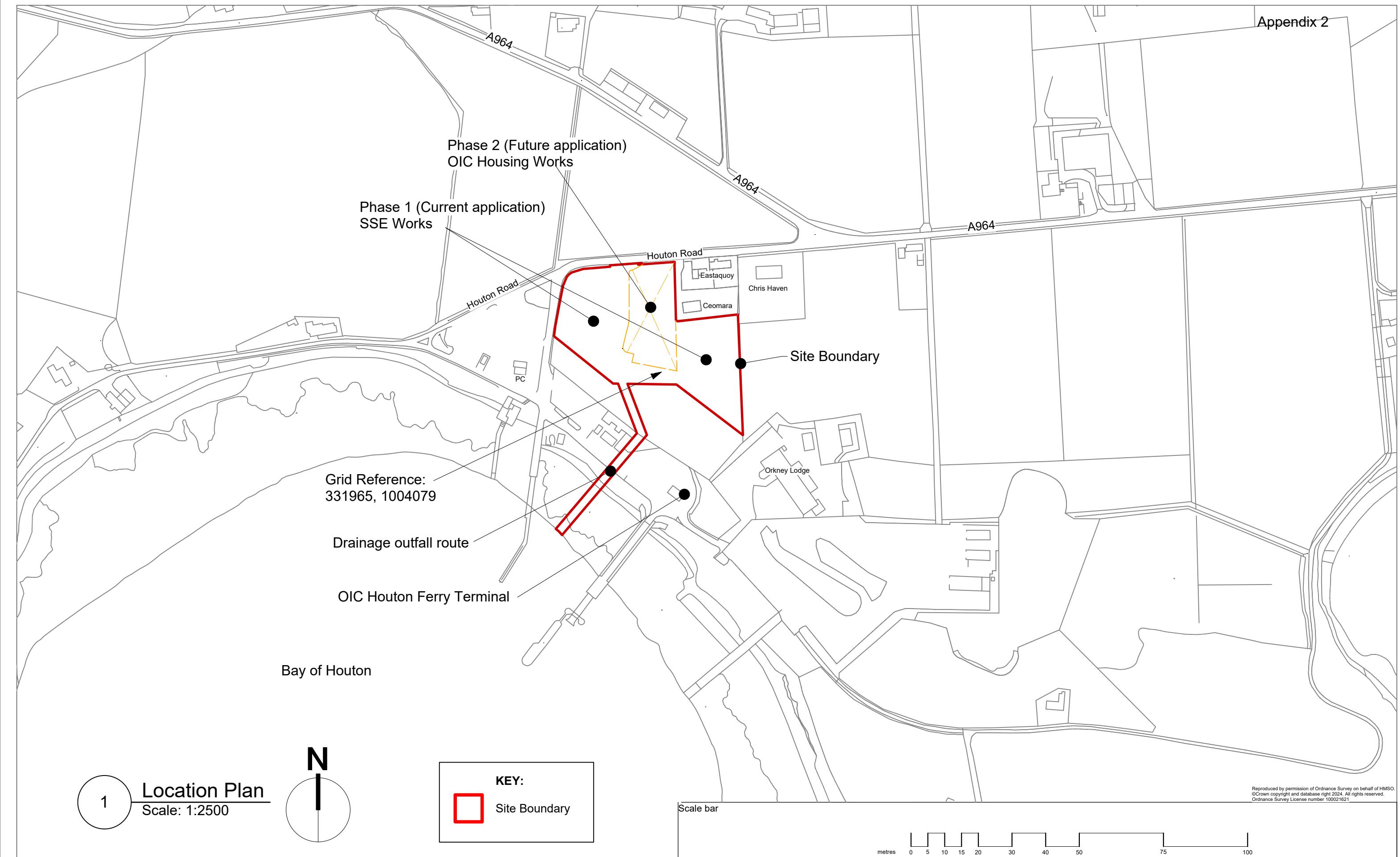
16. The landscaping measures set out in site plan drawing 003 shall be implemented in full no later than the first planting season following commencement of development. Thereafter, the biodiversity measures shall be permanently retained in accordance with the approved details, including replacement of any planting that

does not survive, is removed, or is damaged, unless otherwise agreed in writing with the planning authority.

Reason: To ensure biodiversity measures are implemented as required by Policy 3 'Biodiversity' of National Planning Framework 4

17. No development shall commence until full details of the access arrangements, footpaths, parking, turning / servicing areas, street lighting, drainage, and other infrastructure and works have been submitted to and approved, in writing, by the Planning Authority. This shall include details for the temporary phase of the development, and thereafter when all temporary works are removed from the site. All development shall be carried out wholly in accordance with approved details, including phasing.

Reason To ensure that road and parking provision within the site is sufficient for the proposed and future use.



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