

Item: 1

Planning Committee: 1 July 2026.

Proposed Erection of House with Air Source Heat Pump and Creation of Access near Pharay’s Park, Pharay’s Park Road, Westray.

Report by Director of Infrastructure and Organisational Development.

1. Overview

1.1. This report considers an application for the erection of a house with an Air Source Heat Pump, and the creation of an access near Pharay’s Park, Pharay’s Park Road, Westray. One valid representation (objection) has been received. The development complies with relevant policies, and objections and other material considerations do not merit refusal of the application.

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| Application Reference: | 25/324/PP. |
| Application Type: | Planning Permission. |
| Proposal: | Erect a house with an air source heat pump and create an access. |
| Applicant: | Mrs Kimberley Marcus. |
| Agent: | Alfred Flett Architectural Services, St Marys, Holm, Orkney KW17 2RU. |

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 proposed erection of a house, with an air source heat pump, and creation of an access near Pharay’s Park, Pharay’s Park Road, Westray, subject to the conditions detailed in Appendix 1 to this report.

3. Consultations

Roads Services

- 3.1. Roads Services has no objection, provided that conditions regarding the access and surface water drainage, and an informative regarding compliance with Sections 56 and 95 of the Roads (Scotland) Act 1984 and that any damage caused to the existing road during construction is repaired are attached to the Decision Notice of any approval.

Engineering Services

- 3.2. “The proposed development is indicated by SEPA’s ‘Surface Water & Small Watercourses’ flood risk mapping to be on a well-defined overland flow path originating from the hills to the west in a medium-risk (0.5% annual probability) scenario...This proposal constitutes new development in a location highlighted by SEPA mapping as being at risk of surface water flooding and doesn’t meet any of the exclusions listed under NPF4 Policy 22. We require evidence demonstrating that a defined overland flow route would not pass through the development site in extreme rainfall events.”

Further information was provided by the agent and Engineering Services responded: “From the further information provided on a boundary ditch to the west of the proposed development, we are satisfied that surface water would not behave in the way indicated on SEPA flood risk mapping and the site is therefore not considered to be at elevated risk of flooding. We do not object to this application.”

Environmental Health

- 3.3. Environmental Health have provided the standard air source heat pump condition.

Development and Marine Planning – Environment

- 3.4. No response received to date.

Islands Archaeologist

- 3.5. “I’ve had a check, the two sites are specifically located in prominent positions on top of the hills and Pharay’s Park is well downslope, so no need to consult me.”

Scottish Water

- 3.6. No objection - “There is currently sufficient capacity in the Westray Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us. According to our records there is no public waste water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.” Connection to the public water supply is a matter for the applicant/developer and at their own expense.

4. Representation

- 4.1. One valid representation has been received from:
- Susan Gray Armstrong, Pharay’s Park, Westray KW17 2DW.
- 4.2. The representation is on the following grounds:
- Proximity of dwelling.
 - Loss of privacy.
- 4.3. **Clarification:** It should be noted that whilst the representee states that they “are not objecting to the neighbouring owners’ desire to build...” their “*support is conditional only on ensuring that... the building is positioned further away from our boundary...*”. This cannot be achieved under the current application as any change to the site boundary or change to the location of the site would require a completely new application. A letter addressing points raised in the representation and providing some clarification, was sent to the representee on 20 February 2026. To date there has been no response or withdrawal of the representation and therefore the issues of proximity of the dwelling and loss of privacy are deemed as material objections to the development as proposed, and therefore, the application is required to be reported to the Planning Committee.

5. Relevant Planning History

- 5.1. None.

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 11 – Energy.
 - Policy 14 – Design, Quality and Place.
 - Policy 16 – Quality Homes.
 - Policy 17 – Rural Homes.
 - Policy 22 - Flood risk and Water Management.
 - Policy 23 – Health and Safety.
 - Orkney Local Development Plan 2017:
 - Policy 1 - Criteria for All Development.
 - Policy 2 – Design.
 - Policy 5C – The Isles Approach for Housing.
 - Policy 7C – All Renewables and Low Carbon Energy Developments.
 - 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.
 - The Spatial Strategy – The Isles Approach.
 - Supplementary Guidance:
 - Natural Environment (2017).
 - Energy (2017).
 - Historic Environment and Cultural Heritage (2017).
 - Planning Policy Advice:
 - Amenity and Minimising Obtrusive Lighting (2021).
 - Historic Environment (Topics and Themes) (2017).
 - National Roads Development Guide (2015).
 - Development Management Guidance:
 - Considering and Including Biodiversity in Development (2023).
 - Siting and Design of Housing in Orkney’s Countryside.
 - Interim Spatial Strategy (2025).

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. The proposed development site is located within the countryside 1.2km to the south-west of Pierowall, Westray, as indicated on the Location Plan attached as Appendix 2 to this report.

8.2. The site is located along a shared access road to Pharay’s Park.

8.3. The Site Plan shows the layout of the site and the orientation and location of the proposed dwelling in relation to the dwelling at Pharay’s Park.

Principle

- 8.4. Within the non-linked isles (which includes Westray) there is a general presumption in favour of the development of single house developments under policy 5C of the Orkney Local Development Plan 2017 (OLDP 2017) and the Isles Approach in the Spatial Strategy, provided that the proposal would also meet the requirements of other relevant policies of the plan and any other material planning considerations.
- 8.5. Under the Spatial Strategy: The Isles Approach “Development within the islands, which support permanent resident populations and are served by public transport services, will be supported where it accords with relevant Plan policies and where it shall not place any unacceptable burden on existing infrastructure and services”.
- 8.6. Under National Planning Framework 4 (NPF4), relevant policies for the principle of housing in the non-linked isles include Policy 17 – Rural Homes, which states that “Development proposals for new homes in remote rural areas will be supported where the proposal: i. supports and sustains existing fragile communities; ii. supports identified local housing outcomes; and iii. is suitable in terms of location, access, and environmental impact”. Development Management Guidance Interim Spatial Strategy was ratified and adopted by the Council in July 2025 as a material consideration and clarifies that the Remote Rural Areas and Fragile Communities housing classification in NPF4 is interpreted as The Islands Approach (Orkney Non-Linked Isles) which relates to NPF4 Policy 17.
- 8.7. Taking account that the proposal is for a single dwelling, is located on an island with a permanent resident population, served by public transport (ferry, aircraft, Westray Bus), the development would incorporate its own foul drainage system and proposes to connect to the public water supply and would sustain local living in the area, it is considered that, in principle, the proposed development would comply with OLDP 2017 Policy 5C – Housing in Settlements, Spatial Strategy: The Isles Approach; Development Management Guidance Interim Spatial Strategy (2025) and NPF4 Policy 17 – Rural Homes.

Design and Appearance

- 8.8. The proposed dwelling would be single storey, with a footprint of 18.1m x 8.955m (162 square metres) and an overall height of 6.148m. The proposed external materials include white dashed walls with smooth concrete base course and window sills, grey flat profile concrete roof tiles, anthracite grey windows, doors and soffits and black rainwater goods. The overall appearance and design of the building is typical of modern design practice across Orkney and is not considered

to be detrimental in context nor substantially detract from the setting of the neighbouring property.

- 8.9. Taking the above into account, it is considered that the design and appearance of the proposed dwelling would be acceptable and would comply with OLDP 2017 Policies 1(i, ii) – Criteria for All Development, 2 – Design and NPF4 Policy 14 – Design, Quality and Place.

Residential Amenity

- 8.10. Under OLDP 2017 Policy 1(iv) – Criteria for All Development, it is a requirement that “there are no unacceptable adverse impacts on the amenity of adjacent and nearby properties/users...” and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021) requires that privacy is maintained between dwellings and that over-shadowing is avoided. The recommended distance for windows to habitable rooms directly facing each other is 21m, however depending upon the angle of view, this separation distance can be reduced.
- 8.11. The objector has raised concerns regarding loss of privacy and the proximity of the proposed dwelling to their dwelling at Pharay’s Park.
- 8.12. The proposed house would be single storey (6.148m in height) and located with the gable end adjacent to the northern boundary of the site and the gable end that would face south towards Pharay’s Park would contain a single door and window to the kitchen/diner from that dwelling.
- 8.13. The proposed dwelling would be off-set from the dwelling at Pharay’s Park and the distance from the closest gable end to the boundary with the access track between the two properties would be approximately 16m.
- 8.14. All of the habitable rooms (e.g. bedrooms, lounge) in the proposed house would face towards the east and west and the windows to those rooms would not directly overlook any of the windows of the house at Pharay’s Park. The submitted Location Plan shows that the closest gable end of the proposed house to the existing house at Pharay’s Park would be 40m from the house at Pharay’s Park, which significantly exceeds the required separation distance of 21m. All other third party dwellings in the area have a separation distance of over 200m from the proposed house.
- 8.15. The dwelling would be required to be dug-in with no underbuilding and the proposed dwelling would be single storey in height, which would reduce impacts of overshadowing.

- 8.16. The site is an adequate size to provide sufficient parking and amenity space for the occupants of the proposed dwelling.
- 8.17. The proposed dwelling includes the installation of an air source heat pump, which is acceptable and would increase the use of renewable energy within developments in Orkney. Noise would be controlled by condition, which would protect the residential amenity of the area.
- 8.18. In consideration of OLDP 2017 Policy 2(vi) and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021), a condition would be attached to any approval requiring that any external lighting used on the development would minimise obtrusive light and would be downward facing, to further protect the residential amenity of the area.
- 8.19. Taking account of the above, and any required mitigation, it is considered that, in principle, the proposed development of a house on the site would be unlikely to have significant impact upon residential amenity within the area and would comply with OLDP 2017 Policies 1(iv) – Criteria for All Development, 2(vi) – Design, 7C – Energy, 14B(iii) – Sustainable Travel; NPF4 Policies 11- Energy, 14 – Design, Quality and Place, 16(f, ii, iii) – Quality Homes, 23(e) - Health and Safety; Supplementary Guidance: Energy (2017) and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

Water Supply

- 8.20. The development would connect to the public water supply. Connection to the public water supply would comply with NPF4 Policy 22(d) – Flood Risk and Water Management.

Sewerage

- 8.21. In their correspondence dated 19 November 2025 Scottish Water state that “there is no public waste water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options”. The applicant/developer is proposing to use a private sewerage system (septic tank and soakaway) as indicated on the submitted Site Plan. It is for the applicant/developer to contact the Scottish Environment Protection Agency (SEPA) regarding authorisations of discharges. This would comply with OLDP 2017 Policy 13C(iii) – Waste Water Drainage.

Flood Risk/Surface Water Drainage

- 8.22. SEPA's 'Surface Water and Small Watercourses' flood risk mapping indicates that the application site is at medium-risk (0.5% annual probability) flood risk. Engineering Services required evidence "demonstrating that a defined overland flow route would not pass through the development site in extreme rainfall events". Further information was supplied to and fully assessed by Engineering Services who subsequently responded "From the further information provided on a boundary ditch to the west of the proposed development, we are satisfied that surface water would not behave in the way indicated on SEPA flood risk mapping and the site is therefore not considered to be at elevated risk of flooding..." and therefore they have not objected to the proposal on flood risk grounds.
- 8.23. In addition, Roads Services require that a 600mm vegetated strip is conditioned, to prevent water flowing from the site onto the public road. This requirement would be conditioned, should the proposal be considered favourably, in addition to the standard Sustainable Drainage Systems (SuDS) condition.
- 8.24. Taking the above into account, in addition to required mitigation/conditions, it is considered that the proposal would comply with OLDP 2017 Policy 13B – Sustainable Drainage Systems (SuDS) and NPF4 Policy 22(c) – Flood Risk and Water Management.

Access

- 8.25. Access into the site would be taken from the access road that runs between the property at Pharay's Park and the site. Amendment was made to the plans to address concerns raised by Roads Services regarding the originally proposed access treatment/construction and surface water drainage.
- 8.26. Roads Services have no objection subject to conditions in relation to access specification and surface water drainage. An informative requiring compliance with Sections 56 and 95 of the Roads (Scotland) Act 1984 and that any damage to the existing road infrastructure during construction is repaired prior to the first use of the development is also advised.
- 8.27. Subject to appropriate planning conditions and informatives, the proposed single house development is considered to be acceptable in terms of access, impacts upon the public road and road safety, and as such would comply with OLDP 2017 Policies 1(vi) – Criteria for All Development, 14C - Road Network Infrastructure and Planning Policy Advice: SCOTS National Roads Development Guide.

Historic Environment

- 8.28. There is no known archaeology on the site, however there are two cairns in proximity to the site: Knuckers Hill Chambered Cairns (391m to the north west) and the Cairn at Gallo Hill (530m to the south west), neither of which are Scheduled Monuments. However, the Islands Archaeologist was contacted for comment, and they responded with no concerns raised.
- 8.29. Due to the separation distance from the proposed development site and the location of the two archaeological sites on higher ground, it is considered that the development would be unlikely to have a significant impact upon the historic environment of the area and would comply with OLDP 2017 Policies 1(x) – Criteria for All Development, 8 – Historic Environment and Cultural Heritage; NPF4 Policy 7 – Historic Assets and Places; Supplementary Guidance: Historic Environment and Cultural Heritage (2017) and Planning Policy Advice: Historic Environment (Topics and Themes) (2017).

Landscape

- 8.30. The site is located within a loch basin landscape, as defined in Scottish Natural Heritage's Orkney Local Character Assessment, where landscape sensitivities include poorly sited development, archaeology and loss and lack of maintenance of drystone walls. It is recommended that new buildings should be located below the skyline to avoid skylining.
- 8.31. The proposed dwelling would not be located on the highest ground in the area, it would not be on the skyline, it would be seen against the backdrop of rising ground and Knucker Hill to the west and no drystone walls would be affected by the proposed development. It would also be viewed in the landscape in association with other built development in relation to Pharay's Park.
- 8.32. It is therefore considered that the proposal would comply with OLDP Policies 1(i, ix, x) - Criteria for All Development and 9G – Landscape.

Natural Heritage

- 8.33. The site is not located within a natural heritage designated site. The proximity to field drains that drain to Loch Saintear may conceivably be used by otters, which as a protected species, required consideration.

- 8.34. OLDP 2017 and NPF4 require a precautionary approach to protected species. Whilst an otter survey would not be required in this case, a condition is deemed to be required to ensure the protection of otters in the construction phase of the development. This would accord with OLDP 2017 Policy 9B – Protected Species; NPF4 Policy 4(e, f) – Natural Places and Supplementary Guidance: Natural Environment (2017).

Biodiversity

- 8.35. National Policy Framework 4 (NPF4) requires developments of this nature to take account of biodiversity. Policy 3c of NPF 4 requires that “Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development”.
- 8.36. A completed biodiversity enhancement form outlining biodiversity measures informs the application with detail provided on submitted plans. The planting scheme with details of species of wildflowers, shrubs and flowering bulbs are stated on the Site Plan (Alfred Flett Ltd Drawing Reference: PL-002 Revision A).
- 8.37. The proposed biodiversity measures are considered as proportionate to the nature and scale of the development. A condition would be attached to any approval, compliant with the requirements of NPF4 Policy 3(c) – Biodiversity and Development Management Guidance: Considering and Including Biodiversity in Development (2023).

9. Conclusion

- 9.1. The design and appearance of the proposed house would be acceptable and the development of a single house on the proposed site would be unlikely to have a significant impact on residential amenity, the historic environment, natural heritage interests, visual amenity, the wider landscape or character of the area. Subject to the attached conditions and required mitigations, the development would comply with Orkney Local Development Plan 2017 Policies 1, 2, 5C, 7C, 8, 9B, 9G, 13B, 13C, 14B, 14C, Spatial Strategy: The Isles Approach; National Planning Framework 4 Policies 3, 4, 7, 11, 14, 17, 22, 23; Supplementary Guidance: Natural Environment (2017), Supplementary Guidance: Energy (2017), Supplementary Guidance: Historic Environment and Cultural Heritage (2017); Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021), Planning Policy Advice: SCOTS National Roads Development Guide, Planning Policy Advice: Historic Environment (Topics and Themes) (2017); Development Management Guidance: Siting and Design of Housing in Orkney’s Countryside, Development Management

Guidance: Considering and Including Biodiversity in Development and Development Management Guidance: Interim Spatial Strategy (2025). There are no material considerations including those raised in the objections that outweigh this conclusion.

For Further Information please contact:

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

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](#).

Appendix

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. Throughout the life of the development, the total noise from the air source heat pump hereby approved and installed shall not exceed NR25 within any residential property outwith the development site, where NR25 is the Noise Rating Curve at 25, (noise measurements to be made with a window of any residential property outwith the development open no more than 50mm).

Reason: To protect any nearby residents from excessive noise disturbance from the air source heat pump.

03. Within the application site, no building or structure shall be constructed upon land raised above its original level.

Reason: In the interests of visual and residential amenity.

04. Throughout the lifetime of the development, any exterior lighting employed on the development shall be so positioned, angled and controlled to prevent any direct illumination, glare or light spillage outwith the site boundary. The use of automatic cut-out or sensor operated external lighting of limited timed illumination is advocated. External lighting on the buildings shall meet the requirements for Zone E2 areas (Rural/Small Village locations) as defined by the Institution of Lighting Professionals.

Reason: In order 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, does not result in 'sky glow' and to accord with Orkney Local Development Plan 2017 Policy 2 – Design and Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).

05. The sewerage system shall be connected and fully operational prior to the first occupation of the house.

Reason: In the interests of environmental protection and to accord with Orkney Local Development Plan 2017 Policy 13C - Waste Water Drainage.

06. 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 Orkney Local Development Plan 2017 Policy 13B - Sustainable Drainage Systems (SuDS), National Planning Framework 4 Policy 22(c) – Flood Risk and Water Management and to protect road safety.

07. No other development shall commence until the site access has been upgraded in accordance with the Council's Roads Services standard drawing 'CC-01 Typical Section Carriageway Construction' to the extents indicated on hereby approved Site Plan drawing number PL-002 revision A, 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 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: To ensure that an adequate level of access is timeously provided for the development in the interests of road safety and amenity.

08. Throughout the lifetime of the development, surface water drainage from the hereby approved access and track shall be prevented from flowing out onto the public road, by the 600mm vegetated strip indicated on the approved Site Plan drawing number PL-002 revision A, attached to and forming part of this decision notice.

Reason: In the interests of road safety.

09. The proposed biodiversity measure(s) described in the submitted amended Biodiversity form (dated 24 September 2025) and shown on the Site Plan (Alfred Flett Ltd. Drawing Reference: PL-002, Revision A, dated 16 March 2026), stamped approved and attached to this decision notice shall be implemented in full no later than the first planting season following commencement of development. Thereafter the biodiversity measure(s) 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 National Planning Framework 4 Policy 3 and in accordance with Development Management Guidance: Considering and Including Biodiversity in Development (2023).

10. Due to field drains that drain to Loch Saintear, otters may be within the area. Otter is classed as a European Protected Species (EPS) and is therefore afforded a strict level of protection under UK legislation.

Throughout the construction phase of the development:

- Access to open-water habitats should be safeguarded at all times and impacts to traditional routes between such areas (such as drainage ditches) during the construction phase should be minimised.
- To avoid the potential of physical disturbance to a resting otter, the development site shall be fenced to stop encroachment of people/vehicles into areas outside of the development site; this is particularly relevant to the vegetation along the eastern bank of the burn.
- The site should be securely fenced, eg Heras © type fencing, to deter access by otters. The site fencing does not need to be put in place until the access road is complete.
- To minimise disturbance, construction activity should be undertaken between sunrise and sunset only.
- Should an otter enter the site or be seen in the vicinity of the site while work is underway, activities should cease until the animal has moved on.
- Hazardous materials should be stored safely and not be accessible to otters. Hazardous materials (eg chemicals, fuel and waste products) could pose a threat to otters such as entrapment, injury, or poisoning.
- Any temporarily exposed open pipe system should be capped in such a way as to prevent otters gaining access, as may happen when contractors are offsite.
- Open pits should be covered at night, and exit ramps provided in steep-sided trenches. All excavations should be checked daily to ensure that no wildlife has become trapped.
- All personnel involved in the development should be made aware by the Site Foreman that otters may be present in the area, and of the requirement to follow the measures and procedures above that require adherence on a daily basis.

Reason: In order to avoid disturbance to, and the protection of, otters, a Protected Species and to accord with Orkney Local Development Plan 2017 Policy 9B - Protected Species and National Planning Framework 4 Policy 4 – Natural Places and Supplementary Guidance: Natural Environment (2017).

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

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

INFORMATIVES

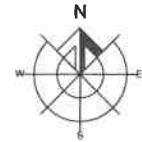
It is an offence under Section 56 of the Roads (Scotland) Act 1984 to carry out any excavations within the boundary of the public road without written permission of the Roads Authority. Therefore, one or more separate consents will be required from the Council's Roads Services to carry out any works 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 as 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.



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Client Name

Kimberley Harcus

Project Title

New House

Revisions

Date

Drawn by:

DC

Checked by:

XX

Paper:

A3

Scale(s):

1:2500

Drawing Status

Planning

Drawing Title

Location Plan

Drawing Number

PL-001



Promap
 LANDMARK INFORMATION

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0 20 40 60 80
 1:2500 Metres