



## **SHETLAND ISLANDS COUNCIL**

### **Town and Country Planning (Scotland) Acts Town and Country Planning (General Permitted Development) (Scotland) Orders**

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With reference to the application for **Planning Permission** (described below) under the above Acts and Orders, the Shetland Islands Council in exercise of these powers hereby **GRANT Planning Permission** for the development, in accordance with the particulars given in, and the plans accompanying the application as are identified; subject to the condition(s) specified below.

#### **Applicant Name and Address**

Robert Thomson  
Fetlar Public Hall  
Fetlar  
Shetland  
ZE2 9DJ

#### **Reference Number: 2015/214/PPF**

To erect 2no. 25kw wind turbines on 20m high masts: Setter Croft, Fetlar, Shetland,  
ZE2 9DJ

#### **Details of Approved Plans and Drawings:**

- Location Plan Drawing No. 2015/214/PPF - 01  
Stamped Received. 23.06.2015
- Turbine Elevation Drawing No. 2015/214/PPF - 02  
Stamped Received. 23.06.2015
- Supporting Information Drawing No. 2015/214/PPF - 03  
Stamped Received. 23.06.2015
- Wind Turbine Feasibility Study Drawing No. 2015/214/PPF - 04  
Stamped Received. 23.06.2015
- Specifications Drawing No. 2015/214/PPF - 05  
Stamped Received. 23.06.2015
- Bird Survey Drawing No. 2015/214/PPF - 06  
Stamped Received. 23.06.2015

#### **Reasons for Council's decision:**

(1.) The proposal is for the installation of two 25kw wind turbines in an area of moderate sensitivity. There are no known constraints preventing this development and that the proposal complies with the relevant provisions of the Shetland Development Plan. Therefore by virtue of scale, location, distance from sensitive receptors, and existing land use, there are no unacceptable detrimental impacts upon neighbouring land uses, or the natural and built environment. The proposal complies with Shetland Local Development Plan 2014 Policies GP1, GP2, NH1, NH2 and RE1

## **IMPORTANT INFORMATION**

If you are aggrieved by any of the conditions on the grant of planning permission made by the planning authority, you may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of review should be addressed to: Shetland Islands Council, Planning Department, Development Services, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ. The necessary form can be obtained upon request from the same address.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

**Conditions:**

( 1) The development hereby permitted shall not be carried out other than wholly in accordance with the following plans and details (as may be amended and/or expanded upon by a listed document following afterward) unless previously approved in writing by the Planning Authority:

Reason: For the avoidance of doubt as to what is being authorised by this permission.

( 2) The developer shall submit a written 'Notice of Initiation of Development' to the Planning Authority at least 7 days prior to the intended date of commencement of development. Such a notice shall:

(a) include the full name and address of the person intending to carry out the development;

(b) state if that person is the owner of the land to which the development relates and if that person is not the owner provide the full name and address of the owner;

(c) where a person is, or is to be, appointed to oversee the carrying out of the development on site, include the name of that person and details of how that person may be contacted; and

(d) include the date of issue and reference number of the notice of the decision to grant planning permission for such development.

Reason: To ensure that the developer has complied with the pre-commencement conditions applying to the consent, and that the development is carried out in accordance with the approved documents, in compliance with Section 27A of The Town and Country Planning (Scotland) Act 1997 (as amended).

( 3) Construction works shall take place outwith the period 15 May to 15 July.

Reason: To avoid disturbing nesting Whimbrel whilst they are incubating or have small chicks, and in compliance with Shetland Local Development Plan 2014 Policies GP2, NH1 and NH2

( 4) All cabling shall run as per the hereby approved plan Ref 2015/214/PPF-01, and archaeological features identified by the Regional Archaeologist shall be notified to the Planning Authority and shall be fenced off under archaeological supervision prior to the commencement of any construction works. As soon as practicable, the person carrying out the development shall provide the Planning Authority with a written notice of the completion of the fencing identified as being required.

Reason: To protect any potential archaeological features and in compliance with Shetland Local Development Plan 2014 Policies GP2, and NH1

( 5) This permission shall relate solely to the erection of two C&F 25kw wind turbines, both turbines being no greater than the following dimensions:

- (a) 25KW output
- (b) 20-metre base to hub
- (c) 13.1-metre blade diameter
- (d) Foundation base not to project above the ground surface.

Notwithstanding the provisions of the Town and Country (General Permitted Development (Scotland) Order 1992 or any subsequent replacement or amendment Order, no larger wind turbine shall be erected on the site hereby approved without planning permission being granted on an application made to the Planning Authority or any amendment to the make or specification of the hereby approved turbine, without prior written approval from the Planning Authority.

Reason: To protect the existing residential amenity of the occupiers of the adjacent properties as the impact of larger wind turbines has not been assessed and that the assessment has been made against the hereby approved C&F 25kw wind turbines, in compliance with Shetland Local Development Plan 2014 Policies GP2, NH1 and NH2

( 6) Notwithstanding the submitted plans, the exterior finish of the wind turbines hereby approved (including the blades) shall be grey in colour (RAL 7000) or otherwise agreed in writing by the Planning Authority. No symbols, signs or logos or other lettering, other than those required for health and safety shall be displayed on any part of the turbines without the written consent of the Planning Authority.

Reason: In the interests of visual amenity and to ensure compliance with Shetland Local Development Plan 2014 Policies GP2, NH1, NH2 and RE1

( 7) In the event that the wind turbines affect radio, television and/or telephone devices and/or reception of these devices in the vicinity of the development site, the wind turbines shall be disconnected until the problem has been investigated and resolved.

Reason: For the avoidance of doubt and in order to protect the existing residential amenity of the occupiers of the neighbouring properties as the impact of the development on telecommunications equipment has not been formally assessed and in compliance with Shetland Local Development Plan 2014 Policies GP2, NH1, NH2 and RE1

( 8) Within six months of either one of the wind turbines ceasing to be operational, the turbines and all associated plant and equipment shall be removed from the site and the site reinstated to its pre-development condition.

Reason: In order to ensure that when a turbine ceases to be operational the site is restored to its pre-development condition in the interests of visual amenity and in compliance with Shetland Local Development Plan 2014 Policies GP2, NH1, NH2 and RE1

( 9) Power cables shall be laid underground, and measures shall be taken to safeguard turfs removed for the power cable laying; these shall be replaced during site re-instatement works or the site shall be reinstated by a means otherwise agreed in writing by the Planning Authority.

Reason: To ensure the reinstatement of land disturbed by the construction of the development in compliance with Shetland Local Development Plan 2014 Policies GP2, NH1, NH2 and RE1

**Notes to Applicant:**

**Commencement of Development**

To ensure compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc. (Scotland) Act 2006, the development hereby permitted shall be commenced within three years of the date of this permission.

**Notice of Completion of Development**

To ensure both that the development is carried out in accordance with the approved documents, and compliance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended). Upon the completion of the development hereby permitted, and as soon as practicable, the person carrying out the development shall provide the Planning Authority with a written notice of that completion.

**Building Warrant**

You are advised to contact the Building Standards Service on 01595 744293 to discuss any building warrant requirements for your development.

27 August 2015

A handwritten signature in black ink, appearing to read 'Iain McDiarmid', is written over a rectangular stamp area.

Executive Manager - Planning