



ARCUS

**KERGORD ACCESS TRACK
SUPPORTING STATEMENT**

APRIL 2018



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1 INTRODUCTION

This Application for Planning Permission has been prepared by Arcus Consultancy Services Ltd ('Arcus') on behalf of Viking Energy Wind Farm LLP ('the Applicant'), for the construction of an access track, from the Burn of Weisdale crossing to the Scottish Hydro Electric Transmission Plc ('SHE-T') substation location ('the Proposed Development').

The design of the Proposed Development follows the same route alignment as that submitted to Shetland Islands Council ('the Council') in 2016 (application reference 2016/268/PPF) ('the 2016 Application'). This application is a resubmission of the 2016 Application. In addition the Applicant has sought to address points raised by statutory consultees during the determination of the 2016 Application, this information is presented within this Supporting Statement.

Following discussions with Shetland Islands Council the link between B9075 Sandwater Road and the Burn of Weisdale crossing will be built to adoptable standards and will also be included as part of a separate application relating to the upgrade of the B9075 Sandwater Road.

In total, there is over 500MW of generation proposed and consented on Shetland that would require a connection to the mainland if constructed. Recent developments in relation to available government funding for generators on islands has increased the possibility that these generation projects will be progressed. The substation will also provide an alternative source of electricity supply for Shetland if required by Ofgem or National grid and will provide re-enforcement of the existing Shetland electricity grid. The Proposed Development is required to facilitate the construction of the substation in advance of the construction of Viking Wind Farm.

The application for the substation and its platform, to enable transmission of electricity generated by the wind farm, is being progressed separately by SHE-T and as such is not considered further in this report. This resubmitted application relates to the access track known as the Kergord access track.

1.1 The Applicant

Viking Energy Wind Farm LLP ('VEWF') is a limited liability partnership incorporated under the Limited Liability Partnerships Act 2000 (Registered Number SO305400), and its Registered Office is located at The Gutters' Hut, North Ness Business Park, Lerwick, Shetland, ZE1 0LZ. VEWF is a 50:50 business partnership between Viking Energy Shetland LLP and SSE Viking Ltd (which is a subsidiary of SSE plc).

1.2 Planning History

In May 2009 Viking Energy Wind Farm LLP, a 50:50 business partnership between Viking Energy Shetland LLP and SSE Viking Ltd (which is a subsidiary of SSE plc), applied for permission to build a wind farm in central Mainland, Shetland. The application was supported by an Environmental Statement ("2009 ES").

Following consultation responses, a reduced 127 turbine scheme was submitted in 2010 in the form of an ES Addendum ('the 2010 Addendum').

Consent was granted in April 2012 for a final revised 103 turbine scheme following the removal of turbines in both the Delting and Collafirth quadrants to take into account effects of the development on key ornithological species and aviation issues. Subsequent to consent being granted, Sustainable Shetland challenged the consent granted by Scottish Ministers at the Court of Appeal. This appeal was overturned in February 2015 allowing the 103 turbine scheme to proceed.

A further consent was granted in March 2017 extending the period in which development much commence until April 2020. The consent included a track alignment from the B9075 to the substation location.

The 2016 Application for the Kergord access track sought planning consent for '*a proposed access track running from approximately 70 metres East of road B9075 Burn of Weisdale Crossing to North House, Upper Kergord and associated works, new road junction and temporary construction compound*' (Ref: 2016/268/PPF). The application sought an amendment to the route of the track consented as part of the wind farm application. The Kergord access track was submitted on Thursday 23rd June 2016, and validated by the Council on Friday 1st July 2016. It is also important to note that the application was identified to have no Environmental Impact Assessment ('EIA') requirements. The 2016 Application was subsequently withdrawn by the Applicant on Thursday 29th June 2017.

This application is a resubmission of the 2016 Application. In addition the Applicant has sought to address points raised by statutory consultees during the determination of the 2016 Application, this information is presented within this Supporting Statement.

2 DESCRIPTION OF PROPOSED DEVELOPMENT

2.1 Site Description and Surrounding Context

The site is located at Upper Kergord, Weisdale, Shetland (ZE2 9LW). The area surrounding the proposed development is identified to have a rural setting, with the land alongside the B9075 and the unclassified Upper Kergord Road comprising predominantly rough grazing land with peat and heather moorland.

There are some isolated properties at Setter, located on the hillside approximately 500 metres ('m') west of the proposed development, along the B9075. There is also a property which is unoccupied for the majority of the year and farm outbuildings at Upper Kergord, south of the northern section of the proposed development.

The unclassified road to Upper Kergord runs approximately 1.5 kilometres ('km') northwards, from a junction with the B9075, approximately 70 m east of the B9075 Burn of Weisdale crossing.

There is a new crossing proposed 570 m from the junction with the B9075, where the burns width is approximately 2 m. The Burn of Weisdale runs north to south, adjacent to the proposed development and flows under the B9075 before reaching Weisdale Voe, approximately 5 km south of the Proposed Development.

2.2 Development Description

The Proposed Development and its associated designs are fully and wholly the same as the 2016 Application, which comprises of the following elements:

- A new junction and access from the B9075;
- The formation of a new track that (approximately 2,090 m);
- A new watercourse crossing over the Burn of Weisdale;
- A temporary construction compound; and
- A 50m micro-siting allowance in order to minimise peat disturbance

The following sections will provide further details with regards to this proposal.

2.2.1 Access Track

The track will be constructed to a total width of 8 m (6 m wide plus two 1 m verges) by laying and compacting crushed stone to the required level. There is no change to the engineering design, or route alignment of the track north of the Burn of Weisdale crossing

from the 2016 application. Details can be found in the Jacobs report re-submitted as part of this application.

The new section of track linking the Burn of Weisdale crossing to the B9057 including the junction will be built to adoptable standards.

A 50m micro-siting allowance is requested for the length of the track in order to minimise peat disturbance following the detailed ground investigation works to be carried out prior to construction.

2.2.2 Burn of Weisdale Crossing

The crossing will be designed to accommodate the flow from the 1:200 year and the climate change storm event and will be designed in accordance with current best practice and SEPA guidance. All crossings of minor watercourses, burns and drains will utilise a typical culvert structure. There is no change to the design of the Burn of Weisdale crossing to the 2016 application. Details can be found in the Jacobs report re-submitted as part of this application.

2.3 Justification for Development

In total, there is over 500MW of generation proposed and consented on Shetland that would require a connection to the mainland if constructed. Recent developments in relation to available government funding for generators on islands has increased the possibility that these generation projects will be progressed. The substation will also provide an alternative source of electricity supply for Shetland if required by Ofgem or National grid and will provide re-enforcement of the existing Shetland electricity grid.

The Proposed Development is required to facilitate the construction of the substation in advance of the construction of Viking wind Farm the construction of the substation will also release further renewable energy development potential within the Shetland Islands, beyond the requirements of Viking.

The electrical transformers being transported to the SHE-T substation weigh up to an estimated 170 tonnes, the existing Burn of Weisdale crossing on the B9075 would require significant remedial works to accommodate such loads. The new water crossing and track routes has been designed to accommodate the requirements of the transportation vehicles to facilitate deliveries whilst avoiding any damage, hazards or health and safety implications to the current public road network.

Appendix J of the 2016 application provides details of the peat slide risk assessment and the four different phases of peat probing as different options were investigated, although limited information regarding early route options is available.

There are two areas where the Applicant feels it may be possible to make further improvements to the route in particular between chainage 1200 and 1400 and chainage 1650 and 1850. In these areas a small variation in the route alignment within the requested 50m micro-siting allowance may reduce the peat volumes predicted with the 2016 application.

It is also hoped that approximately 30% of the new access track will be constructed using floating road techniques. The location of floating roads shall be confined to areas of shallower gradients, which is where the deep peat lies. Floating these sections of the new access track would significantly reduce the volumes of peat requiring storage and reuse from that reported in the 2016 application.

In addition, the Proposed Development removes the requirement to upgrade the existing road structures, in particular the existing Burn of Weisdale crossing, preventing considerable delays to users of the B9075.

3 2016 CONSULTEE RESPONSES

In relation to the 2016 Application, Table 1 below provides a summary of the statutory consultee responses, together with respective actions undertaken by the Applicant in order to address the comments made as far as reasonably practicable given the stage of development.

Table 1. Summary of Responses

Consultee	Summary of Consultee Responses	Applicants Response
<p>Outdoor Access (SIC)</p> <p>25/07/2016</p>	<p>No objection - core paths or public rights of way affected by the proposed development.</p> <p>The B9075 is a popular tourist route and a well promoted cycle route, as such consideration should be given to the effects of construction and traffic on the use of the B9075 so that disruption is minimised and the surface remains suitable for cycling on, particularly around the access point.</p>	<p>Mitigation or minimisation of disturbance of cycle routes and popular tourist routes.</p> <p>A separate application will be submitted for the realignment of the B9075 to ensure that disruption caused to users of B9075 will be minimised.</p>
<p>Planning Engineer (SIC)</p> <p>15/07/2016</p>	<p>No objection – requirement to ensure that no flood risk is created during rainfall events of up to 1 in 200 year return periods.</p> <p>Where issues of peat stability have been identified, the drainage design should consider any potential flood risk from blocking of drains or culverts;</p> <p>SuDs drainage should be designed in accordance with the current version of The SuDS Manual (C753).</p> <p>The submitted information states that drainage devices will not discharge within 50 m of a watercourse, and the watercourses and 50 m envelopes identified in figure 4.7 restricts available areas for drainage.</p> <p>The indicative drawings of the proposed road section show initial drainage by way of roadside ditches, rather than SuDS source control devices such as swales, filter strips or filter drains. This removes an option to have one stage of water quality treatment close to the road and leaves a drainage layout where both stages of quality treatment would have to be accommodated further downstream in the drainage network.</p> <p>There will be a requirement to provide 2 stages of water quality treatment through SuDS devices and the above 2 points appear to indicate a situation where some care would be needed in detailed drainage design.</p>	<p>The suggested drainage approach has been accepted in principle. As a design and build project the detailed drainage design can not be confirmed at this time, on-going discussions regarding the specific drainage proposals will take place with SEPA and SIC.</p> <p>The drainage details can be secured via a pre-commencement planning condition, avoiding abortive work or the provision of inaccurate information.</p>

<p>Natural Heritage</p> <p>14/09/2016</p>	<p>The section of access track east of VEFW turbine numbers K59 and K57 leading to K52 that extended north from the route the subject of this application is not shown.</p>	<p>This application relates to facilitating access to the substation location, and takes account of more detailed information now available relating to the substation electrical transformers to be used.</p> <p>No changes are proposed to the consented track accessing wind turbine locations.</p>
	<p>The EAR states that <i>"The likely haul route to site will be the A970 and B9075 from the west, or the A971 and B9075 from the east..."</i> Presumably, this should say <i>"The likely haul route to site will be the A970 and B9075 from the east, or the A971 and B9075 from the west..."</i></p> <p>Habitats</p> <p>Table 4.1.8 describes the first community in the table (U4) as being of National Conservation Value but, it meets none of the specified criteria, which are:</p> <ul style="list-style-type: none"> • Cited interest within a (SSSI) or (NNR) • A feature that could potentially be designated as an SSSI • Presence of UK BAP habitats or species, where that action plan states that all areas of representative habitat, or individuals of the species should be protected <p>However, the un-mitigated effect on this area of habitat is predicted to be minor, so this does not appear to be of particular concern.</p> <p>A large area (c.3.99Ha) of blanket bog, which is assumed to be active, is predicted to be lost. If this area is active, this is of greater concern and the EAR has assessed the impact as moderate, however, Active Blanket Bog is classed as either suffering significant decline or in unfavourable condition SBL specifies 2 actions for public bodies that apply to active blanket bog, namely "conservation action needed" and "avoid negative impacts". These mean that the Council should give particular consideration to avoiding significant negative impacts.</p> <p>Consideration of NH3 Should address that:</p> <ul style="list-style-type: none"> • The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national or international contribution of the affected area in terms of habitat or populations of species; and 	<p>The EAR is incorrect. and the correct text should read : "The likely haul route to site will be the A970 and B9075 from the east, or the A971 and B9075 from the west..."</p> <p>The majority of the construction traffic will utilise the A970 and B9075, although the A971 will still be used for the remainder.</p> <p>The following specific mitigation will be implemented to reduce the effects of the 2.09km track to blanket mire habitats, along with mitigating for the loss of habitats (both permanent and temporary) during the construction of the development to minor:</p> <ul style="list-style-type: none"> • Demarcation of a working footprint for the development will be implemented to ensure minimal disruptions to habitats are achieved. All vehicle movements will stay within this marked footprint. • A suitably qualified Ecological Clerk of Works with experience of construction in the peatland environment will be employed to advise the developer on best practice and compliance with environmental legislation. <p>In addition the applicant requests a 50m micro-siting allowance in order to minimise effects of peat disturbance following preconstruction detailed ground investigation works.</p> <p>There is over 500MW of generation proposed and consented on Shetland that would require a connection to the mainland if constructed. Recent developments in relation to available government funding for generators on islands has increased the possibility that these generation projects will be progressed. The substation will also provide an alternative source of electricity supply for Shetland if required by Ofgem or National grid and will provide re-enforcement of the existing Shetland electricity grid.</p> <p>The Proposed Development is required to facilitate the construction of the substation in advance of the construction of Viking Wind Farm.</p>

- Any harm or disturbance to the ecosystem services, continuity and integrity of the habitats or species is avoided, or reduced to acceptable levels by mitigation.

Operational impacts on habitats in the period of construction of the VEWF are possible in the form of potential for pollution (e.g. oil, fuel) or sediment runoff, particularly following heavy rain or dust release in dry periods. These impacts are assessed as minor during the VEWF construction phase and negligible thereafter when there is likely to be restricted passage of maintenance vehicles or maintenance of the track itself

Species - The Environmental Assessment Report concludes the impact on otters (a European protected species) to be minor during both the construction phase, however, it is important to minimise potential disruption and should be addressed in the CEMP.

The impact of habitat loss or change on fish and invertebrates is predicted to be of low magnitude. However, fish species present are important; Salmon is listed in the Annexes to the EC Habitats & Species Directive and Sea Trout is on the Scottish Biodiversity List. The overall significance of the unmitigated effect of the development during the construction phase is assessed as moderate – minor, but it will be important to ensure good practice around, and protection of watercourses during, construction and operation.

Specific mitigation is proposed for blanket mire habitats (blanket bog) as that's the only habitat where the predicted impact is moderate, though in respect of all other habitats where minor impact is predicted the EAR states that "...industry standard good practice guidance ... will be followed throughout all stages of the development to decrease the potential significance of these effects further."

Mitigation - In respect of the blanket mire habitats, the mitigation comprises demarcation to minimise unnecessary encroachment with mitigation for habitat loss being provided through the VEWF Habitat Management Plan (HMP), the HMP being specifically required by the deemed Planning Permission condition 26 of the VEWF Consent.

In respect of watercourses and freshwater species mitigation consists of:

- Best practice (applied through the CEMP)
- Water quality monitoring to assess the effectiveness of measures and whether additional measures are needed

The applicant is committed to carrying out construction works in accordance with best practice in order to minimise the effects arising from the track construction on species and habitats.

Mitigation measures suggested by Natural Heritage have been reviewed and are acceptable to the applicant. Best practice measures will be applied during construction of the track including:

- Minimising impacts and disturbances on otters;
- Avoidance of pollution impacts from Silt-Laden Runoff;
- Appropriate management of potential groundwater disruption;
- Appropriate levels of water quality monitoring will be carried out, this would be agreed prior to construction of the track commencing

These can be secured via planning condition.

	<ul style="list-style-type: none"> Survey and then annual monitoring for 3 years to determine any alterations in abundance or populations of important ecological features (IEFs). <p>Ornithology - mitigation is proposed to prevent disturbance to relevant breeding bird species and this will be undertaken through a Bird Protection Plan (BPP) to manage disturbance of Schedule 1 or Annex 1 breeding birds. However, the BPP does not state that construction work will not take place close to these birds during their peak breeding period, which it could and which should be preferred.</p> <p>Geology, Hydrogeology and Hydrology - Mitigation measures proposed in response to the potential impacts identified and detailed in the CEMP covering:</p> <p>Peat Landslide Hazard Risk - assessed as medium to high risk, with a (approx. 100m) section of very high risk. Methodologies, risk awareness, monitoring, emergency plan and procedures are not clear.</p> <p>Peat Storage and Reuse - 57% of the excavated peat can be re-used on site with opportunities for further reuse of peat material in habitat restoration across the Viking Wind Farm site. However, no details are provided. Options for the temporary storage of peat during construction seem vague and potentially inadequate, by virtue of uncertainty, size and location. whether or not the peat will be re-used in its entirety remains vague and, if it is, where and how it is to be used is not specified,</p>	<p>Monitoring requirements should be reviewed on an annual basis. Currently the track and substation will enter construction prior to the wind farm, monitoring results relating to the track may not present an accurate picture should the wind farm utilise the track at a later date.</p> <p>A single Whimbrel territory is the only Schedule 1 species predicted to be affected by disturbance, The centre of the territory lies beyond the 300m threshold of disturbance of the track itself, however it falls within 300m of the site boundary which is effectively a 100m of the track.</p> <p>Without mitigation, the effect of construction disturbance has been determined to be of negligible significance. Nevertheless a small exclusion zone in the far north of the development area has been proposed to prevent disturbance to this species for the duration of the construction period.</p> <p>A Peat slide risk assessment was submitted as part of the 2016 application. The detailed methodologies, risk awareness monitoring and emergency plan will be agreed with SIC prior to construction commencing, once the approved contractor is in place. This can be secured via condition.</p> <p>It is anticipated that approximately 30% of the new access track can be constructed using floating road techniques. The location of floating roads shall be confined to areas of shallower gradients, which is where the deep peat lies. Floating these sections of the new access track would significantly reduce the volumes of peat requiring storage and reuse.</p> <p>In the event that surplus peat is created, the applicant would either remove from site to Staney Hill Quarry or store locally until such times that it is required for reinstatement of the windfarm borrow pits</p>
<p>SEPA 01/08/2016</p>	<p>No Objection raised by SPEA on flood risk grounds, however planning conditions are requested to permit natural watercourse migration and protect flow capacity of watercourses.</p> <p>SEPA's objection is provided on grounds of peat management. No attempt seems to have been made to avoid areas of deep peat, no justification has been provided to explain as to why the proposed site is</p>	<p>It is hoped that approximately 30% of the new access track will be constructed using floating road techniques. The location of floating roads shall be confined to areas of shallower gradients, which is where</p>

	<p>located there, and no suitable mitigation measures are proposed to protect these areas of peat. In addition the fate of the disturbed material is not clear.</p> <p>SEPA recommend the Peat Management Plan ('PMP') concentrates on the following issues:</p> <p>The excavated peat is to be put in low-height bunds next to the track. Peat is generally not a suitable material for construction of bunds, but it can be used to dress the lower edges if steps are taken to ensure that it is kept wet. Information on how the right hydrological conditions will be maintained for any reuse proposals should be included in the finalised PMP. Peat material should only be used on undisturbed areas; no spreading on vegetated areas. Edges of peat deposits should only be compressed to reduce lateral flows.</p> <p>Information on any proposed re-use elsewhere. 9000 m3 of waste to be reused on the site (section 8 of the PMP). This must include information to demonstrate that the proposals are genuinely to make beneficial use. For example an ecological report to justify reuse in peatland restoration works along with other measures such as drain blocking, or written confirmation from quarry operator for need for material for restoration purposes. Proposals for re-use of this material as part of any other local project seem unlikely to be acceptable as they are likely to be in a similar situation. Also note that only temporary storage of peat material will be acceptable; if not it will be considered as a landfill operation.</p>	<p>the deep peat lies. Floating these sections of the new access track would significantly reduce the volumes of peat requiring storage and reuse.</p> <p>Further information required regarding track selection/justification. This has been provided by the Applicant in section 2.3 of this submission.</p> <p>The applicant requests a 50m micrositing allowance in order to further minimise peat disturbance, by avoidance of areas of deeper peat.</p> <p>A draft PMP has been submitted as part of the 2016 application and has been re-submitted to support this application. The applicant intends to update the PMP with respect to the comments raised by SEPA prior to construction commencing and following the detailed ground investigation works.</p> <p>This can be secured by condition.</p>
<p>Archaeologist SIC 18/06/2016</p>	<p>No Objection – a walk-over survey identified 25 archaeological sites, therefore the following conditions are requested to be applied:</p> <p><i>Programme of Archaeological Work</i></p> <p>The Environmental Statement has identified a number of "heritage assets" within 10 km of the proposed development. There is a background of both post-medieval and potential prehistoric occupation in the area. Therefore, development shall not commence until a written scheme of archaeological works (Written Scheme of Investigation) which identifies a phased programme and method of archaeological</p>	<p>The Applicant will adhere to the requirements of the planning condition suggested by the Council's Archaeologist, and a Written Scheme of Investigation which identifies a phased programme and method of archaeological work will be provided to the Council for agreement in advance of commencement of the Proposed Development.</p>

	<p>work has been submitted to and agreed by the Regional Archaeologist on behalf of the LPA in writing. This may include geophysical survey and evaluation excavation and a methodology for a watching brief to be carried out for all ground breaking works within the red-line area and for any subsequent landscaping associated with the development. This will include all laydown areas, temporary compounds, etc.</p> <p>Thereafter a suitable mitigation strategy shall be submitted to the LPA for agreement following consultation with the Regional Archaeologist. This might include further excavation, micro-siting, and/or fencing off areas, either prior to or during development, as appropriate.</p> <p>This condition shall not be fully discharged until the site investigation has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under this condition and the Post Excavation Research Design for the analysis, publication and dissemination of results and archive deposition has been agreed and secured.</p>	
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4 PLANNING ASSESSMENT

4.1 Shetland Local Development Plan and Relevant Supplementary Guidance

The current Shetland Local Development Plan ('the LDP') was adopted in September 2014 and sets out the vision and Spatial Strategy for the development of land in Shetland over a period of 10 – 20 years. The LDP is supported by relevant Supplementary Guidance ('SG'), which is surmised in section 4.3 of this Statement.

The LDP is consistent with the National Planning Framework ('NPF') and Scottish Planning Policy ('SPP') and where relevant, takes account of other national policy and legislation such as the Climate Change (Scotland) Act 2009; The Flood Risk Management Act 2009; The Nature Conservation (Scotland) Act 2004, Designing Places (2008), Designing Streets (2010), Scottish Historic Environment Policy (2011), and the Scotland River Basin Management Plan 2009.

The following individual policies of the LDP and SG are identified as key and relevant to the Proposed Development. Full policy wording is available within the LDP and relevant guidance; in an effort to be concise the full text is not set out within this Statement. Compliance of the Proposed Development is then assessed under each individual policies, with some of the assessments making references to Table 1, Summary of Consultee Responses.

4.2 LDP Policy

4.2.1 GP3 – All Development: Layout and Design

LDP policy GP3 states that all developments should be sited and designed to respect the character of the local distinctiveness of the site and its surroundings, and it is proposed that developments offer a positive contribution to:

- Maintaining identity and character;
- Ensuring a safe and pleasant space;
- Ensuring ease of movement and access for all;
- A sense of welcome;
- Long term adaptability; and
- Good use of resources.

Policy Assessment

The overall design and layout takes cognisance of the identity and character of the surrounding area and has been designed to adoptable standards at the bellmouth to ensure visibility splays are maintained for public safety.

4.2.2 NH3 – Furthering Conservation of Biodiversity

LDP policy NH3 advises that developments considered against the Council's obligation to further conservation of biodiversity and ecosystem services it delivers. The extent of those measures should be relevant and proportionate to the scale of the development.

Proposals that have a significant adverse effect on the habitats or species identified in the Shetland Local Biodiversity Action Plan, Scottish Biodiversity List, UK Biodiversity Action Plan, Annex I and II of the Habitats Directive, Annex I of the Birds Directive (of not included in Schedule 1 of the Wildlife and Countryside Act) or on the ecosystem services of biodiversity, including any cumulative impact, will only be permitted where it has been demonstrated that:

- The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national or international contribution of the affected area in terms of habitat or population of species; and
- Any harm or disturbance to the ecosystem services, continuity and integrity of habitats or species is avoided or reduced to acceptable levels by mitigation.

Further guidance is provided in the Supplementary Guidance – Natural Heritage.

Policy Assessment

The Jacobs Report identifies potential minor impacts on otters (a European protected species) and on the local habitat in the construction period potentially in the form of pollution (e.g. oil, fuel) or sediment runoff. However, these impacts are recognised to be minimal as addressed in Table 1 of this document, and mitigation measures to minimise any potential disturbance are addressed in the CEMP.

Proportionate water quality monitoring has previously been proposed to ensure the protection of watercourses and freshwater species.

4.2.3 NH5 – Soils

LDP policy NH5 states that developments will only be permitted where appropriate measures are taken to maintain soil resources and functions to an extent that is considered relevant and appropriate to the scale of development.

Proposals that are deemed to have an unacceptable effect on soil resources and functions will only be permitted where it has been demonstrate that:

- The development will have benefits of overriding public interest including those of a social or economic nature that outweigh the local, national or international contribution of the affected area in terms of its soil functions; and
- Any harm or disturbance to the soil resources and functions is avoided or reduced to acceptable levels by suitable mitigation.

Evidence of the adoption of best practice in the movement of, storage, management, reuse and reinstatement of soils must be submitted along with any planning application. For certain scales of development a soil management plan will be required. This should demonstrate that risks to soils, such as unnecessary disturbance, degradation and erosion have been avoided. Further guidance is provided in the Supplementary Guidance – Natural Heritage.

Policy Assessment

The excavation of soil and peat is necessary for the construction of the proposed track which is 2.09km in length and designed to accommodate the delivery of the substation transformers. As previously discussed there is requirement for the substation to be constructed in order to release the 500MW of renewable generation proposed and consented on Shetland and to re-inforce the electric grid.

In order to adhere to LDP policy NH5, SG, and the consultee responses outlined in Table 1, best practice will be implemented via a PMP. The PMP will address elements such as the volume of peat excavation, the management of peat, reuse and reinstatement etc.

4.2.4 NH7 - Water Environment

LDP policy NH7 states that development will only be permitted where appropriate measures are taken to protect marine and freshwater environments to an extent that is relevant and proportionate to the scale of development.

Development adjacent to a watercourse or water body must be accompanied by sufficient information to enable a full assessment of any likely effects.

Where there is potential for a development to have an adverse impact on the water environment, it must be demonstrated that:

- There will be no deterioration in the ecological status of the watercourse or water body;
- It does not encroach on any existing buffer stripes and that access of these buffer strips has been maintained; and;
- Both during the construction phase and after completion it would not significantly affect:
 - Water quality flows in adjacent watercourses or areas downstream; or
 - Natural flow patterns and sediment transport processes in all water bodies or watercourses.

Policy Assessment

In relation to the water environment, there have been no negative impacts identified by SEPA and the Council's Principal Engineer, in table 1 of this document. Furthermore, the design of the track avoids possible deterioration of the public road Burn of Weisdale water crossing.

Water quality monitoring will be carried out during the construction of the track, a water quality monitoring plan can be agreed with SIC and SEPA prior to construction commencing and secured by condition.

4.2.5 HE4 – Archaeology

LDP policy HE4 requires scheduled monuments, designated wrecks and other identified nationally important archaeological resources to be preserved in-situ, and within an appropriate setting. Developments that have an adverse effect on scheduled monuments and designated wrecks or the integrity of their settings should not be permitted unless there are exceptional circumstances.

All other significant archaeological resources should be preserved in-situ wherever feasible. Where preservation in-situ is not possible, the Council are expected to ensure that developers undertake appropriate archaeological excavation, recording, analysis, publication and archiving in advance of and/or during development.

Policy Assessment

As addressed in Table 1 of this document (comments by the Councils Archaeologist) and to comply with this policy suitable mitigation measures including the written scheme of archaeological works ('WSI'). The Applicant will comply with this requirement, and an appropriate WSI will be prepared in advance of construction of the Proposed Development, for the approval of the Council.

4.2.6 TRANS3 – Access and Parking Standards

LDP policy TRANS3 states that all developments should provide:

- Safe and adequate access, visibility splay and turning area in accordance with the Residential Access supplementary Guidance; and
- Adequate parking and service facilities in accordance with the Council's Current standards set out in the supplementary guidance – Parking Standards.

Policy Assessment

Although this policy relates more directly to the provision of residential access requirements and parking, there is a requirement for safe and adequate access.

The LDP Policy itself is rather minimal in detail and is primarily addressed in the SG. Therefore, key objectives from the SG are applied in relation to safety, drainage and construction.

The junction with the public road has been designed to accommodate the largest loads required for the construction of the substation. The junction has been designed to adoptable standards and is in accordance with all relevant safety advice and good practice.

4.3 Supplementary Guidance

4.3.1 Natural Heritage

For developments of certain types and scales it would be expected that any surveys for habitats and species protected by legislation would also include reference to the species protected under the policy NH3. It would be expected that this would include a determination the likelihood of a species presence, a habitat assessment and avoidance, mitigation and compensatory measures for any potential impacts.

4.3.1.1 Mitigation

If surveys show protected species are present on the site or using it some of the time then it must be determined if the development will adversely affect these species resting places, feeding or breeding sites. If adverse effects are identified then a mitigation plan must be prepared to minimise impacts of the development on the protected species to a level that will not require licensing before any consent can be granted.

If the impacts cannot be sufficiently mitigated, then the activity must be capable of being licensed accordingly. This consent has to be strictly conditional upon the agreed mitigation plan being implemented otherwise the conditions of the licence will not have been followed and an offence will have been committed.

If protected species are present on site but they will be affected by the development, consent can be granted, however justifications will be required.

4.3.1.2 Peat

As part of an EIA it will be necessary to demonstrate that the extent of peat has been investigated. For smaller scale developments seeking approval out with the EIA process, the overarching, general guiding principles of minimisation through design and practice are applicable. Furthermore, it is necessary to show:

- How, through site investigation and iterative design, the proposed development has been structured and designed to minimise, so far as reasonably practicable, the quantity of peat that will be excavated;
- That volumes of peat anticipated to excavated by the proposed development have been considered; and
- How excavated peat will be managed.

Via the following methods the Council expect developments to preventing or reducing any impacts on peat:

- Where possible position site infrastructure in areas of shallower peat or design appropriate engineering solutions to avoid and/or minimise the excavation of peat;
- Minimise infrastructure that could impact upon peat;
- Minimise the detriment to peat if excavation cannot be fully avoided;
- Prevent peat displacement from the development of borrow pits; and
- Only re-use peat where it is suitable for the identified and required use.

Policy Assessment

As outlined in Table 1 of this document, and information prepared by Jacobs to support the 2016 application, including habitat surveys, bird surveys, and freshwater surveys etc. which concludes that with effective mitigation the residual effects of the track are minor and not significant. The applicant is committed to carrying out construction works in accordance with best practice in order to minimise the effects arising from the track construction on species and habitats.

In addition the Applicant request a 50m micro-siting allowance in order to minimise the effects on peat following detailed ground investigation works prior to construction commencing.

A draft PMP has been submitted as part of the 2016 application and has been re-submitted to support this application. The applicant intends to update the PMP with respect to the comments raised by SEPA prior to construction commencing and following the detailed ground investigation works. This can be secured by condition.

4.4 Relevant Material Considerations

4.4.1 *New Shetland Local Development Plan - Call for Sites*

As of May 2017, the Council announced the initial stages of the new Local Development Plan 2. Work is also underway for the Call for Sites, and is a chance for landowners and developers to put forward sites to the Council that are considered to be suitable for development.

4.4.2 *Scottish Planning Framework 3*

Scotland's third National Planning Framework was laid in the Scottish Parliament on 23rd June 2014. As well as a framework for the spatial development of Scotland as a whole, it includes 14 national developments, identified as key to delivering the strategy and national improvements.

The key planning outcomes for Scotland are:

- A successful sustainable place – supporting economic growth, regeneration and the creation of well-designed places;
- A low carbon place – reducing our carbon emissions and adapting to climate change;
- A natural resilient place – helping to protect and enhance our natural cultural assets and facilitating their sustainable use; and
- A connected place – supporting better transport and digital connectivity.

Under paragraph 1.6 it addresses that the "Spatial strategy provides a vision for sustainable growth and development across rural Scotland, and highlights the role of some of our rural towns in achieving this. Our rural areas are diverse – but this strategy sets an agenda that will be shared by communities from the south of Scotland to the northern Highlands and Islands."

Furthermore, under paragraph 3.8, it states that it is Scotland's aim to improve energy efficiency and further diversification of supplies.

The provision of this track is to facilitate the construction of the SHE-T substation required to connect approximately 500MW of consented and proposed renewable energy on Shetland including Viking Wind Farm. The substation will also provide an alternative source of electricity supply for Shetland if required by Ofgem or National grid and will provide re-enforcement of the existing Shetland electricity grid.

4.4.3 Scottish Planning Policy

Scottish Planning Policy ('SPP') was published in 2014. SPP is a statement of the Scottish Government's policy on how nationally important land use planning matters should be addressed across the country.

The SPP states that:

"The 1997 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. As a statement of Ministers' priorities the content of the SPP is a material consideration that carries significant weight' and that: 'Planning should take a positive approach to enabling high quality development and making efficient use of land to deliver long term benefits for the public while protecting and enhancing natural and cultural resources."

SPP states that policies and decisions should be guided by the following principles inter alia:

- Giving due weight to net economic benefit;
- Respond to economic issues, challenges and opportunities;
- Supporting good design and the six qualities of successful places;
- Make efficient use of existing capacities of land, buildings and infrastructure;
- Support the delivery of infrastructure, for example transport, education, energy, digital and water;
- Improve health and wellbeing; and
- Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

SPP stresses the importance of supporting business and employment and that planning should address the requirements of businesses and enable key opportunities for investment.

Paragraph 166 addresses that the *"relationship between transport and land use has a strong influence on sustainable economic growth."*

5 CONCLUSION

The provision of this access track facilitates the construction of the SHE-T substation required to connect approximately 500M of consented and proposed renewable energy on Shetland including Viking Wind Farm.

Where possible responses provided by statutory consultees to the 2016 Application have been addressed by the Applicant within this submission as far as reasonably practicable given the stage of development, including concern with regards to the management of peat, and an updated PMP will be produced prior to construction commencing.

The impacts on hydrology and flood risk for the proposed development have been assessed and there are no significant effects arising from the Proposed Development subject to implementation of mitigation measures. Mitigation measures include water quality monitoring.

Regarding archaeological assets, suitable mitigation measures are intended to be put in place, including a WSI to identify a phased construction programme and methods of archaeological work.

Other areas of mitigation are identified in Table 1 and will be addressed via the final CEMP to be submitted to SIC prior to construction commencing, this can be secured via condition.

In conclusion, the Proposed Development complies with the LDP and associated SG. It is acceptable in all other respects and there are no material considerations that are considered

to outweigh these conclusions. The applicant therefore, respectfully requests that the Council support this application for the reasons stated above.