

Energy and Climate Change Directorate  
Energy Division

T: 0300 244 1238 F: 0300 244 1140  
E: simon.coote@scotland.gsi.gov.uk



Mr Andy Sloan  
The Viking Energy Partnership  
The Gutters' Hut  
North Ness Business Park  
Lerwick  
Shetland  
ZE1 0LZ

4 April 2012

Dear Mr Sloan,

**APPLICATION FOR CONSENT AND DEEMED PLANNING PERMISSION FOR THE CONSTRUCTION AND OPERATION OF THE VIKING WIND FARM, IN CENTRAL MAINLAND, SHETLAND.**

**Application**

I refer to the Application made by The Viking Energy Partnership ("The Partnership") dated 19 May 2009, as read with the addendum to the application dated 30 September 2010 (from here on together referred to as "the Application") for:

- (i) consent under section 36 of the Electricity Act 1989 ("The Electricity Act") for construction and operation of the Viking Wind Farm on central Shetland, with a generation capacity of up to 457MW.
- (ii) a direction under section 57 (2) of the Town and Country Planning (Scotland) Act 1997 ("the planning act") that planning permission be deemed to be granted in respect of that generating station and any ancillary Developments.

**Consultation**

In accordance with statutory requirements, advertisements of the Application had to be placed in the local and national press. Ministers note that these requirements have been met. Under Schedule 8 of the Electricity Act, the relevant planning authority is required to be notified in respect of a section 36 consent Application. Notifications were sent to Shetland Council as the Planning Authority, as well as to

Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA)

Shetland Council (a statutory consultee and the relevant “Planning Authority”) did not object to the proposal, subject to a detailed scheme of conditions being put in place prior to Commencement of the Development, therefore a Public Local Inquiry (PLI) is not a requirement.

The Scottish Ministers have considered fully and carefully the Application and accompanying documents and all relevant responses from consultees and third party representations received.

### **Statutory Consultees**

**Shetland Islands Council (a statutory consultee and the Relevant Planning Authority)** was supportive of the application and re-affirmed its support for the development on the basis that it has taken into account the views of the community, the socio economic issues, as well as environmental impact. The Planning Authority asserts that the benefit to the Shetland economy and community outweighs any negative impacts and that the project may produce. The Planning Authority have supplied a list of conditions they would like to see attached to any consent. These have been incorporated as appropriate into the list of conditions at Annex 2 of this Consent.

**Scottish Natural Heritage (SNH)** (a statutory consultee) provided interim advice on the landscape and visual impact assessment in the Environmental Statement stating it was inadequate, and requested a revised LVIA be provided. In respect of the ornithological interests, SNH objected due to the impact on red throated divers, merlin, golden plover, dunlin, whimbrel, arctic skua, lapwing, curlew and great skua, stating the conservation status of these species would likely be adversely affected over the long term at a regional level, and with red throated divers and whimbrel also likely to be affected at a national scale. SNH objected to the proposals subject to conditions which overcome concerns in respect of Sandwater SSSI Vaxter Voe & Valayre SSSI, and impacts on peat, habitats, soil and water and recommended conditions be attached to any consent to deal with these issues.

The adjustments made to the application through the addendum allowed SNH to remove their objections on all grounds but for the issues of impact on whimbrel and landscape and visual amenity. They advised that adverse impacts would still result from the proposals on some of the other species mentioned, but that the HMP should mitigate those impacts.

Regarding landscape and visual issues, following the further assessment provided in the Addendum, SNH advised that revised proposals still did not adequately address their concerns in relation to landscape and visual impacts, highlighting their view that the 127 turbine proposal still significantly exceeds landscape capacity, and the major impacts on visual amenity have not been sufficiently reduced.

When considering the option of a partial consent, i.e. a consent for the proposed development without the 24 Delting Parish group of turbines, the resultant reduced

landscape and visual impacts and reduced impact on whimbrel were not significant to a degree which would allow SNH's position to change.

**Scottish Environment Protection Agency (SEPA)** The hydrological impacts of the development were assessed by SEPA and they initially objected to some aspects of the development unless conditions were applied. With other objections they outlined how the Partnership could address these issues by submitting further information in relation to the impact of sedimentation, management of waste including waste peat and proposals for decommissioning and aftercare.

SEPA welcomed the Partnership's supplementary environmental information and the fact that a number of modifications have been made to the development to reduce its overall environmental impact. They especially welcome the removal of turbines and access tracks from the Collafirth Quadrant, an area of blanket bog, as a result of the changes made in the addendum. SEPA considered that even if best practice is followed and mitigation employed, the proposal for a windfarm development of this scale in this peatland location is likely to have a negative impact on the environment, but stated the amendments proposed in the SEI addendum, accompanied by careful micro-siting and the inclusion of conditions will ensure the best possible practices are implemented and will help to reduce this impact. Therefore SEPA **do not object** subject to conditions being imposed in relation to modifications to tracks, micro-siting buffer zones, pollution prevention and waste management, water ecology, habitat management, borrow pits, site re-instatement and restoration and decommissioning.

SEPA confirmed their view that the removal of the Delting Parish section of turbines from this proposal would not result in any additional environmental impacts.

SEPA confirmed that under the "Water Environment (Controlled Activities)(Scotland) regulations 2005 (as amended)" (CAR), they would expect the proposal to fall into Category 1 – "capable" of being authorised, although final details, such as abstraction rates, would have to be determined as part of the application process. SEPA confirm that they have not received any CAR applications from the Partnership.

### **Non Statutory consultees**

The **Civil Aviation Authority (CAA)** advised that there is a potential for a number of turbines to impact upon Scatsta Airports instrument flight procedures. Given that aerodrome safeguarding responsibility rests with the aerodrome operator/licensee, it is essential that Scatsta Airport's viewpoint of the development is established.

The **Crown Estate** advised that none of their current interests are affected by the proposal.

**CSS Spectrum Management Services Limited** examined the application in relation to UHF Radio Scanning Telemetry communications used by their client in the region of the site for development. CSS confirmed there is no objection to this wind farm, but requested if there were any alterations to the turbine locations they should be informed.

**Defence Estates** do not anticipate that the proposed wind turbines will affect military air traffic movements in the area. Defence Estates Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

**Forestry Commission Scotland** confirmed there are no areas of trees or woodland implicated in this proposal.

**Halcrow** undertook a Peat Landslide Risk Assessment on behalf of the Scottish Government to technically assess the Peat Stability Report provided by the Partnership. Halcrow concluded that the Peatslide Susceptibility Assessment (PSA) report in respect to the proposed developments of general high standard make appropriate consideration of the approach outlined by the Best Practice Guide. They have suggested a number of recommendations.

**Highland and Islands Airports Limited** confirmed that their calculations show that the given position and height that the development will have no effect upon operations at Sumburgh Airport.

**Historic Scotland** objected to the scheme as it was originally submitted as it considered the impact on 24 scheduled monuments unacceptable, in terms of national policy for the protection of the historic environment. The Partnership's further Supplementary Environmental Information (SEI) submitted in October 2010 contained changes in the design layout of the windfarm with the removal of 23 turbines. Turbines D1, D2 and D3 which were of concern were included in this removal and went some way to reducing the impact of the development on a number of monuments. Historic Scotland withdrew their objection but suggested that in the case of Graven and Hill of Dale chambered cairns the impact on the setting of these assets would be significantly improved by the removal of turbines D9, D10, D11 and D13 and suggested the deletion of these turbines be part of any condition of consent if granted.

**Health and Safety Executive** principal concerns are the health and safety of people affected by work activities. HSE has no comments on this environmental statement.

**Joint Radio Company** does not for see any potential problems based on the data provided, but they advise the Partnership to seek re-coordination prior to submitting a planning application.

**Lerwick Port Authority** strongly supports the development and hopes that any connection to the national grid that would be realised by the Viking Energy Project will secure electricity supplies to the islands in future years. The job opportunities and financial return to the islands projected by the Viking project is significant in terms of the income in circulation in the local economy.

**Marine Scotland** said the initial report regarding fishery issues was well written covering base line and future monitoring programmes and mitigation. They did raise specific points in relation to surveys carried out in particular raising issues regarding the location of some of the proposed borrow pits and their proximity to streams and potential peat slide areas and suggested borrow pit locations should be

reconsidered. The subsequent Supplementary Environmental Statement submitted by the Partnership reducing the size of this development, eased some concerns regarding the proximity of the borrow pits to watercourses and the absence of macroinvertebrate sampling in the deleted Collafirth quadrant. Other concerns raised in relation to micro-siting, hydrochemistry sampling, microinvertebrate and fish monitoring programmes and the borrow pit at the Burn of Valayre in Delting quadrant, were addressed by the Partnership and agreed these could be covered by conditions. Marine Scotland wish to review the fish and hydrochemistry survey/monitoring programmes to which Viking Energy has agreed to do prior to start of construction.

**Mountaineering Council of Scotland (MCofS)** have concerns regarding the access tracks crossing deep peat and the Partnership's proposed "floating tracks" being a satisfactorily proven method to preserve the peat quality. They are also concerned the anticipated construction period of 5 years having an impact on the enjoyment of the central area of Shetland, and the "Key views" referred to in the application did not include any of the popular off-road viewpoints where people enjoy quiet recreation. The MCofS have concerns regarding the impact on breeding birds such as Merlin, Whimbrel, and Red-throated Divers but defer to experts' opinions of the RSPB on these matters.

MCofS acknowledge the addendum and the reduction in turbines, access track length and width, but they challenge the validity of the claim that "few if any negative socio-economic effects during the operational period". They state the huge landscape and visual impacts will be likely to have a significant effect on tourism income.

**NATS (En Route) Plc (NERL)** has no safeguarding objection to the proposal. However, this response only reflects the position of NERL (that is responsible for the management of en route air traffic) based on the information supplied at the time of the application. If any changes are proposed then NERL requires that it be further consulted.

**OFCOM** have found that within the assessed fixed link frequency bands fixed microwave link ends are within or have paths that cross 500 m radius coordination area for the stated turbine locations, and the fixed links operators identified by OFCOM should be contacted directly if further information is required.

**RSPB** state that although the site is not designated for its bird interest, the site is of very high conservation value due to its important populations of wide range of breeding species including whooper swan, red-throated diver, merlin, lapwing, golden plover, dunlin, whimbrel, Arctic Skua, Arctic tern and skylark. RSPB having considered the initial application and addendum reducing the turbine number to 127, which involved some effort to reduce losses of birds, request further turbine removal to reduce the predicted adverse effects of the proposed development. RSPB remain concerned about the way excavated peat would be reused as it may cause unnecessary release of carbon and additional damage to blanket bog, and the method by which carbon payback is calculated. RSPB upheld their initial objection concluding that insufficient changes have been made to the proposed development to allow them to withdraw their objection. Their reasons for objecting are that the

development would cause unacceptable damage to regional and in some cases UK populations of a number of birds species, the development would cause unacceptable damage to active blanket bog, the carbon balance remains uncertain and may be insufficient to outweigh other significant, adverse environmental effects of the development and the development would be contrary to the development plan and national planning policy.

**Seafood Shetland** is a trade body, representing the interests of Shetland's fish processors and shellfish growers. They note that a peat slide risk assessment has been carried out using both a qualitative risk assessment method and slope stability calculations, and the view that the likelihood of a peatslide occurring as a consequence of the wind farm construction is unlikely. However, they wish to emphasise that the issue of peat slippage remains a serious concern for members of Seafood Shetland, bearing in mind our seafood industry's dependence on maintaining Shetland's pristine waters for its economic wellbeing.

### **Serco Aviation Defence & Nuclear ( Scatsta Aiport)**

Serco Defence Science & Nuclear, the licensee's representative for Scatsta Airport objected to the original application of 150 turbines based on grounds of safety to aircraft and operational procedures of the airfield and the lack of any detailed mitigation available at that time. In October 2010 the Partnership revised the scheme deleting and moving turbines for variety of reasons including possible impacts on birds, cultural heritage and aviation .With the deletion of 23 turbines including all from the Collafirth "quadrant" and mitigations detailed within the Addendum, this satisfied some areas of concern but the Airport operator SERCO confirmed further mitigation would need to be sought before they would be in a position to remove their initial objection.

Discussions between Scatsta Airport and the Partnership ensued with a view to resolving the Airport's objection. SERCO 's initial conclusions of the technical analysis they undertook to facilitate these discussions identified that the 24 turbines in the Delting parish area would need to be removed as there was no prospect of a mitigation solution, but that they were optimistic acceptable mitigations can be identified to allow the remaining turbines to be developed and operate.

**Scottish Water** indicate that they have water assets in the area that may be affected by the proposed development, therefore it is essential these assets are protected from the risk of contamination and damage and provided a list of precautions to be taken into account including a detailed method statement and risk assessment to be submitted to Scottish Water.

**Scottish Wildlife Trust** originally objected to the application stating they did not believe that mitigation/offsetting/ enhancement measures as described in the Environmental Statement (ES) would produce net benefit in respect of blanket bog which covers the majority of the wind farm site. They were concerned the development footprint would be located in areas of deep peat and that the ES did not satisfactory explained how the surplus peat is dealt with/disposed of to avoid effects on the surrounding blanket bog vegetation and watercourses. They also believed the peat slide risk assessment and mitigation did not go far enough to diminish the

risk of further peat slides. They agreed the further Supplementary Information addendum submitted by the Partnership addressed some of the issues, but they still have serious concerns regarding the impact of the development footprint, the Habitat Management Plan and the carbon payback calculations and recommend that a working group oversees the peatland restoration from construction to decommissioning of the wind farm.

**Shetland Amenity Trust** is an environmental body whose aims are to safeguard and promote Shetland's natural and cultural heritage. The Trust fully considered the Environmental Statement in connection with the Trust's objectives and remit and objected to the Viking Energy application. Some grounds of objection are the impact on Shetland's landscape and peatland/blanket bog, cultural heritage, natural heritage in relation to impact on birds and predicted carbon payback figures. After considering the revised 127 turbine scheme and Supplementary Environmental Information, the Trust welcomed the removal of some turbines but still considered that the development is out of scale with Shetland's landscape, and the impacts on natural and cultural heritage remain unacceptable. They agreed that some aspects of the Habitat Management Plan would bring genuine benefits to Shetland's natural heritage, but still had issues with some of the measures within the Habitat Management Plan and that there has been no rigorous scientific assessment of the Carbon balance of the proposed development.

**Shetland Bird Club** objects to this development and wishes issues relating to Carbon Balance, direct loss and degradation of habitat and deaths, displacement and disturbance of birds through all phases of the project to be considered as part of their objections.

**Sandsting & Aithsting Community Council** provided their main points for and against the Viking development and as their main responsibility of Community Council work is to work for the best interests of their Community they actively sought the views of the people of their area. In their assessment the Community is split on whether the project should be supported. As a Community Council they found it impossible to come up with a definite yes or no to the project.

**Transport Scotland** advised that the proposed development will cause no environmental impact on the trunk road network.

**Tingwall, Whiteness and Weisdale Community Council** objected to the proposal on the grounds the visual effect on the landscape would be enormous and overwhelming, flora and fauna would be adversely affected by turbines and roads, watercourses would be affected by both turbines and roads foundations, quarries will be opened and spoil disposed of creating additional visual impact and adverse effects on water courses, flora and fauna and the effect of shadow flicker.

**Shetland Anglers Society and Promote Shetland** did not respond to the consultation.

**Sustainable Shetland** objected to the proposal concluding that the objection by the Shetland Amenity Trust and the John Muir trust are fully supported by the Sustainable Shetland group and in terms of visual and landscape impacts, the ES

methodology is flawed and the assessment of visual impact and cumulative impact cannot be relied upon. They claim the Environmental Statement also contradicts the recommendations of the Council's recent landscape capacity study and the proposed development is premature pending the preparation of up to date policy guidance. They also claim the proposed development is contrary to the development plan and therefore there should be a presumption of refusal of consent and deemed planning permission and that there are no material considerations that would change this conclusion. They state Council Members, and therefore the Planning Authority itself, have a profound and irreconcilable conflict of interest in relation to the proposed development. Sustainable Shetland request that Ministers either reject this proposal now or immediately refer the proposal to a Public local Inquiry.

**Yell Community Council** strongly support the Viking wind farm project and believe the Planning Authority's decision was the correct decision for the sustainable future of the island communities. The Community Council wish the project to be allowed to start as soon as possible for the benefit of Shetland and are concerned a public inquiry would make no difference to the democratic decision already made by the Planning Authority.

**The John Muir Trust** maintained their objection having acknowledged a reduction in the number of turbines, tracks and borrow pits from the original application. They maintained their objection on the grounds that the project is an inappropriate size and scale, level of visual and landscape impact, negative impact on local tourism, impacts on wild land character and concerns regarding the impact and effect of peatland management and revised carbon payback figures.

**Public Representations:** A total of 3881 public representation were received of these 2772 were objections and 1109 were in support of the development. The objections raised concerns on a number of subjects including habitat, wildlife, visual impact and infrastructure.

## **Planning**

The legislation requires that the Commencement of the Development should begin within a 3 year time scale. Scottish Government policy, however, is that due to the constraints, scale and complexity of constructing Wind Power Developments above 50MW, that a 5 year time scale for the Commencement of the Development is granted. A direction by Scottish Ministers under section 58 of the Town and Country Planning (Scotland) Act 1997 has therefore been made as part of the determination for this consent.

## **Environmental matters**

An Environmental Statement has been produced in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 ("the 2000 Regulations").



The 2000 Regulations prohibit the Scottish Ministers from granting consent unless they have taken into consideration the environmental information, as defined in those regulations and unless the applicable procedures regarding publicity and consultation laid down in those regulations have been followed.

Schedule 9 of the Act places a duty on the Partnership to have regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna, and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. It requires the Partnership to do what it reasonably can to mitigate the effects that the Development would have on these features. Schedule 9 also requires that Scottish Ministers have regard to these features and the extent to which the Company has complied with this duty.

The Scottish Ministers are satisfied that the Partnership has had due regard to these features and have complied with the duty in Schedule 9. The Scottish Ministers have also considered the environmental information carefully; in addition to the Environmental Statement and its addendum they have considered the submissions prepared by the Planning Authority, those designated as statutory consultees in terms of Regulation 6 of the Electricity (Applications for Consent) Regulations 1990 and those of the consultative bodies in terms of the 2000 Regulations. They have also considered representations made by other persons about the likely environmental effects of the proposed Development.

### **The Scottish Ministers Considerations**

The Scottish Ministers have considered fully and carefully the Application and accompanying documents and all relevant responses from consultees and third party representations received. Ministers have taken into consideration the environmental information provided and their obligations under EU environmental legislation, and have had careful regard to the potential for impact on the environment, in particular on species of wild birds.

Scottish Ministers are mindful of the apparently insurmountable aviation issues associated with the 24 turbines of the Delting Parish area, and consider that it would not be appropriate to grant consent for a development which included these 24 turbines. However, Ministers are of the view that there remains the option of granting consent for the rest of the development, i.e. a consent for the remaining 103 turbines of the Application which are not the subject of an objection from Scatsta Airport. After consideration of this option, and having requested the views of consultees, Ministers are of the view that a reduced development of this specification is still covered by the environmental information considered with the Application, and that the reduction of the development would not result in any new or unconsidered issues and in particular would not give rise to any environmental impacts other than those already identified.

The reduced, 103 turbine Development in central Shetland, will provide sufficient power for at least 175,112 homes, and probably considerably more, given that the load factor is expected to be much higher on Shetland than mainland Scotland, upwards of 40%. This increase in the amount of renewable energy produced in Scotland is entirely consistent with the Scottish Government's policy on the

promotion of renewable energy and its target to meet 100% of demand for Scotland's electricity from renewable sources by 2020.

The development represents an excellent opportunity to help meet European Climate Change objectives, through the development of renewable energy and associated reduction in carbon emissions. The total annual CO<sub>2</sub> saving from the windfarm is estimated to be 1.13 million tonnes CO<sub>2</sub> per annum, based on a 127 turbine development. Based on the 103 turbine development, this might be revised downwards pro rata to approximately 0.93 million tonnes per annum.

The overall condition of the environment upon which wild bird species rely in Shetland is of concern. In particular, the peatland ecosystem is in serious decline and suffering extensive degradation. The windfarm's expansive Habitat Management Plan (HMP) will restore peatland and offers benefits to a whole range of species and habitats, a factor which has been recognised by SNH, and which Ministers have taken into account. In particular, the HMP will include habitat restoration and protection for red-throated diver, merlin, whimbrel (and by association arctic skua) and peatland management actions to restore, enhance and protect blanket bog and thereby benefit birds and other species that depend on this habitat. The HMP is far more ambitious and expansive than HMPs which have formed part of mitigation for previously consented windfarms, in total encompassing an area of some 12,800 hectares. SNH have welcomed the HMP and recognise that it offers the possibility of significant biodiversity benefits and is an excellent opportunity to explore various habitat management methods.

### *Whimbrel*

Shetland has some 95% of the UK population of whimbrel, a species of wading bird, and it is estimated that there are some 290 breeding pairs in Shetland. Ministers recognise that it has been difficult for either SNH or Viking Energy to give precise estimates for the impact of the development on the whimbrel. It has been estimated that 5.5 pairs will be displaced by the windfarm itself. The collision mortality rate of birds is estimated at 2.1 or 4.2 birds per annum, according to Viking Energy and SNH respectively. A reduction in the scale of the development to 103 turbines results in a reduced estimate from SNH of a rate of approximately 3.7 birds per year. This number is a net loss figure and takes into account the effects of displacement, construction and habitat loss.

Ministers accept that the loss of 3.7 whimbrel per year as a result of the windfarm would be likely to have some impact on what is a small and declining subset of the species. However, in numerical terms, the estimated mortality rate of only 3.7 fatalities per year is very small and must be considered in the context of annual deaths estimated at between 72-108 (based on the two figures submitted in the Addendum to the Environmental statement) per year from other causes, including predation.

Ministers note that SNH are of the view that the reduction of the scale of the development is still likely to result in a significant impact of national interest on the conservation status of the national population of whimbrel, and that the RSPB have expressed related concerns. Ministers are not satisfied that the estimated impact of

the development on whimbrel demonstrates such a level of significance. In addition, Ministers consider that the potential beneficial effects of the Habitat Management Plan (HMP) can reasonably be expected to provide some counterbalancing positive benefits.

SNH have expressed concerns that despite the extensive proposals within the HMP, it cannot be relied upon with certainty to adequately mitigate the estimated impacts. Ministers accept that the beneficial effects of the HMP cannot be predicted with certainty, given the lack of any precedent for an HMP for whimbrel in Shetland. SNH have, however recognised that the HMP has the potential to benefit birds, including the whimbrel. SNH's concern relates to the fact that the benefits of the HMP cannot be currently quantified. They are of the opinion, however, that the HMP does include habitat management and predator control measures that they accept should favour whimbrel and other breeding birds. Uncertainties over the factors influencing whimbrel numbers in Shetland, the habitats that whimbrel prefer and hence the goals for habitat management, and the likelihood of reaching these habitat goals through practical land management remain. Despite this, over the course of the lifetime of the wind farm, SNH expect that habitat and predator management would provide some mitigation of the effects of the wind farm on whimbrel.

Ministers note that the HMP will take one third of the of the UK population of whimbrel under active management, and will target some 100 whimbrel "hotspots". Based on the detailed environmental information provided in the environmental statement and addendum, Ministers are satisfied that the measures proposed by the HMP are likely to have a positive value to the conservation status of the whimbrel. These measures include a variety of management techniques, including predator control, habitat restoration, protection and management. Ministers are satisfied that an HMP which includes significant predator control from the outset, as well as ongoing habitat restoration, protection and management, is likely to counteract the relatively small estimated rate of bird mortality. Further reassurance is gained from the commitment to ongoing development and improvement built into the HMP as understanding of its effect improves, and from the fact that this commitment will be required by condition.

In any case, if, despite the implementation of the HMP, the estimated negative impact on the species were to remain, Ministers consider that the level of impact on the conservation status of the whimbrel is outweighed by the benefits of the project, including the very substantial renewable energy generation the development would bring and the support this offers to tackling climate change and meeting EU Climate Change Targets.

The whimbrel is in decline on Shetland. Ministers consider that the HMP represents an opportunity - currently the sole opportunity - to try to improve the conservation status of the species. Without the Viking Windfarm HMP, there currently appears to be no prospect of any significant work being undertaken to reverse the decline of the whimbrel in the UK.

Conditions will require that comprehensive monitoring takes place, both of mortality against predicted levels, and of the success or otherwise of measures implemented for the HMP. This ongoing work will inform ongoing initiatives for the conservation of

whimbrel, and will provide data on behaviour and conservation to improve knowledge of the species and to inform the necessary improvements to the HMP.

### *Landscape and Visual*

Scottish Ministers are mindful of the various objections, including that of SNH, highlighting the landscape and visual impacts which would result from these proposals. They accept that the proposals would lead to significant change to the landscape character for a considerable area of Shetland and have detrimental visual impacts. Ministers consider that some of these impacts have been alleviated by the reduction from 150 turbines to 127 with the submission of the addendum, and can be further alleviated to a degree by the removal of the 24 turbines in the Delting Parish area. Ministers accept that significant impacts will remain, but consider that these are outweighed by the very considerable economic benefits which the development will bring to the Islands, and more widely, and by the benefits of generating at least 370.8MW of renewable electricity.

### *Economic and Renewable Energy Benefits*

Scottish Ministers aim to achieve a thriving renewables industry in Scotland. The focus being to enhance Scotland's manufacturing capacity, to develop new indigenous industries, particularly in rural areas, and to provide significant export opportunities. A scheme of at least 370.8MW (pro rata) in Shetland is entirely consistent with these goals. Scottish Ministers have considered material details of how this proposal can contribute to local or national economic development priorities as stated in Scottish Planning Policy (SPP). For the proposed 127 turbine development, estimates were of capital expenditure of £707M, of income into the islands of £38.2M per year, and of 42 operational jobs with an additional 174 jobs during 5 years of construction. Shetland Island Council have estimated there would be a total of 435 FTE jobs created (including jobs created by the Shetland Charitable Trust). Furthermore, the Islands' aspiration to seek to benefit from the renewable energy revolution, including by embracing marine renewables, will rely upon the construction of an interconnector to the mainland to export electricity. It is very likely that the construction of such an interconnector is not viable without the Viking Windfarm development or at least one of a comparable scale.

Scottish Ministers welcome the islands aspirations regarding renewables and expect SSE to maximise the potential for local employment and use of local businesses wherever possible and will work with the Partnership to achieve this.

### *Other Considerations*

Scottish Ministers have considered the Public Standards Commissioner of Scotland's decision and conclusions in response and to complaint no: LA/SI/1122 alleging a Breach of the Provisions in the Councillors Code of Conduct. The complaint stemmed from the participation of members of the Council, and subsequently the Shetland Charitable Trust, in Viking Energy Ltd, and the issues which arose from the respondents' individual roles as Councillors, trustees of Shetland Charitable Trust or Directors or employees of Viking Energy Ltd. Scottish Ministers note that following his investigations the Commissioner concluded that the

named Councillors in the complaint had not in any way contravened the Councillors' Code of Conduct.

Given that the development is 45% owned by the Shetland Charitable Trust, it will represent a huge step towards the Scottish Government's target of 500 MW community and locally-owned renewable energy by 2020. Pro rata, the 103 turbine development would offer around 167MW towards that target.

Ministers have also considered the 3881 public representations received, of which 2772 were objections and 1109 were in support of the development. The objections raised concerns on a number of subjects including habitat, wildlife, visual impact and infrastructure. Ministers are of the view that these issues will be appropriately addressed by way of mitigation and, where impacts remain, these are outweighed by the economic benefits and renewable energy generation which the Development will bring.

The Scottish Ministers consider that environmental impacts will for the most part be satisfactorily addressed by way of mitigation and conditions, and that the residual impacts are outweighed by the benefits the development will bring.

### **The Scottish Ministers' Determination**

Subject to the conditions set out in Part 1 of Annex 2, Scottish Ministers **grant consent** under section 36 of the Electricity Act 1989 for construction and operation of a 103 turbine Viking Wind Farm in central Mainland, Shetland (as described in Annex 1). Ministers refuse consent for the 24 turbines of the Delting Parish area.

Subject to the conditions set out in Part 2 of Annex 2, Scottish Ministers direct under section 57 (2) of the Town and Country Planning (Scotland) act 1997 that **planning permission be deemed to be granted** in respect of the Development described in Annex 1. Deemed planning permission is not granted for the 24 turbines of the Delting Parish area.

The Scottish Ministers direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply with regard to that planning permission because of the constraints of constructing a generating station with a capacity of over 50MW within 3 years and that planning permission is to lapse on the expiry of a period of 5 years from the date of this direction if there has not been Commencement of the Development within that period.

The Scottish Ministers direct that within 2 months of the date of this consent (and within 2 months of the final commissioning if there has been any variation on the original approved plan), the Partnership shall provide to Scottish Ministers a detailed plan showing the site boundary and all turbines, anemometer masts, access tracks and infrastructure in a format compatible with the Scottish Government's Spatial Data Management Environment (SDME), along with appropriate metadata. The SDME is based around Oracle RDBMS and ESRI ArcSDE and all incoming data should be supplied in ESRI shapefile format. The SDME also contains a metadata recording system based on the ISO template within ESRI ArcCatalog (agreed standard used by the Scottish Government), all metadata should be provided in this format.

In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended), the Partnership must publicise this determination for two successive weeks in the Edinburgh Gazette and one or more newspapers circulating in the locality in which the land to which the Application relates is situated.

In reaching their decision, the Scottish Ministers have taken into account the environmental information submitted with the Application, including the Environmental Statement, Addendum and the representations made by statutory consultative bodies and others, in accordance with the Electricity Works (Environmental Impact Assessment)(Scotland) Regulations 2000; the Application; further representations received, including all objections, in the context of the expert advice provided by statutory consultees, and Government energy and climate change policy.

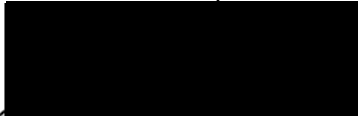
As the relevant Planning Authority has not objected to the Application, the Scottish Ministers have considered all material considerations and have concluded that there is no need to conduct a public inquiry before reaching their decision. In reaching their decision they have had regard to all relevant considerations and, subject to the conditions of this consent and deemed planning permission, are satisfied that it is appropriate for the Partnership to construct and operate the generating station in the manner set out in the Application.

Copies of this letter and the consent have been sent to the Planning Authority. This letter has also been published on the Scottish Government Energy Consents and Deployment Unit website.

The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine Applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts –

<http://www.scotcourts.gov.uk/session/rules/print/rules/CHAP58.pdf>. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely



**SIMON COOTE**

Head of Energy Consents and Deployment Unit  
A member of the staff of the Scottish Ministers

## ANNEX 1

### Description of the Development

The development as indicated on figures A4.1.1. and A4.1.2. (of the Environmental Statement Addendum) excluding the Delting Parish turbines D5-7, D9-18 and D23-33 and associated ancillary developments inclusive, with a maximum generating capacity of 457MW, and comprising a wind-powered electricity generating station including:

1. Not more than 103 turbines each with a maximum tip height of 145m, and associated crane pads;
2. all site tracks and foundations;
3. 7 permanent anemometry masts (as detailed in ES Addendum table A4.5 with the deletion of masts at Duddin Hill and Hill of Neegarh) for monitoring wind farm (free standing lattice masts up to 90m tall);
4. substation at Moo Field and associated control buildings and compounds and a central sub-station/control building and workshop adjacent to Scottish Hydro Electric Transmission Ltd's converter station in the Kergord valley;
5. up to 10 borrow pits for the excavation of rock; (as detailed in ES addendum table A4.8 with the deletion of pits DBP02 and DBP03);
6. temporary turbine component laydown areas;
7. underground power cables;
8. watercourse crossings;
9. temporary construction compound areas providing site offices, welfare facilities and storage for plant and materials and satellite construction compounds; and concrete batching plants; and

all as specified in the Application, the Environmental Statement and the Supplementary Environmental Information Addendum, (excluding the Delting Parish area turbines D5-7, D9-18 and D23-33 and ancillary developments inclusive), and references in this consent and deemed planning permission to "the Development " will be construed accordingly.

## ANNEX 2

### Part 1

#### Conditions applying to section 36 consent

The consent granted in accordance with section 36 of the Electricity Act 1989 is subject to the following conditions:

1. The consent is for a period from the date of this consent until the date occurring 25 years after the Final Commissioning of the Development . Written confirmation of the date of the Final Commissioning of the Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that event.

**Reason: To define the duration of the consent.**

2. The Commencement of Development will be no later than 5 years from the date of this consent, or such other period as the Scottish Ministers may hereafter direct. If this does not occur by the end of such period, then by no later than the date occurring 6 months after the end of the period, the site and the ground will be fully reinstated by the Partnership to the specification and satisfaction of the Scottish Ministers following consultation with the Planning Authority.

**Reason: To ensure construction is commenced within a reasonable time period.**

3. The Partnership will not be permitted to assign the consent without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may grant consent (with or without conditions) or refuse authorisation as they may, in their own discretion, see fit. The consent will not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure.

**Reason: To safeguard the obligations of the consent if transferred to another company.**

4. In the event that any wind turbine installed and commissioned fails to produce electricity on a commercial basis to the public network for a continuous period of 6 months, then unless otherwise agreed in writing with the Scottish Ministers, after consultation with the Planning Authority and SNH, such wind turbine will be deemed to have ceased to be required. If deemed to have ceased to be required, the wind turbine and its ancillary equipment will be dismantled and removed from the site by the Partnership within the following 6 month period, and the ground reinstated to the specification and satisfaction of the Scottish Ministers after consultation with the Planning Authority and SNH.

**Reason: To ensure that any redundant wind turbine is removed from Site, in the interests of safety, amenity and environmental protection.**



5. In the event of the Development, not generating electricity on a commercial basis to the grid network for a continuous period of 12 months from 50% or more turbines installed and commissioned from time to time, the Partnership must immediately notify the Scottish Ministers in writing of that situation and shall, if the Scottish Ministers direct, decommission the Development and reinstate the site to the specification and satisfaction of Scottish Ministers. The Scottish Ministers shall have due regard to the circumstances surrounding the failure to generate and shall take the decision on decommissioning following discussions with the Partnership, the Planning Authority and other such parties as the Scottish Ministers consider appropriate.

**Reason: To ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration of the site. in the interests of safety, amenity and environmental protection.**

6. In the event of a serious health and safety, environmental or construction incident occurring on site during the period of consent, the Partnership must notify Scottish Ministers within 24 hours of the incident occurring.

**Reason: To ensure compliance with Health and Safety legislation.**

7. (1) No construction works associated with the Affecting Turbines other than those agreed with the Airport Operator shall commence, and no erection shall commence of the towers and blades of the Affecting Turbines, until-
  - (a) an Aviation Mitigation Scheme has been submitted to, and approved by Scottish Ministers in consultation with the Planning Authority and the Airport Operator;
  - (b) any necessary technical requirements identified within the approved Aviation Mitigation Scheme as necessary to deliver the appropriate revised Instrument Flight Procedures have been installed and are operational at Scatsta Airport; and
  - (c) confirmation has been provided by the Airport Operator to Scottish Ministers that the Aviation Mitigation Scheme has been implemented and is operational.

(2) In this condition-

“Affecting Turbines” means the following turbines as identified on figure A4.1.2. (of the Environmental Statement Addendum) attached to this consent: K42, K43, K44, K45, K46, K47, K48, K50, K51, K52, K53, K54, K55, K56, K57, K58, K59, K73, K75, K76, K77, K81, K82, K83, K84, N107, N109, N117;

“Aviation Mitigation Scheme” means a scheme agreed between the Partnership and the Airport Operator setting out measures to mitigate the impact of the Development on the safety of flights arriving and departing from Scatsta Airport and which-

- (a) identifies and designs the adjustments which are necessary to the Instrument Flight Procedures for Scatsta Airport to maintain the safety of flights arriving and departing at Scatsta Airport (such as the installation of a localiser/distance measuring equipment);
- (b) sets out the process which will be undertaken for the adjusted Instrument Flight Procedures to be approved by the Airport Operator and the Civil Aviation Authority; and
- (c) sets out the process by which these adjusted Instrument Flight Procedures will be implemented once approved..

“Airport Operator” means Serco Defence, Science and Nuclear who operate the Scatsta Airport or such other airport operator licensed to operate the Airport at the relevant time.

**Reason: To mitigate the impacts of the development on safety of flights landing and taking off at Scatsta Airport**

**Part 2**

**Conditions applying to deemed planning permission**

**Implementation and Decommissioning**

1. The Development will be undertaken in accordance with the Application and Environmental Statement and Addendum approved by this consent, except in so far as amended by the terms of this consent and direction.

**Reason: To ensure the development is carried out in accordance with the application documentation.**

2. Prior to the Commencement of Development, detailed plans and method statements for reinstatement proposals concerning access tracks (including the reduction of double width tracks) borrow pits, construction compound areas and other construction areas at the end of the construction period, as part of the development hereby permitted, will be submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. The approved reinstatement method statements shall then be followed, and the approved plans will be implemented to the satisfaction of the Planning Authority within 6 months of commissioning of the development or when otherwise directed by the Planning Authority.

**Reason: In order to define the terms of this permission, to minimise the level of visual intrusion, and to ensure the satisfactory reinstatement of the site.**

3. Within 6 months of the Commencement of Development the details of all seed mixes to be used for reinstatement of vegetation will be submitted to, and approved in writing by, the Planning Authority in consultation with SNH.

Wherever possible, reinstatement work should be achieved by the careful use of turfs removed prior to construction works.

**Reason: To ensure the satisfactory reinstatement of the site.**

**4. Financial bond**

- (a) At least one month prior to the Commencement of Development, the Partnership will provide to the Planning Authority written details of the bond or other financial provision which it proposes to put in place to cover all decommissioning and site restoration costs on the expiry of this consent. The Partnership will also provide to the Planning Authority confirmation by a Chartered Surveyor in writing (whose appointment for this task has been approved beforehand by the Planning Authority) that the amount of financial provision so proposed is sufficient to meet the full estimated costs of decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work, as well as associated professional costs.
- (b) No development shall commence on site until the partnership has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Planning Authority that the proposed bond or other financial provision is satisfactory.
- (c) The Partnership shall ensure that the financial provision is maintained throughout the duration of this consent.
- (d) The financial provision will be subject to a five yearly review, paid for by the Partnership, from the Commencement of Development, to be conducted by a competent independent professional, whose appointment is approved by the Planning Authority and who has relevant experience within the wind energy sector and provided to the Partnership, the landowners, and the Planning Authority.

**Reason: To ensure the financial security for the cost of the site reinstatement to the satisfaction of the Planning Authority.**

- 5. Within 5 years prior to the expiry of the consent granted under section 36 of the Electricity Act 1989, a Decommissioning Method Statement shall be submitted for the approval of the Planning Authority outlining the programme of decommissioning of the Development . The Decommissioning Method Statement will include details of all site decommissioning, the work to remove the infrastructure from the site, and any subsequent aftercare following site restoration, management and timing of works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. It will include provision for the appointment by the Partnership of an Ecological Clerk of Works (ECoW) acceptable to the Planning Authority (in consultation with SNH and the SEPA), whose role will be to oversee implementation of the plans so approved. These plans will include the method, frequency and duration of ecological monitoring, particularly of watercourses, over the decommissioning period of the Development. Six months prior to the expiry of the section 36 consent, and at any other subsequent point as appropriate, the Decommissioning Method Statement shall be reviewed by the

Partnership and the Planning Authority, and any alterations deemed appropriate and mutually acceptable shall be made.

**Reason: To ensure the satisfactory reinstatement of the site.**

6. A detailed restoration method statement will be submitted by the Partnership to the Planning Authority for written approval, after consultation with SNH and such other parties as they consider appropriate, within three months of the date of a direction given by the Scottish Ministers to decommission and reinstate the site or at least 12 months prior to the scheduled commencement of the Decommissioning of the Development. The approved restoration method statement will subsequently be implemented, following the approved Decommissioning Method Statement, unless otherwise agreed in writing by the Planning Authority.

**Reason: To ensure the satisfactory reinstatement of the site.**

7. Within 36 months following the end of the period of the consent granted under section 36, all wind turbines, ancillary equipment and buildings will be dismantled and removed from the Site and the land will be reinstated in accordance with the approved Decommissioning Method Statement.

**Reason: To ensure the timely satisfactory reinstatement of the site.**

8. Within 6 months of the Final Commissioning of the Development, any remaining temporary laydown and construction compound areas not already reinstated in accordance with Deemed Planning Condition 2 will be removed from the site and these uses discontinued, unless otherwise agreed in writing with the Planning Authority. Any works required for the reinstatement of the land will be carried out following the approved reinstatement method statement referred to at condition 2 and in accordance with the reinstatement plans, within 6 months of commissioning of the last part of the development

**Reason: In order to define the terms of this permission, to minimise the level of visual intrusion, and to minimise any adverse impacts as a result of the construction phase of the development.**

**Construction**

9. No construction will take place unless a timetable for the Construction Period has been agreed in writing with the Planning Authority. It will include a start and finish date, noting that the work will not extend beyond a period of six years from the date of commencement unless with the express written consent of the Planning Authority.

**Reason: In order to define the terms of this permission, to minimise the level of visual intrusion, and to minimise any adverse impacts as a result of the construction phase of the development**

10. No construction work will commence until a site-specific Construction Method Statement (CMS) has been submitted to and approved by the Planning Authority following consultation with SNH and SEPA. Thereafter, the approved method statement will be implemented by the Partnership. The method statement will incorporate “good practice” methods from the Scottish/UK wind farm industry, including best practice methods associated with developments on peatland.

The CMS will include the following:

#### CMS – General

- A programme detailing the phasing of construction activity, together with the sequence of the development in particular the creation of the on-site tracks.
- Details of the temporary construction site compound(s), including, boundary fencing, surfacing, both surface and foul water drainage provisions, lighting, any temporary structures to be erected, and of wheel cleaning equipment to prevent the transfer of mud to the public highway.
- Dust suppression and management,
- Any works to public roads (inclusive of any junction re-alignments)
- Access, signing and re-routing arrangements, including those for recreational users during construction activity.
- Details on concrete production.
- The appointment of suitably qualified specialists

#### CMS – Track Construction

- Method of defining track route and location (pegging out in advance of operations).
- Details on track design approach: Maps of tracks indicating approved locations for double and single tracks and position of passing places. Full extent of anticipated track ‘footprint(s)’ including extent of supporting geogrid below roadstone and cabling at edges of the track.
- Details on track construction including floating track construction over peat >1m deep and gradients of 1:10 or less.
- Methods to deal with failing roads, sinking/sunken roads, peat rotation at road edges etc during the processes of constructing and decommissioning the wind farm.
- Timing, extent, design, treatment and reinstatement of embankments, track edges and other areas affected by track construction.
- Design of crossing points for water courses such as culverts and bridges.
- Details on on-site cabling (to be located in disturbed areas adjacent to tracks unless agreed with the Planning Authority)
- Procedure for the monthly reporting to the Planning Authority in writing of all departures from the agreed method statement and design parameters for the tracks.
- Provision of a water supply and a sufficient number of water bowsers and/or dust suppression equipment.

#### CMS – Peat General

The Partnership will undertake on-going assessment of ground conditions as construction progresses. The results of this monitoring will be fed into a geotechnical risk register which will include peat stability risks. On-going analysis and call out services will be provided by suitably qualified geotechnical personnel (Geotechnical Clerk of Works, GCoW) whose appointment has been approved by the Planning Authority. If a risk of peat failure is identified, the Partnership will install and monitor ground conditions using suitable geotechnical instrumentation as recommended by the approved geotechnical personnel. This may take the form of a line of stakes, levelling points or more complex installations such as inclinometers. Any remediation considered necessary will be approved in writing by the Planning Authority prior to implementation.

The Partnership will develop and adopt a formalised reporting procedure which records Site workings, monitoring results and any observations that may be pertinent to the stability of the works, under which terms the records shall always be available at the offices of the site contractor carrying out workings in the area being reported on, and which shall be made available to all persons with responsibility for the site management, and officers of the Planning Authority or its nominees.

#### CMS – Borrow Pit(s)

Details of the proposed opening, working and reinstatement of new borrow pit areas, including details on:

- Ground investigation findings, including information on groundwater levels;
- Drainage including measures to control ingress of surface water into the borrow pit and to prevent the drying out of surrounding peatland, and any dewatering and associated drainage facilities appropriate to the area to be stripped of overburden and worked;
- Formation of site access and site compound, and demarcation of the borrow pit by perimeter fencing;
- the installation of wheel cleaning equipment and sheeting gantry to prevent the transfer of mud and loads to the public highway where haulage of materials won at the particular borrow pit is to take place on public roads;
- Provision of a notice board of durable material and finish to be placed at the site entrance, indicating the name, address, and telephone number of the company responsible for the operation of the borrow pit, and of an official who will be available to deal promptly with any complaints;
- Method of working (to include blasting where applicable and benching where required) including a phased approach, any crushing plant and any protection measures to safeguard the stability of adjoining land, and where this comprises a public road that of the safety of its users also;
- Overburden (peat, mineral soil and loose weathered rock) handling and storage according to type and quality and in accordance with the Management of Extractive Waste (Scotland) Regs 2010.
- Programme of implementation (phased approach) to reinstatement of the borrow pit; and
- Design and programme of reinstatement, restoration and aftercare, including type and volumes of restoration materials (and where this is to be placed in the restoration horizon).

**Reason: In order to define the terms of this permission, to minimise the level of visual intrusion, and to minimise any adverse impacts as a result of the construction phase of the development.**

11. Construction work with potential to create a nuisance as measured from the boundary of any noise-sensitive receptor will only take place between the hours of 07.00 to 19.00 on Monday to Friday inclusive, 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or on local or national public holidays. Outwith these said hours, development at the site will be limited to turbine erection, maintenance, emergency works, dust suppression, and the testing of plant and equipment, or construction work that is not audible from any noise-sensitive property located outwith the application site unless otherwise approved in writing by the Planning Authority. The receipt of any materials or equipment for the construction of the development hereby permitted, by track, other than turbine blades, nacelles and towers, is not allowed outwith the said hours, unless otherwise agreed by the Planning Authority with it having been given a minimum of 2 working days notice of the occurrence of the proposed event. Deliveries to site (excluding abnormal loads) during construction of the wind farm will be limited to 08.00 to 18.00 Monday to Friday, and 09.00 to 12.00 on Saturdays, with no deliveries taking place on a Sunday or on local or national public holidays.

**Reason: In the interests of local amenity**

12. Prior to the Commencement of the Development, plans to a scale of 1:500 will be submitted to the Planning Authority for approval in writing showing the location of the temporary construction site compounds and laydown areas required temporarily in connection with the construction of the development. Each plan will indicate the location of any buildings, car parking, material stockpiles, oil storage, lighting columns, wheel cleaning and lorry sheeting facilities, and boundary fencing. The plans will detail the surfacing of each site compound, the means of drainage and dust suppression within the compound, the arrangement for the on-site storage of fuel oil, the maximum heights to which materials will be stockpiled, and will set out the activities that will take place within the compound. The plans must also demonstrate how environmental sensitivities in proximity to the site are to be protected during construction.

**Reason: To ensure compliance with all commitments made in the Environmental Statement to minimise pollution risks arising from construction activities.**

13. The Partnership shall publicise the programme for the commencement and duration of operations, provide details of the project programme, and provide named contacts for daytime and out-of-hours by means of a public notice placed in a paid newspaper circulating in the locality prior to Commencement of Development of the site. Thereafter, the Partnership shall convene at least every six months during the process of constructing and commissioning the wind farm a liaison committee and invite representatives of the Partnership and its site contractors, the Planning Authority, the Scottish Environmental Protection Agency, relevant Community Councils the Shetland Windfarm Environmental

Advisory Group (SWEAG), and interested local residents for the purpose of exchanging information and comment about the construction of the wind farm.

**Reason: To ensure programme information is made available to the local community**

14. All electricity and control cables between the turbines, substations and control buildings will be laid underground alongside tracks which are to be constructed on the site unless otherwise agreed with the Planning Authority.

**Reason: In the interests of visual amenity and to minimise disruption to habitats**

15. No blasting activities will take place on the site until a detailed assessment of noise and vibration from borrow pit blasting has been undertaken, and a plan to deal with noise and vibration has been submitted to and approved in writing by the Planning Authority. If blasting is required to fully assess the impact in line with best practice, this should be included in the detailed proposals. Thereafter, the development will be implemented in accordance with the approved plan unless otherwise agreed in writing with the Planning Authority.

**Reason: To ensure that borrow pit excavation is controlled in the interests of local amenity**

16. Material extracted and removed from the borrow pits authorised by the deemed consent shall only be used in the construction of the wind farm development hereby permitted.

**Reason: In order to define the terms of this permission, and to ensure that borrow pit excavation is controlled in the interests of local amenity.**

## **Design and Siting**

17. No development will take place unless the exact details of the 103 turbines at the positions shown on figures A4.1.1. and A4.1.2. (of the Environmental Statement Addendum) and detailed in Appendix 4.2 of the Environmental Statement as amended by Tables A4.1 and A4.2 of the Environmental Statement Addendum, and excluding the Delting Parish turbines D5-7, D9-18 and D23-33 and associated ancillary developments inclusive, (including size, type, external finish / colour, power rating, sound levels), the 7 meteorological mast and all associated apparatus (substation and associated control buildings, and central sub-station/control building and workshop in the Kergord valley), have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt, the tip height of the turbines hereby granted planning permission will not exceed 145 metres in height above ground level. The development will be implemented in accordance with the approved details.

**Reason: In the interests of visual amenity**



18. Following the formation of the access tracks, for all turbine, crane pad and meteorological mast locations approved by this consent, a variation of their indicated position by less than 50 metres either side of the centre of the track, and the positions shown on figures A4.1.1. and A4.1.2. (of the Environmental Statement Addendum) and detailed in Appendix 4.2 of the Environmental Statement as amended by Tables A4.1, A4.2 and A4.4 of the Environmental Statement Addendum (as is relevant) and excluding the Delting Parish turbines D5-7, D9-18 and D23-33 and associated ancillary developments inclusive, will only be permitted in consultation with the Ecological and Archaeological Clerk of Works. A variation of between 50 metres and 100 metres either side of the centre of the track and the positions shown on figures A4.1.1. and A4.1.2. (of the Environmental Statement Addendum) and detailed in Appendix 4.2 of the Environmental Statement as amended by Tables A4.1, A4.2 and A4.4 of the Environmental Statement Addendum (as is relevant) and excluding the Delting Parish turbines D5-7, D9-18 and D23-33 and ancillary developments inclusive, will only be permitted following written approval of the Planning Authority, following consultation with SEPA and SNH.

Details of how micro-siting will be implemented and controlled will be detailed within the Site Environmental Management Plan (SEMP) referred to in condition 22. No re-siting outwith micro-siting boundaries will be permitted.

**Reason: In the interests of visual amenity and in order to define the terms of this planning permission**

19. The wind turbine blades on all the turbines hereby approved will rotate in the same direction.

**Reason: In the interests of visual amenity**

20. No symbols, signs or logos or other lettering, other than those required for health and safety and for traffic management, shall be displayed on any part of the turbines nor any other building or structures without the written consent of the Planning Authority.

**Reason: In the interests of visual amenity**

21. Full details of the proposed substation building and associated control buildings, and the control & maintenance buildings in the Kergord valley, including external finishes, colour, dimensions and orientation proposed will be submitted to and approved in writing by the Planning Authority at least 3 months prior to construction of the aforementioned structures. The substation and operations & maintenance buildings will be implemented in accordance with such details as have been so approved.

**Reason: In the interests of visual amenity**

**Ecology & Pollution Prevention**

22. A site-specific Environmental Management Plan(SEMP) shall be submitted to and approved in writing by Planning Authority following consultation with SNH and SEPA at least 3 months prior to Commencement of Construction Works. Thereafter the approved Site Environmental Management Plan (SEMP) will be implemented by the Partnership and shall throughout the construction period be maintained and updated with the Planning Authority's agreement. The SEMP will incorporate "good practice" methods from the Scottish/UK wind farm industry and applicable SEPA guidance documents to ensure that environmental impacts are reduced.

The site-specific SEMP will define good practice as well as specific actions required to implement mitigation requirements as identified in the Environmental Statement (ES), the ES Addendum, the planning process and/or other licensing or consenting processes. Unless already covered in the CMS, the SEMP will include (but are not limited to):

- Information on how Scheme Amendments and variations will be recorded including micrositing (change control);
- An Environmental Communication Plan detailing roles and responsibilities as well as lines of communication (to include the Planning Authority);
- Information on environmental checks and audits to be undertaken during and post construction;
- Information on a Site Induction Schedule;
- Pollution Prevention Plan, including oil spill contingencies and foul drainage arrangements, arrangements for liquid/chemical storage areas etc;
- Site Waste Management Plan, including information on expected waste streams and volumes, management of each waste stream (including excavated materials which may be classed as waste under the Management of Extractive Waste (Scotland) Regs 2010, waste contractors, storage locations, and waste documentation;
- Drainage Management Plan, including details on permanent and temporary drainage and silt pollution mitigation measures (as far as not covered within CMS or Pollution Prevention Plan);
- Watercourse Crossing Plan, including details on type of crossings, locations, required consents/licences and specific mitigation measures;
- Water Quality Monitoring Plan, including information on monitoring programmes pre, during and post construction in relation to water quality chemistry, visual observations, sampling and analysis and the actions that will be taken if monitoring indicates a deterioration in water quality;
- Excavated Materials and Reinstatement Plan, including a site plan indicating all the areas which will be subject to reinstatement and proposed reinstatement objectives in terms of final ground conditions, details on type and volumes of materials to be excavated and areas, volumes and methodology for reinstatement. Furthermore any areas that may be subject to further disturbance during the operation of the windfarm, within the terms of the defined description of the development for the Section 36 consent and deemed planning permission, should be detailed including the likely frequency of disturbance and rational for disturbance.
- Ecological (Habitats and Species) Protection Plan, including information on monitoring and mitigation measures in relation to species and habitat

protection as identified in the ES and other relevant documents relating to this consent; and

- Environmental Incident and Emergency Response Plan.

**For the avoidance of doubt, the SEMP will include details on the following:**

- A minimum buffer between all infrastructure, to include access tracks (but excluding access tracks leading to watercourse crossings) to be set at 50 m. Exceptions to this by agreement of the Planning Authority in consultation with SEPA, and other parties relevant to interests being considered.
- A scheme of site specific buffer distances which are determined by the sensitivity of the soil, terrain, vegetation and other site specific characteristics, applying a minimum buffer to at-risk watercourses of 50 m. A map showing the demarcation of identified hydrologically sensitive areas will be included, together with a rationale for the different buffer distances.
- Contingency planning measures for storm events or the risk of localised peat slide, which may increase the rate of sediment transport and cause damage to fish habitats and populations.
- The terms of appointment, roles, responsibilities and powers (including the stopping of construction and reinstatement/restoration activities) of the Ecological Clerk of Works (ECoW), Geotechnical Clerk of Works (GCoW) and other roles relating to the implementation and monitoring of this consent and compliance with the terms of its relating documents.
- Information on environmental auditing and monitoring during construction (in relation to e.g. environmental, ecological and geotechnical monitoring pre-, during and post-construction, independent monitoring and auditing), to include frequency, methodology and details of parties to be invited to participate, which shall include the Planning Authority.

**Reason: in the interests of ensuring that the development is implemented in full accordance with submitted and approved details and to provide details in a single location for ease of update and interrogation.**

23. Prior to the Commencement of Development, the Partnership will appoint an Ecological Clerks of Works (ECoW), at its own expense, for the period from the Commencement of Development until the final commissioning of the development and again from the commencement of the decommissioning of the wind farm until the completion of the restoration of those parts of the site to be restored in accordance with the approvals given under the terms of conditions of this consent. The Ecological Clerk of Works will be a member of the Institute of Ecology and Environmental Management or equivalent. He/she will be appointed by the Partnership, subject to the approval of the Planning Authority, following consultation with SNH and SEPA.

The scope of the work of the Ecological Clerk of Works will include:

- Monitoring compliance with the ecological, hydrological and other environmental mitigation works that have been approved in this consent.

- Advising the Partnership on adequate protection of nature conservation interests on the Site, and prevention of off-site adverse environmental impacts.
- Checking for new recordings of protected species with any additional mitigation required
- Directing the micrositing and placement of turbines and tracks
- Monitoring the compliance with mitigation, reinstatement and restoration measures approved by this consent.

**Reason: to protect the natural heritage of the area**

24. Any crossing works to a watercourse and waterbody must not restrict migratory fish and must be designed and constructed to protect fish interests.

Prior to commencement of construction works, an additional pre-construction survey will be undertaken by the Partnership in streams, details to be agreed with the Planning Authority in consultation with SEPA and SNH beforehand, in order to assess “natural” annual variation in fish abundance” and to support establishment of a baseline for post-construction monitoring. This survey will also include an assessment of artificial barriers to fish passage as identified within the ES, and proposals to remove or modify those structures which result in poor ecological status as part of a habitat management plan.

There will be no commencement of engineering works to any standing water within the site boundary unless fully agreed by the Planning Authority in consultation with SNH and SEPA.

**Reason: In the interests of ensuring minimal disruption to habitats.**

25. The Partnership should carry out baseline Hydrochemistry surveys at least one year prior to construction, and submit the findings, along with all monitoring programmes, including control sampling sites and additional quantitative fish survey sites, to which the Partnership have agreed upon, to Marine Scotland Science-Freshwater Laboratory (MSS-FL) for review. This information should be accompanied by a map outlining wind farm infrastructures and proposed sampling sites.

**Reason: To protect fish stocks and aquatic environment.**

**Habitat Management Plan**

26. (1) The construction of the Development shall not commence until:

- (a) a proposed Habitat Management Plan has been prepared in accordance with this condition and in consultation with SNH;
- (b) that proposed Habitat Management Plan has been submitted to the planning authority for approval;

(c) the planning authority have, in consultation with SNH, approved the Habitat Management Plan in writing; and

(d) all Necessary Consents have been granted or have been obtained by the Partnership.

(2) The Habitat Management Plan (based on the Habitat Management Plan set out in the Viking ES Addendum Appendix 10.9) is to set out measures and works to mitigate the impacts of the Windfarm by enhancement, restoration and conservation of priority species (in particular whimbrel, red-throated diver and merlin) and priority habitats (especially blanket bog) over the life of the development, and in particular is to include:

(a) an implementation programme, including details of the baseline surveys, initial phase of works and monitoring for the first 3 years of implementation;

(b) provisions requiring annual summary progress reports to be submitted to the Planning Authority and the Shetland Wind Farm Environmental Advisory Group (SWEAG) [as defined in Condition 27];

(c) provisions requiring a review of the Habitat Management Plan which are to include provisions-

(i) requiring periodic reviews of the operation and effectiveness of the Habitat Management Plan to be carried out and submitted to SWEAG; and

(ii) requiring such reviews to be carried out at recurring intervals of no more than 3 years commencing from the date of initial approval of the Habitat Management Plan; and

(iii) for implementation of works on a phased basis between reviews;

(iv) requiring (in addition to the regular reviews) the monitoring of implementation works and how this will (including all monitoring outputs) be reported to SWEAG; and

(v) for adaptation and modification (with the written approval of the planning authority in consultation with SNH and SWEAG) of the management techniques and monitoring within the approved Habitat Management Plan in the light of monitoring and reviews.

(3) Following a review of the operation and effectiveness of the Habitat Management Plan any proposed modifications to the Habitat Management Plan are to be submitted to the Planning Authority for approval in writing.

(4) The Habitat Management Plan prepared and approved in accordance with paragraph (1) (or such Plan as amended following any modifications approved under paragraph (3)) shall be implemented to the satisfaction of the Planning Authority in consultation with SNH and SWEAG.

(5) In this condition—

(a) “Necessary Consents” means—

(i) any consent or permission required by an enactment to enable the approved Habitat Management Plan (or as the case may be, (or

- such Plan as amended following any modifications approved under paragraph (3)) to be implemented; and
- (ii) any right of ownership or right or permission to use or take access over land required by the applicant in order to implement the Habitat Management Plan (or amended Plan); and

- (b) references to SWEAG are references to the bodies comprising the Shetland Wind Farm Environmental Advisory Group constituted by virtue of condition 27(1).

**Reason: In the interests of ensuring minimal disruption to habitats.**

27.(1) Prior to the commencement of construction, details of the constitution, terms of reference (including procedures for the review of the Habitat Management Plan) membership and working arrangements of the Shetland Wind Farm Environmental Advisory Group (SWEAG) shall be submitted to and approved in writing by the Planning Authority in consultation with SNH, and the first meeting of SWEAG held.

- (2) The approved details must within 2 months of such approval be published in accordance with the publicity requirements set out under Planning Condition 13.

**Reason: In the interests of ensuring minimal disruption to habitats.**

28. (1) No works comprised in the Development shall commence until a Water Assets Protection Scheme, prepared in accordance with this condition, has been submitted to, and approved by the Planning Authority in consultation with the Scottish Water.

(2) The Water Assets Protection Scheme is a Scheme setting out measures to protect against the risk of contamination of water or damage to water infrastructure in the course of the construction and operation of the Development and is to include-

- (a) measures relating to the location of works, including the placement of plant or excavated materials, in relation to water mains or other water assets;
- (b) arrangements for, and specification of works relating to, the altering of the level of any chambers;
- (c) details of how any excavation or pumping in the proximity of a water main is to be undertaken; and
- (d) details of how any piling or other construction methods which create vibrations in pipelines or ancillary apparatus are to be carried out.

(3) The Development shall be carried out in accordance with the approved Water Assets Protection Scheme.

**Reason: For the protection of public water assets from the risk of contamination and damage.**

**Ornithology**

29. Prior to the Commencement of Development, relevant preconstruction ornithological surveys shall have been completed, and the HMP and a Bird Protection Plan (as specified in A11-17 of the ES addendum) shall be submitted to and approved in writing by the Planning Authority in consultation with SNH. A revised Bird Protection Plan will be produced and submitted for approval to the Planning Authority for works beyond the anniversary of any current approved plan.

**Reason: In the interest of protection of breeding birds.**

### **Roads and Traffic**

30. Prior to the Commencement of Development, a Traffic Management Plan (TMP) will be submitted to and approved in writing by the Planning Authority. The said Traffic Management Plan will include, inter alia, the following:

- a) the routing of all site traffic to be provided strictly in accordance with the submitted Environmental Statement and Addendum with appropriate policing /supervision procedures being specified and in place,
- b) arrangements for the control of contractors / sub-contractors,
- c) provision of appropriate signing / lining arrangements,
- d) arrangements for emergency vehicle access,
- e) identification of a nominated person to whom any road safety issues can be referred.

Thereafter, the Development will be implemented in full accordance with the approved Traffic Management Plan.

**Reason: In the interests of road safety**

31. Prior to abnormal loads accessing the site, a plan for such access including further information in respect of the length / width / weight / axle configuration of all extraordinary traffic accessing the site will be approved in writing by the Planning Authority (in consultation with the roads authority and the local police Chief Inspector).

**Reason: In the interests of road safety.**

32. No development will take place unless a scheme for the provision of road cleaning / sweeping measures to deal with any mud, silt or other loose material trafficked onto the road as a result of the development has been submitted to and approved in writing by the Planning Authority. Such scheme will be implemented as approved.

**Reason: In the interests of road safety.**

### **Archaeology**

33. Prior to the commencement of development (and in consultation with Shetland Island's Council Regional Archaeologist) an Archaeological Clerk of Works (ACoW) will be appointed by the Partnership for the duration of the construction period. This ACoW will be qualified to a minimum of AlfA level.

The scope of the work of the ACoW will include:

- Monitoring compliance with the archaeological mitigation works that have been approved in this consent.
- Advising the Partnership on adequate protection of archaeological interests on the Site
- Checking for new records of archaeological interest for which additional mitigation may be required
- Directing the micro-siting and placement of turbines and tracks
- Monitoring the compliance with mitigation, reinstatement and restoration measures approved by this consent.

**Reason: To ensure that the Partnership meets its obligation to minimise impacts on the archaeological resource.**

34. Prior to the commencement of any intrusive/groundbreaking works, the Partnership will undertake the works specified in Appendix A13.5 3.3 of the ES Addendum, excluding any works specified for the Delting Parish turbines D5-7, D9-18 and D23-33 and associated ancillary developments inclusive.

**Reason: To ensure that any visible archaeological remains are not damaged by the proposed development and that adequate mitigation is put in place to safeguard the archaeological heritage.**

35. In order to protect any archaeologically significant areas the Partnership will undertake the works specified in Appendix A13.3 3.4 of the ES Addendum, excluding any works specified for the Delting Parish turbines D5-7, D9-18 and D23-33 and associated ancillary developments inclusive, as modified to include archaeological monuments/sites or parts of sites within 50 m of all groundbreaking works.

**Reason: In order to safeguard known archaeological monuments and sites from accidental disturbance or damage during development and to ensure that the limits of the site which may be underground will also be protected.**

36. The Partnership will undertake the geophysical survey works specified in Appendix A13.5 3.5.1-3.5.8 of the ES Addendum, , excluding any works specified for the Delting Parish turbines D5-7, D9-18 and D23-33 and associated ancillary developments inclusive. Precise working methods will be agreed with the Planning Authority's Regional Archaeologist in advance of development in accordance with Appendix A13.5 3.5.11- 3.5.16 of the ES Addendum. This programme of works will be interdigitated with the phased development of the project, separate reports being prepared for each phase of work.

**Reason: To maximise the amount of information known about the archaeology as rapidly and cost effectively as possible and to inform subsequent work.**



37. The Partnership will undertake palaeoenvironmental cores as defined by paragraphs 3.5.9 and 3.5.10 of the ES Addendum, excluding any works specified for the Delting Parish turbines D5-7, D9-18 and D23-33 and associated ancillary developments inclusive.

**Reason: The development has the potential to impact on the hydrology of the peat which may lead to loss of information about the Central Mainland's past environment. This work will ensure preservation by record.**

38. The Partnership will undertake an archaeological watching brief in accordance with the works specified in A13.5 3.6 of the ES Addendum, excluding any works specified for the Delting Parish turbines D5-7, D9-18 and D23-33 and associated ancillary developments inclusive.

**Reason: To ensure that buried features disturbed by ground-breaking works can be identified and recorded as appropriate.**

39. The Partnership will undertake Archaeological Trial Trenching / Area Excavation / Machine Evaluation in accordance with the works specified in A13.5 3.7 and 3.8. of the ES Addendum, excluding any works specified for the Delting Parish turbines D5-7, D9-18 and D23-33 and associated ancillary developments inclusive.

**Reason: It is recognised that the development has the potential to impact on archaeological remains and that where preservation in situ cannot be carried out, then preservation by record is required (SPP 2010, 123).**

40. The Partnership will give the Regional Archaeologist at least 15 working days notice prior to the beginning of the archaeological work in each quadrant. The Partnership will keep the Regional Archaeologist informed of the timetable and progress of the archaeological work and ensure they are informed of significant discoveries immediately. The Partnership will afford the Regional Archaeology Service reasonable access at all times.

**Reason: The Regional Archaeologist will monitor the archaeological component of the development on behalf of the Planning Authority. Speedy access and good communication will facilitate efficient working and timely resolution of archaeological issues.**

41. Prior to the Commencement of Development a heritage strategy will be submitted to and approved in writing by the Planning Authority in consultation with Historic Scotland.

This Heritage Strategy will include measures to improve public access, improve knowledge base and interpretation of the agreed archaeological assets, in consultation with Historic Scotland and the Planning Authority's archaeological advisor.

The Heritage strategy will be implemented as approved.

**Reason: To improve the knowledge base and secure the appropriate recording of certain archaeological assets affected by the development and to improve access to and interpretation of these assets, in mitigation of the indirect impact on the amenity value of these assets and visual impact of the wind farm on visitors.**

## Noise

42. The Partnership will log wind speed and wind direction data continuously and will retain the data, which has been obtained for a period of no less than the previous 12 months using latest best practice. The data will include the average wind speed in metres per second for each 10 minute period. The measuring periods will be set to commence on the hour and in 10 minute increments thereafter. The wind speed data will be made available to the Planning Authority on request. The data will be provided on a Microsoft Excel spreadsheet in electronic format or other format agreed with the Planning Authority. In the case where the wind speed is measured at a height other than 10 m, the data will be supplemented by adjusted values which allow for wind shear, normalised to 10 m height. Details of the wind shear calculation shall be provided to the Planning Authority on request.

**Reason: To ensure data is available to assist noise monitoring and protect residential amenity**

43. The nominal overall sound power level at each octave band for the turbines will not exceed the levels specified in Table 12.9 of Chapter 12, Viking Wind Farm Environmental Statement Volume 2, dated May 2009, submitted by the Partnership. The Partnership will secure a warranty, from the turbine supplier and / or manufacturer that the sound power levels of the turbines will not exceed the broadband levels stated in Table A12.9 of the May 2009 document. The turbines will be designed to permit individually controlled operation, or cut-out, at specified wind speeds and directions in order to facilitate compliance with noise level criteria, should the need arise.

**Reason: To limit noise generated by the development and protect residential amenity**

44. At Wind Speeds not exceeding 12m/s, (as measured, or calculated, at a height of 10m above ground level, at the location of one of the turbines), the Wind Turbine Noise Level, when measured at any dwelling, will not exceed:-

- a) During Night Hours, 43dB LA90,10min or the Night Hours LA90,10min Background Noise Level plus 5 dB(A), whichever is the greater.
- b) During Daytime Hours, 35 dB LA90,10min or the Daytime Hours LA90,10min Background Noise Level plus 5 dB(A), whichever is the greater.

(The background Noise Level in this condition means the level determined at each property at the time of the Background Noise Level survey submitted with this application and as reported in Table A12.8 of the Environmental Statement

Addendum. The condition will only apply to dwellings vacant or occupied, existing at the date of this Planning Permission).

**Reason: To assist in the evaluation of any complaints, in the interests of the amenity of local residents.**

45. At the request of the Planning Authority, following a complaint to the Planning Authority relating to noise emissions from wind turbines, the Partnership will engage a suitably qualified and competent person to measure, at its own expense, the level of noise emissions from the wind turbines (inclusive of existing background noise). A competent person would be a corporate member of The Institute of Acoustics or an appropriately qualified employee of a company that is a member of the Association of Noise Consultants.

The LA90 index will be used over a minimum of 20 periods each of 10 minutes duration. At least 10 of the periods of measurement will be made at wind speeds between a wind speed specified by the Planning Authority and a wind speed of not more than 2 metres per second above the wind speed(s) specified by the Planning Authority. At least 10 measurements will be made at wind speeds between the wind speed specified by the Planning Authority and a wind speed not less than 2 metres per second below the wind speed(s) specified by the Planning Authority. Measurements of noise emissions will, so far as is reasonably practicable, be made in consecutive 10-minute periods provided that they fall within the wind speed range defined in this clause.

The LA90, 10min noise level from the combined effect of the wind turbines (inclusive of existing background noise) will be correlated with wind speed and derived using a Best Fit Curve and, where appropriate, allowing for a correction for the influence of the background noise level as described on page 88 of the ETSU-R-97 document, which may also necessitate measurement of the background noise level in the absence of the turbines operating.

The locations of monitoring will be agreed with, the Planning Authority.

**Reason: To monitor noise and protect residential amenity**

46. At the request of the Planning Authority the Partnership will be required to engage a competent person to carry out an assessment for tonal noise in accordance with the procedure recommended in Section 6 of the document "The Assessment and Rating of Noise from Wind Farms" (ETSU - R-97) i.e. the procedure based on the Joint Nordic Method.

Where the tone level above audibility is greater than 2 dB a tonal penalty will be applied to permitted noise levels, in accordance with figure 16 of the document; so that the permitted levels specified in these conditions will be reduced by the tonal penalty.

A competent person would be a corporate member of the Institute of Acoustics or an appropriately qualified employee of a company that is a member of the Association of Noise Consultants.

**Reason: To monitor noise and protect residential amenity**

47. In the event of the noise levels referred to in these conditions be exceeded, the Partnership will take all reasonable steps forthwith, to ensure that noise emissions from the wind farm are reduced to the prescribed noise levels, or below.

Turning off a particular turbine, or group of turbines, will be required while an engineering solution to any issue or defect is developed and put in place.

**Reason: To protect residential amenity**

**Aviation**

48. Prior to the erection of any wind turbine, a scheme of aviation lighting will be submitted to and approved in writing with the Planning Authority in consultation with the Ministry of Defence. Thereafter the approved scheme will be fully implemented on site, unless otherwise agreed in writing with the planning authority.

**Reason: In the interest of aviation safety.**

49. No work will commence on site until the Partnership has provided the Ministry of Defence, Defence Geographic Centre, and NATS with the following detailed information:

- (i) the date of commencement of each phase of construction;
- (ii) the date of completion of each phase of construction;
- (iii) the height above ground level of the tallest structure;
- the maximum extension height of any construction equipment;
- the position of the turbines and met masts in latitude and longitude; and
- (vi) site lighting if appropriate.

**Reason: To ensure that the development is notified to relevant consultees and the position of tall plant and infrastructure is properly recorded.**

**Television and Radio Reception**

50. Prior to the installation of the turbines, the Partnership will commission a survey measuring existing television reception quality, which will be submitted to the Planning Authority. In the event that the Development is found to cause interference to television reception in the vicinity, following a complaint made to the Planning Authority within one year of the Final Commissioning of the Development, the Partnership will take whatever action the Planning Authority deem necessary to remedy such impairment and alleviate the problem, to the satisfaction of the Planning Authority.

**Reason: For the protection of amenity of local residents.**

## **Definitions**

In this consent and deemed planning permission:-

“Partnership” means Viking Energy Partnership (A Scottish General Partnership) having its Office at The Gutters’ Hut, 7 North Ness, Lerwick, Shetland, ZE1 0LZ and its permitted successors and assignees

“Application” means the application and Environment Statement submitted by the Partnership on 20 May 2009 and the subsequent addendum on 29 September 2010

“the Development” means the wind powered electricity generating station on the Shetland Islands, North of Lerwick, as defined in Annex 1

“ES addendum” means the supplementary environmental information supplementary to the environmental statement submitted by Viking Energy Partnership 29 September 2010

“Commencement of Development” means the date on which development will be taken as begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997.

“Final Commissioning of the Development” means the date on which all wind turbines generators forming the Development have supplied electricity on a commercial basis or such earlier date as the Scottish Ministers deem the Development to be complete;

“Decommissioning of the Development ” means the date on which those elements of the Development have been permanently decommissioned and removed from the site, in accordance with the conditions of this consent

“Construction Period” means the period from the Commencement of Development until the approved site compounds areas have been reinstated in accordance with the conditions of this consent;

“Environmental Statement” means the Environmental Statement submitted by Viking Energy Partnership on the 20 May 2009;

“Planning Authority” means Shetland Islands Council

“site” means the area of land defined in the application(ES) and outlined in red on the boundary map attached to this consent;

“SEPA” means the Scottish Environmental Protection Agency;

“SNH” means Scottish Natural Heritage;

“NATS” means National Air Traffic Services;

"Wind Turbine Noise Level" means the rated noise level due to the combined effect of all the Wind Turbines at Viking Wind Farm, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R-97.

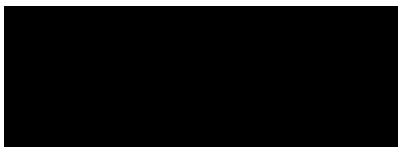
"Background Noise Level" means the noise level in the absence of noise generated by the development as measured and correlated with wind speeds and determined from the regression analysis polynomials stated Section A12.5.2 of the Environmental Statement Addendum, October 2010, at wind speeds between 4 metres per second and 12 metres per second.

"Wind Speeds" means wind speeds measured or calculated at a height of 10 metres above ground level on the wind farm site.

"Night Hours" means 23:00 - 07:00 hours on all days.

#### Noise Measurement Equipment

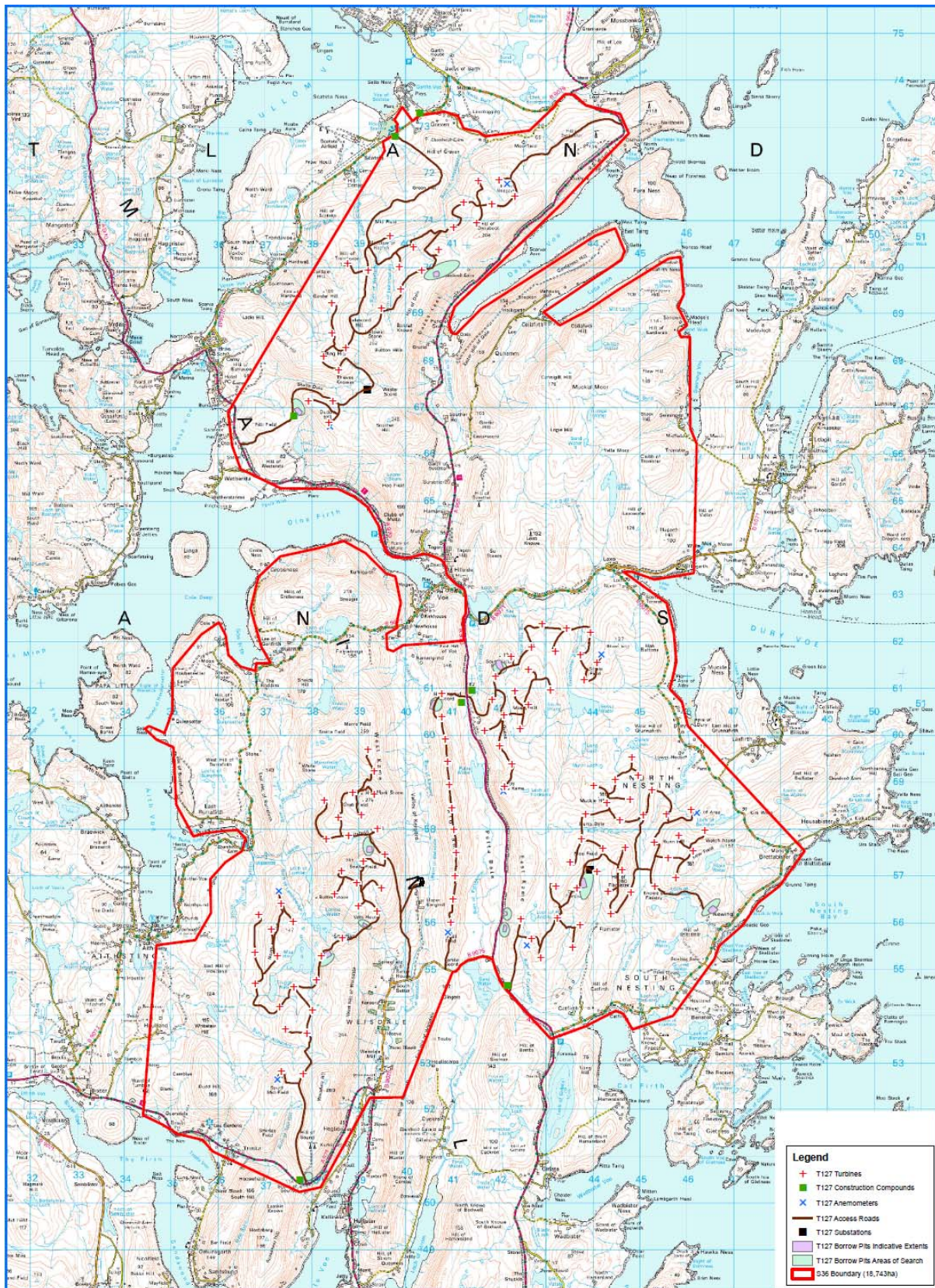
Measurements will be made using a measurement system preferably of Type 1 but at least of Type 2, , (as defined in the relevant British Standard eg. BS7580 Part 1:1997 -), using a fast time weighted response incorporating a windshield using a half inch diameter microphone, at a height of between 1.2m and 1.5m above ground level and at least 10m from any wall, hedge or reflective surface. The applicable standard is dependant on the type of meter e.g. the whether the meter is an integrating sound level meter. Standards other than BS 7580 include BS3539:1986; BSEN60541:1994; BSEN60804:1994 or BSEN60804:2001



**SIMON COOTE**

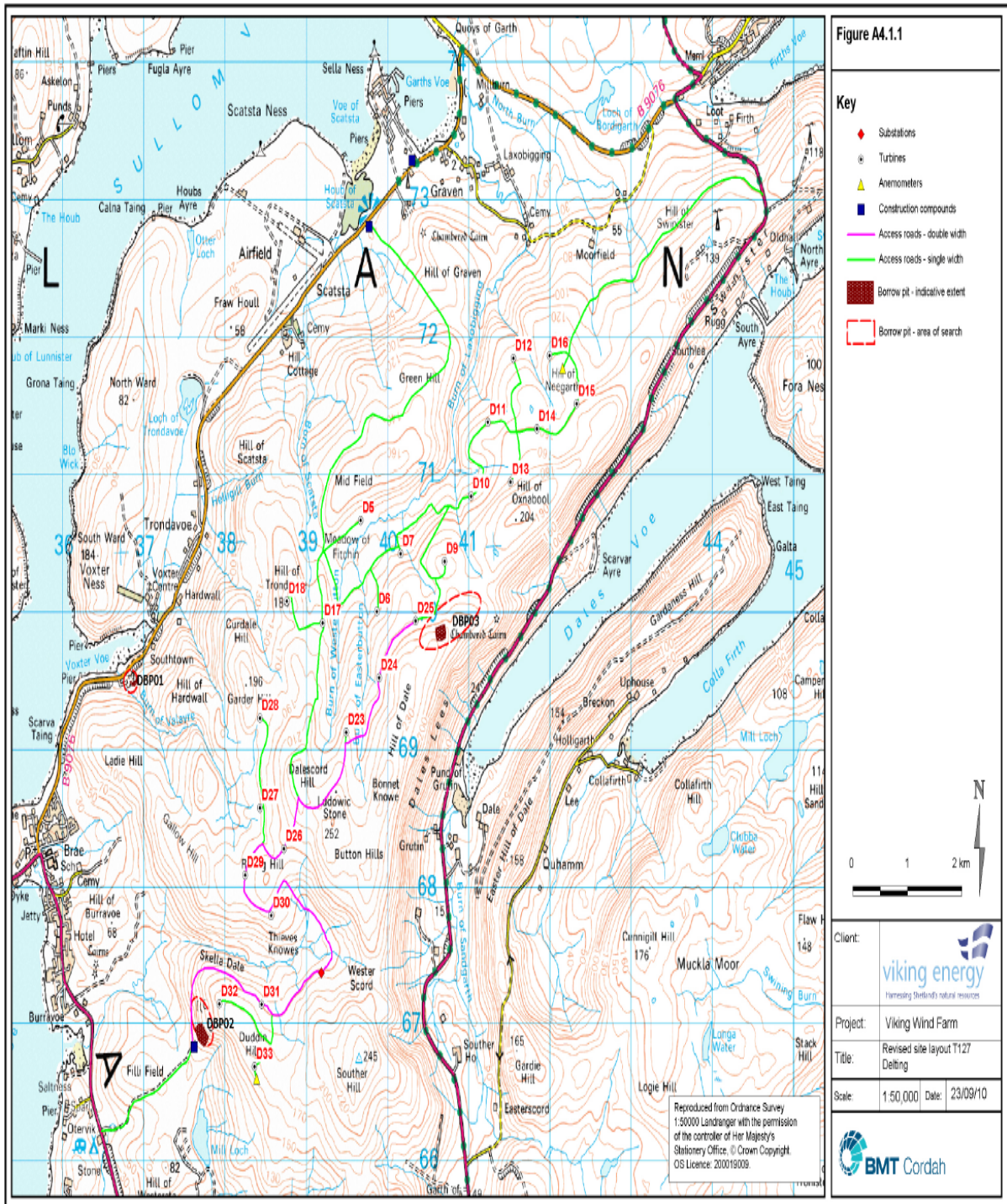
Head of Energy Consents and Deployment Unit  
A member of the staff of the Scottish Ministers

# ANNEX E - RED LINE BOUNDARY MAP



This is the map referred to in the consent by the Scottish Ministers in terms of Section 36 of the Electricity Act 1989 for the construction and operation of a [redacted] powered electricity generating station at [redacted] as confirmed by the Scottish Ministers.

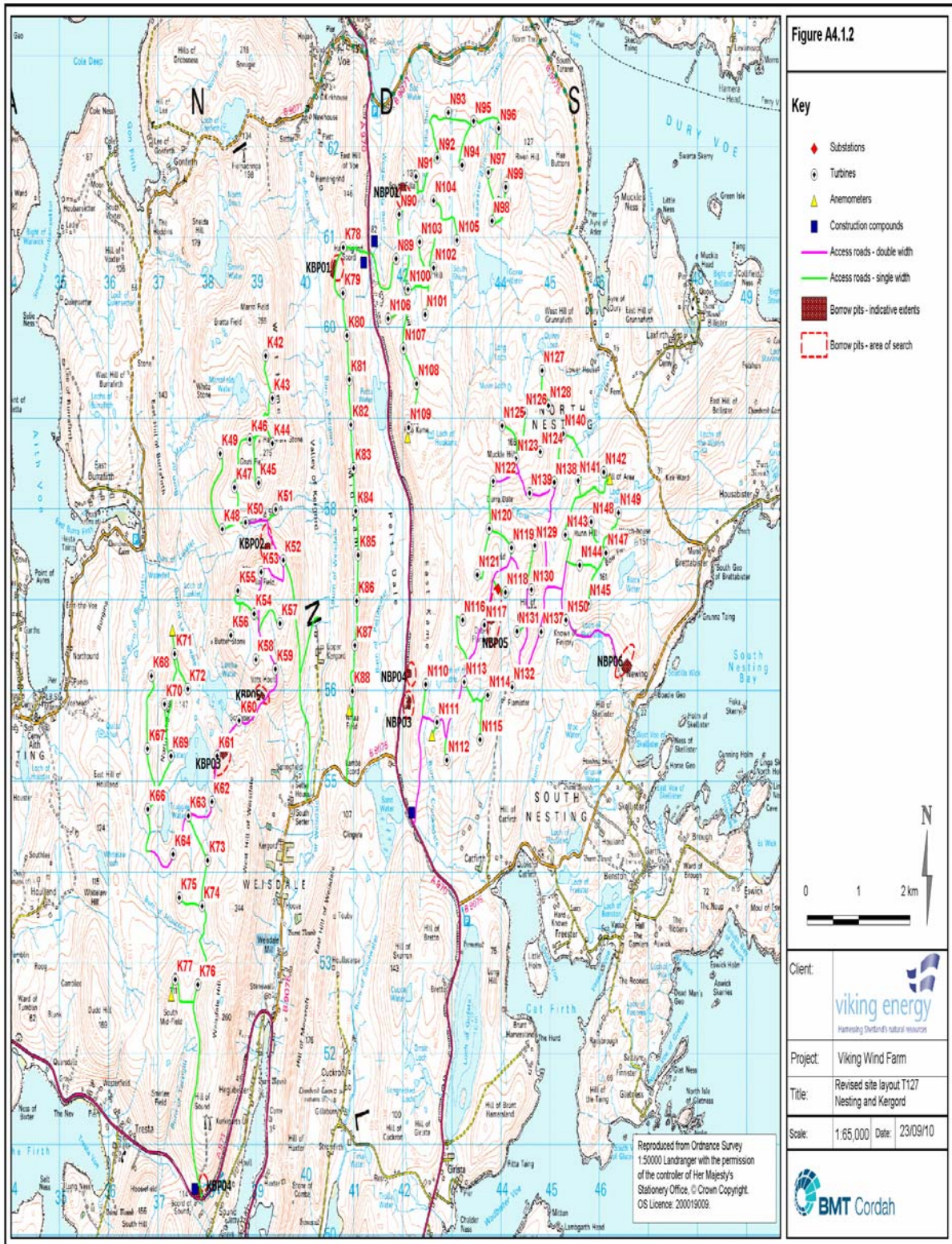
# ANNEX F – DELTING PARISH TURBINE LOCATIONS



This is the map referred to in the consent granted by the Scottish Ministers in terms of Section 36 of the Electricity Act 1989 for the construction and operation of a wind farm powered electricity generating station at Delting as confirmed by the Scottish Ministers.



# ANNEX G – NESTING AND KERGORD TURBINE LOCATIONS



This is the map referred to in the 1997 Order by the Scottish Ministers in terms of Section 36 of the Electricity Act 1989 for the construction and operation of a powered electricity generating station at as confirmed by the Scottish Ministers.