

## Appendix 1.3 Planning Consent 2021/005/PPF



## **SHETLAND ISLANDS COUNCIL**

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

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

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

Shetland Space Centre Limited  
Moray Park  
Seafield Avenue  
Grantown-on-Spey  
UK  
PH26 3JF

#### **Agent Name and Address**

Alan Farningham  
Farningham Planning Ltd  
The Bourse  
47 Timber Bush  
Leith  
Edinburgh  
UK  
EH6 6QH

#### **Reference Number: 2021/005/PPF**

Vertical launch space port including launch pad complex, satellite tracking station, assembly and integration hangar buildings, with associated security fencing, access, servicing and infrastructure, : Land at Lamba Ness, Unst, Shetland

## **IMPORTANT INFORMATION**

If you are aggrieved by any of the conditions on the grant of planning permission made by the planning authority, you may appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within 3 months from the date of this notice. The notice of appeal should be addressed to Planning and Environmental Appeals Division, Scottish Government, Ground Floor, Hadrian House, Callendar Business Park, Callendar Road, Falkirk FK1 1XR. They will provide you with the necessary forms, or alternatively they can be found on the Scottish Government's website, [www.scotland.gov.uk](http://www.scotland.gov.uk). Appeals can also be submitted electronically using the Online Appeal and Application system, ePlanning, the address for which is: [www.eplanning.scotland.gov.uk](http://www.eplanning.scotland.gov.uk).

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

The applicant, or a third party with sufficient interest, may also petition the Court of Session for judicial review of the decision of the planning authority within three months beginning with the date of this notice. Further information on Judicial Review, including how to raise an action, can be found on the website of the Scottish Courts Service, Petition Department, Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ at [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk) or through the Citizens Advice Bureau at [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk).

### **Environmental Impact Assessment**

Regulation 3 of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, 'the EIA Regulations', prohibits the granting of planning permission for EIA development unless an environmental impact assessment has been carried out and that the environmental information has been taken into account when undertaking an assessment of the development proposal.

The application has been subject to Environmental Impact Assessment under the terms of the EIA Regulations and the applicant has submitted an Environmental Impact Assessment Report (EIAR), which was followed by an EIAR Addendum which was submitted to seek primarily to address an objection to the proposal lodged by Historic Environment Scotland, by revising the proposed site layout for the launch site through adjustment of some of the site infrastructure. The EIAR Addendum also included further clarification and information on the site selection process, and confirmed a specific mitigation of a no-launch period identified as required through the initial consultation responses received to the application. The environmental information contained within the EIAR and EIAR Addendum, and the comments made on the application by consultees, and representations made by members of the public following advertisement of the application in The Shetland Times and The Edinburgh Gazette on 25 January 2021, followed by The Shetland Times on 29 October 2021 and The Edinburgh Gazette on 17 December 2021, carried out in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, 'the 2013 Regulations', and the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, 'the 2017 Regulations', have been taken into account in coming to this decision.

The results of the consultation responses gathered pursuant to the EIA Regulations are set out below:

- Scottish Natural Heritage (SNH) – SNH are content that the proposal can be progressed with appropriate mitigation. It has concluded that the integrity of the Hermaness, Saxa Vord and Valla Field Special Protection Area (SPA), protected for its breeding seabird colony, breeding red-throated diver and a number of breeding seabird species, will not be adversely affected provided no launches or static tests are carried out between mid-May and the end of June, to avoid disturbing birds during the critical incubation and early brooding period. They also identified that mitigation measures identified in the EIAR will reduce to some extent the impact on otters, a European Protected Species, and any licence required from them would be granted.
- Scottish Water – No objection.
- Scottish Environment Protection Agency (SEPA) – SEPA ask that planning conditions relating to: a) appropriate mechanisms to ensure off-site habitat restoration will take place as per the finalised Habitat Restoration Plan; b) the submission of a detailed Peat Management Plan (PMP) and Habitat Management Plan (HMP); and c) a surface water management plan are applied/secured otherwise its representation is to be considered as an objection.
- Historic Environment Scotland (HES) – HES advises that taking all the information provided into account for its historic environment interests, it does not object to the planning application.
- Scottish Ministers – No comments specific to the detail of the submission received. In response to the planning authority having notified the Scottish Ministers of the proposal by virtue of a Direction that came into force in June 2020, because it is for space port related development that had come into the planning system, the Scottish Ministers issued “The Town and Country Planning (Notification of Spaceport and Ancillary Development at Unst) (Shetland islands Council) Direction 2021”. Having been notified subsequently that the Council was minded to grant planning permission for the development the subject of the application, the Scottish Ministers on 25 March 2022 gave notice that it was not Scottish Ministers’ intention to intervene in the application by either issuing a direction restricting the granting of planning permission or by calling in the application for their own determination.
- Unst Community Council - Concluded there were no grounds for objecting to the grant of planning permission.
- Health and Safety Executive – No comments to make.
- Ministry of Defence – Identifies that whilst the physical structures are unlikely to have any significant impact on the operation of Air Defence Radar (ADR), the proposed use has the potential to have an effect on ADR sensors. To address this it requests a condition is applied to any permission issued requiring the submission and approval of a liaison protocol outlining arrangements to ensure that it is made aware of proposed launches (including amendments), and provide for a means of cancellation/postponement of launches if required.
- National Air Traffic Services – Has no safeguarding objection to the proposal.
- Public representations analysed and taken account of.

The Council is satisfied that the requirements of the EIA Regulations have been met. An Environmental Impact Assessment Report (EIAR) followed then by an EIAR Addendum have been submitted along with the application proposal. The EIAR has considered:

- Site Selection, Design Iteration and Alternatives
- Landscape, Seascape and Visual Impact
- Ornithology
- Ecology and Biodiversity
- Cultural Heritage and Archaeology
- Traffic and Transport
- Noise and Vibration
- Air Quality
- Geology, Hydrology and Hydrogeology

- Marine and Transboundary Effects
- Socio-economic Effects
- Climate Change
- Major Accidents and Disasters
- Aviation and Telecommunications
- Environmental Commitments; and
- Residual Effects.

The EIAR Addendum submitted revised the proposed site layout through adjustment of some of the site infrastructure, and provides further clarification and information on the site section process as well as confirming a specific mitigation of a no-launch period. The environmental information as contained within the EIAR and EIAR Addendum, and as otherwise presented as additional information, and the comments made on the application by the consultees, and representations received following advertisement of the application, have been considered, fully and carefully, and taken into account. It is concluded that the proposed development will not give rise to any significant or unacceptable environmental effects, subject to appropriate mitigation measures being implemented to ameliorate effects. The proposal incorporates the necessary environmental design and mitigation measures to minimise adverse environmental impacts. These include measures to address impacts generally, and also specifically upon: the landscape seascape and visual effects; ornithology; ecology and biodiversity; cultural heritage and archaeology; traffic and transportation; noise and vibration; air quality; geology, hydrology and hydrogeology; the marine environment; climate change; and defence, aviation and telecommunications activities. These and other measures to mitigate/monitor impacts can be secured by means of appropriate controlling planning conditions to ensure that there are no unacceptable adverse impacts arising, either as a result of construction related activities, or during the period the site is operational as a vertical launch space port. Where consultees have proposed conditions to mitigate/monitor impacts these have been included as conditions. In the absence of any unacceptable or significant environmental impacts the proposal is acceptable in EIA terms, and subject to compliance with the stated planning conditions, it is considered that the proposed development is acceptable in terms of safeguarding cultural heritage and archaeology; protected species and habitats; landscape and visual; noise; air quality; and peat interests. It is therefore concluded that, on balance, the proposed development accords with the aims and objectives of the adopted Shetland Local Development Plan 2014. The Council is satisfied that there are no material considerations that indicate otherwise.

The Council's assessment of the information presented within the EIA Report and the EIAR Addendum and the other environmental information in relation to the development, and material representations which resulted from the public notification and consultation process carried out in accordance with the 2013 Regulations and 2017 Regulations, together with the Council's reasoned conclusion on the significant effects of the development on the environment are contained within the Report of Handling for the planning application dated 28 February 2022 required under the 2013 Regulations.

The Council is satisfied that this reasoned conclusion is still up to date.

The Council is further satisfied that the significant effects can be addressed by way of mitigation. A detailed description of the proposed mitigation is contained within the chapters of the EIA Report identified above and the Report of Handling dated 28 February 2022, with the latter including any necessary additional mitigations that may have been identified.

The Council has incorporated the requirement for adherence to a schedule of mitigation within the conditions of this permission. Requirements for monitoring measures have been identified and are detailed within the conditions of this permission, and include ones specifically relating to: peat re-use/reinstatement areas (on-site and off-site); the condition of the Scheduled

Monument; ornithological interests; noise and vibration monitoring during the operation and ongoing servicing of the site; and the performance of a Visitor and Spectator Management Plan.

All documents can be viewed online at <https://www.shetland.gov.uk/> and searching using the case reference number.

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

The proposed development would deliver the UK Vertical Launch Pathfinder project - the first ever vertical small satellite orbital launch from UK soil in 2022. It has been stated by both the UK and Scottish Governments to be of National Strategic Importance serving as a catalyst for the growth of the UK's Vertical Spaceflight Programme.

As with all planning applications, the benefits of the proposed development must be weighed against potential disbenefits and then considered in the round, taking account of the relevant Development Plan policies and other material considerations.

Overall, the proposals have attracted more letters of support than objection. While Unst Community Council declined to state either support or opposition, it confirms that a significant majority of the local community is supportive of the project.

Statutory consultee comments have been comprehensively addressed in the Report of Handling and their requests to mitigate and/or monitor identified impacts have been included in the proposed suite of planning conditions. Provided all approved mitigation measures as set out in the EIA Report and the EIA Addendum are implemented, and subject to compliance with the stated planning conditions, it is considered that the proposed development is acceptable in terms of safeguarding cultural heritage and archaeology; protected species and habitats; landscape and visual; noise; air quality; and peat interests. It is therefore concluded that, on balance, the proposed development accords with the aims and objectives of the adopted Shetland Local Development Plan 2014.

In addition to regulation under planning and environmental legislation, the construction and operation of the proposed development, including all safety measures, will be controlled through separate licencing agreements granted by other authorities including the UK Space Agency, the Civil Aviation Authority, Marine Scotland, NatureScot and SEPA.

### Variation of Application

A variation to the application was made in accordance with section 32A of the Town and Country Planning (Scotland) Act 1997 (as amended). The variation arose from changes to the site layout, to reduce the impact of the proposal on specific features of the Scheduled Monument while having regard to other identified on-site constraints in respect of protected species (otter) habitats and peat. The changes included an amendment to the location of the western Administration and Assembly Buildings and a movement of the TEL Hangar building from a position at the Garths further to the south and west, to a position to the south of the site access road being proposed. Specifically: the car park was moved from the south to the west of the Administration building; an area of hardstanding to the north of the assembly area was moved east; the road and future west Assembly buildings have been moved as a block east; and the TEL Hangar building was moved to the south of the existing site access road. These amendments were accepted as they did not result in a substantial change to the description of the development being proposed.

## Details of Approved Plans and Drawings:

- Site Boundary Plan Drawing No. 60617516-ACM-XX-00-DR-CE-0092  
Received. 06.01.2021
- Wall Details Drawing No. 60617516-ACM-XX-00-DR-CE-0091  
Received. 06.01.2021
- General Arrangement Drawing No. 60617516-ACM-XX-00-DR-CE-0088 Rev. A  
Received. 06.01.2021
- Access Road Layout Drawing No. 60617516-ACM-XX-00-DR-CE-0082 Rev. B  
Received. 06.01.2021
- Access Road Layout Drawing No. 60617516-ACM-XX-00-DR-CE-0083 Rev. B  
Received. 06.01.2021
- Access Road Layout Drawing No. 60617516-ACM-XX-00-DR-CE-0084  
Received. 06.01.2021
- Access Road Layout Drawing No. 60617516-ACM-XX-00-DR-CE-0086 Rev. A  
Received. 06.01.2021
- Storage Area Drawing No. 60617516-ACM-XX-00-DR-CE-0079  
Received. 06.01.2021
- Access & Carparking General Arrangement Drawing No. 60617516-ACM-XX-00-DR-CE-0077 Rev. A  
Received. 06.01.2021
- General Arrangement Drawing No. 60617516-ACM-XX-00-DR-CE-0073  
Received. 06.01.2021
- General Arrangement Drawing No. 60617516-ACM-XX-00-DR-CE-0074 Rev. A  
Received. 06.01.2021
- General Arrangement Drawing No. 60617516-ACM-XX-00-DR-CE-0068 Rev. C  
Received. 06.01.2021
- Drainage Strategy Drawing No. 60617516-ACM-XX-00-DR-CE-0054 Rev. B  
Received. 06.01.2021
- Drainage Strategy Drawing No. 60617516-ACM-XX-00-DR-CE-0072 Rev. A  
Received. 06.01.2021
- Drainage Strategy Drawing No. 60617516-ACM-XX-00-DR-CE-0060 Rev. C  
Received. 06.01.2021
- Drainage Details Drawing No. 60617516-ACM-XX-00-DR-CE-0065 Rev. A  
Received. 06.01.2021
- Road Levels Drawing No. 60617516-ACM-XX-00-DR-CE-0048 Rev. C  
Received. 06.01.2021
- Road Levels Drawing No. 60617516-ACM-XX-00-DR-CE-0061 Rev. B  
Received. 06.01.2021
- Section Plan Drawing No. 60617516-ACM-XX-00-DR-CE-0032 Rev. E  
Received. 06.01.2021
- Section Plan Drawing No. 60617516-ACM-XX-00-DR-CE-0051 Rev. D  
Received. 06.01.2021
- Section Plan Drawing No. 60617516-ACM-XX-00-DR-CE-0029 Rev. E  
Received. 06.01.2021
- Section Plan Drawing No. 60617516-ACM-XX-00-DR-CE-0047 Rev. F  
Received. 06.01.2021
- Fence Details Drawing No. 60617516-ACM-XX-00-DR-CE-0039 Rev. B  
Received. 06.01.2021
- Fence Details Drawing No. 60617516-ACM-XX-00-DR-CE-0038 Rev. B  
Received. 06.01.2021
- Proposed Elevations Drawing No. 60617516-ACM-08.-XX-DR-AR-03801 Rev. A  
Received. 14.01.2021

- Proposed Roof Plan Drawing No. 60617516-ACM-08-R1-DR-AR-01803 Rev. A Received. 14.01.2021
- Proposed Ground Floor Plan Drawing No. 60617516-ACM-08-GF-DR-AR-01801 Rev. A Received. 14.01.2021
- Proposed First Floor Plan Drawing No. 60617516-ACM-08-01-DR-AR-01802 Rev. A Received. 14.01.2021
- Proposed Plan & Elevations Drawing No. 60617516-ACM-09-XX-DR-AR-01901 Rev. A Received. 14.01.2021
- Proposed Plan & Elevations Drawing No. 60617516-ACM-05-ZZ-DR-AR-01501 Rev. B Received. 14.01.2021
- Proposed Plan & Elevations Drawing No. SSC-ACM-04-ZZ-DR-AR-01401 Rev. B Received. 14.01.2021
- Proposed Elevations Drawing No. 60617516-ACM-03-XX-DR-AR-03301 Rev. B Received. 14.01.2021
- Proposed Roof Plan Drawing No. 60617516-ACM-03-R1-DR-AR-01303 Rev. B Received. 14.01.2021
- Proposed Floor Plan Drawing No. 60617516-ACM-03-GF-DR-AR-01301 Rev. B Received. 14.01.2021
- Proposed First Floor Plan Drawing No. 60617516-ACM-03-01-DR-AR-01302 Rev. B Received. 14.01.2021
- Proposed Floor Plan and Roof Plan Drawing No. 60617516-ACM-02-ZZ-DR-AR-01201 Rev. B Received. 14.01.2021
- Proposed Elevations Drawing No. 60617516-ACM-02-XX-DR-AR-03201 Rev. B Received. 14.01.2021
- Proposed Elevations Drawing No. 60617516-ACM-01-XX-DR-AR-03101 Rev. C Received. 14.01.2021
- Proposed Floor Plan and Roof Plan Drawing No. 60617516-ACM-01-ZZ-DR-AR-01101 Rev. C Received. 14.01.2021
- Proposed Plan & Elevations Drawing No. 60617516-ACM-07-XX-DR-AR-01701 Rev. B Received. 14.01.2021
- Technical Details Drawing No. 60617516-ACM-XX-00-DR-CE-0098 Received. 01.02.2021
- Outdoor Access Plan Drawing No. LP-001-SAXA v1.0 Received. 25.10.2021
- Indicative Restoration Plan Drawing No. Figure 1 - Offsite Indicative Peatland Restoration Areas Received. 09.02.2022
- Access Road Layout Drawing No. 60617516-ACM-XX-00-DR-CE-0085 Rev. D Received. 25.02.2022
- Access Road Layout Drawing No. 60617516-ACM-XX-00-DR-CE-0087 Rev. C Received. 25.02.2022
- Storage Area Drawing No. 60617516-ACM-XX-00-DR-CE-0078 Rev. D Received. 25.02.2022
- Storage Area Drawing No. 60617516-ACM-XX-00-DR-CE-0079 Rev. A Received. 25.02.2022
- Drainage Strategy Drawing No. 60617516-ACM-XX-00-DR-CE-0057 Rev. E Received. 25.02.2022
- Construction Details Drawing No. 60617516-ACM-XX-00-DR-CE-0156 Rev. - Received. 25.02.2022
- Proposed Elevations Drawing No. 60617546-ACM-06-XX-DR-AR-03602 Rev. D Received. 25.02.2022
- Proposed Elevations Drawing No. 60617546-ACM-06-XX-DR-AR-03601 Rev. D Received. 25.02.2022



- Proposed Roof Plan Drawing No. 60617546-ACM-06-R1-DR-AR-01603 Rev. E Received. 25.02.2022
- Proposed Floor Plan Drawing No. 60617546-ACM-06-GF-DR-AR-01601 Rev. D Received. 25.02.2022
- Proposed Mid Floor Plan Drawing No. 60617546-ACM-06-01-DR-AR-01602 Rev. D Received. 25.02.2022
- Proposed Site Plan Drawing No. 60617516-ACM-XX-00-DR-CE-0037 Rev. U Received. 25.02.2022
- Proposed Plan & Elevations Drawing No. 60617516-ACM-XX-00-DR-CE-0019 Rev. F Received 25.02.2022
- Drainage Strategy Drawing No. 60617516-ACM-XX-00-DR-CE-0056 Rev. E Received. 25.02.2022

### **Conditions:**

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

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

( 2) The development hereby permitted shall be carried out following as a minimum the 'Schedule of Environmental Commitments' included as Table 18.1 to Chapter 18 of the EIA Report submitted with the planning application.

Reason: To ensure compliance with the environmental mitigation and management measures associated with the development and in the interests of safeguarding the environment in compliance with Shetland Local Development Plan (2014) Policies.

### **Notice of Initiation of Development**

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

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

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

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

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

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

#### Planning Monitor Officer

( 4) No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the developer of a suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the planning permission and conditions attached to it (a Planning Monitoring Officer, "PMO"). The terms of appointment shall:

- (a) impose a duty to monitor compliance with the terms of the planning permission and conditions attached to it;
- (b) require the PMO to submit a bi-monthly report to the Planning Authority summarising works undertaken on site; and
- (c) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the planning permission and conditions attached to it at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post-construction restoration works.

Reason: To enable the Development to be suitably monitored to ensure compliance with the permission issued.

#### Ecological Clerk of Works

( 5) No development shall commence unless and until the terms of appointment of an independent Ecological Clerk of Works (ECoW) by the developer have been submitted to and approved in writing by the Planning Authority.

For the avoidance of doubt, the ECoW shall be appointed as a minimum for the period from the commencement of development to the time of the development's construction in accordance with the approved plans and details to completion, and their remit shall, in addition to any functions approved in writing by the Planning Authority shall:

- o Provide training to the developer and contractors on their responsibilities to ensure that works are carried out in strict accordance with environmental protection requirements;
- o Monitor compliance with all environmental and nature conservation mitigation works and working practices approved under this permission;
- o Advise the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
- o Direct the placement of development (including any micro-siting, if permitted by the terms of this permission) and the avoidance of sensitive features; and

- o Immediately inform the site foreman or equivalent named person with legal responsibility to be able to halt works on a development site where, in their opinion, activities witnessed to be taking place give rise to environmental considerations that warrant such action.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post-construction restoration and aftercare phases of the development.

The developer shall ensure that the ECoW is present during excavations, ground investigations and construction works and is permitted to survey areas to be subject to excavation and construction prior to and during work on the site. If any species of flora or fauna considered to be of significant value are identified, then the ECoW shall design appropriate bespoke mitigation measures to minimise impacts to the feature, and the developer shall thereafter implement them in full.

Reason: To secure the effective monitoring and compliance with the environmental mitigation and management measures associated with the development and in the interests of safeguarding the environment in compliance with Shetland Local Development Plan (2014) Policies GP2, NH1, NH2, NH3, NH5 and NH7.

#### Archaeological Clerk of Works

( 6) No development shall commence unless and until the terms of appointment of an independent Archaeological Clerk of Works (ACoW) by the developer have been submitted to and approved in writing by the Planning Authority following consultation with the Shetland Regional Archaeologist. The scope of the ACoW's appointment shall include:

- (a) Advising the developer on the best protection of archaeological interests on the site;
- (b) Checking for new assets/features of archaeological interest for which additional mitigation may be required, and liaising with the Shetland Regional Archaeologist to achieve this;
- (c) Monitoring compliance with the requirements of the programme of archaeological works approved under the Archaeological Management Plan approved as part of the approved Construction Environment Management Plan (CEMP), including mitigations, reinstatement and restoration measures;
- (d) Approving in writing any micro-siting under the vertical launch space port's approved site layout, including fencing, infrastructure and tracks; and
- (e) Require the ACoW to report to the developer's nominated construction project manager and to the Planning Authority any incidences of non-compliance with the approved programme of archaeological works at the earliest practical opportunity.

For the avoidance of doubt, the ACoW shall be appointed on the approved terms from commencement, throughout any period of construction activity and throughout any period of post-construction restoration works.

Reason: To ensure the protection or recording of archaeological features within the development site in compliance with Shetland Local Development Plan (2014) Policies HE1 and HE4.

### Construction Environment Management Plan

( 7) No development shall commence unless and until a Detailed Construction Environment Management Plan (CEMP) containing details of all on-site construction works, reinstatement, drainage and mitigation, together with details of their timetabling and phasing (with reference to the approved Overall Phasing Plan Drawing No. 60617516-ACM-XX-00-DR-CE-0156 has been submitted to and approved in writing by the Planning Authority following consultation with SEPA.

The CEMP shall define good practice as well as specific actions required to implement mitigation and monitoring requirements as identified in the EIA Report relating to the development hereby permitted, during the planning application process and/or as are identified by other licensing or consenting processes.

The CEMP will address all phases of the construction phase development and shall incorporate the following:

- a) Pollution Prevention Management Plan;
- b) Emergency Response and Flood Risk Management Plan;
- c) Biosecurity Management Plan;
- d) Construction Noise Management Plan;
- e) Dust and Air Quality Management Plan;
- f) Construction Waste Management Plan;
- g) Water Quality and Pollution Management Plan;
- h) Peat Management Plan;
- i) Habitat Management Plan;
- j) Breeding Birds Protection Plan
- k) Otter Protection Plan;
- l) Construction Traffic Management Plan; and
- m) Archaeological Management Plan.

Thereafter all work in connection with the development shall be carried out in accordance with the approved CEMP unless otherwise approved in writing by the Planning Authority.

Reason: For the avoidance of doubt as to what is being authorised by this permission and to ensure that the impacts of the development during the construction phase are identified, controlled and minimised and that the mitigation measures contained in the EIA Report accompanying the application (or as otherwise agreed), are fully implemented to reduce environmental impacts on protected species and their habitats and to safeguard the amenity of the locale and

public safety in compliance with Shetland Local Development Plan (2014) Policies GP1, GP2, GP3, WD1, WD3, NH2, NH3, NH4, NH5, NH6, NH7, TRANS3 and W5.

### Peat Management Plan

( 8) No development shall commence unless and until a detailed Peat Management Plan (PMP) has been submitted to and approved in writing by the Planning Authority following consultation with SEPA and NatureScot. The PMP shall provide details of the following:

- (a) Finalised volumes, depth and location of any peat to be disturbed;
- (b) A method statement for peat stripping, temporary storage and stockpiling within the site during the construction period including details of the timing of operations, location, volumes, construction methods and management of any peat storage areas;
- (c) Details of the proposed re-use of the peat within the site including a plan showing volumes, location and usage (which shall be consistent with any Scheduled Monument Consent granted by Historic Environment Scotland), providing estimated maximum and minimum heights for the placement of excavated peat, along with details of the phasing and timing of construction works restoration;
- (d) Details of the proposed post-reinstatement landform to make clear how the placement of the excavated peat will be done and include tapering the thickness of the deposited reinstated peat to create a smooth transition to the existing ground surface, avoiding creating a bare "cliff face" in a sudden step change of surface level, and details showing the post-reinstatement topography.
- (e) Details of the disposal of any peat proposed off-site, including confirmation of locations at Loomer Shun shown on approved Drawing 'Indicative Restoration Plan Drawing No. Figure 1 -Offsite Indicative Peatland Restoration Areas', volumes and detailed disposal proposals that account for ornithological interests and features important to the Loomer Shun location;
- (f) In the case of the area of land at Ritten Hamar shown on approved Drawing 'Indicative Restoration Plan Drawing No. Figure 1 -Offsite Indicative Peatland Restoration Areas', details of consideration of the means by which the area is to be accessed and of a peat slide risk assessment undertaken to ensure the potential impact of restoration works proposed to take place there is understood and will not give rise to peat slides or bog bursts;
- (g) Details of the monitoring of reinstated areas; and
- (h) Information on environmental checks and audits to be undertaken during and post-construction including frequency and means of reporting to the Planning Authority.

The PMP must be submitted a minimum of two months prior to commencement of development on site (the PMP Notice Requirement). Notwithstanding the foregoing, the Planning Authority (in its sole discretion) may shorten or waive the PMP Notice Requirement where the developer is otherwise able to satisfy the Planning Authority in terms of the requirements of this condition prior to commencement of development on site.

Unless otherwise agreed in advance in writing by the Planning Authority, the approved PMP shall be implemented in full and shall remain operative for the lifetime of the development or such other period as may be agreed as part of the PMP.

Reason: In order to minimise and off-set disturbance of peat and ensure the appropriate re-use and management of peat on the site, in compliance with Shetland Local Development Plan (2014) Policies GP1, GP2, GP3 and NH5.

#### Habitat Management Plan

- ( 9) No development shall commence unless and until:
- (a) a detailed Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Authority following consultation with NatureScot and SEPA, which shall include off-site peat restoration works at the areas of land known as Loomer Shun, Skaw Paet Hoose, and Ritten Hamar shown on approved Drawing 'Indicative Restoration Plan Drawing No. Figure 1 -Offsite Indicative Peatland Restoration Areas'; and
  - (b) the developer has provided to the Planning Authority evidence that formal agreements which commit the owners of the land, the subject of the proposed off-site habitat restoration works, including those required at the areas of land known as Loomer Shun, Skaw Paet Hoose, and Ritten Hamar shown on approved Drawing 'Indicative Restoration Plan Drawing No. Figure 1 -Offsite Indicative Peatland Restoration Areas', in terms acceptable to the Planning Authority which secure the protection of the habitat restoration in perpetuity (or an agreed long term period the Planning Authority otherwise agrees to in writing following consultation with SEPA and NatureScot), have been entered into.

The HMP must be submitted a minimum of two months prior to commencement of development on site (the HMP Notice Requirement). Notwithstanding the foregoing, the Planning Authority (in its sole discretion) may shorten or waive the HMP Notice Requirement where the developer is otherwise able to satisfy the Planning Authority in terms of the requirements of this condition prior to commencement of development on site.

The HMP shall include details of the off-site restoration works to take place at the areas of land known as Loomer Shun, Skaw Paet Hoose, and Ritten Hamar shown on approved Drawing 'Indicative Restoration Plan Drawing No. Figure 1 -Offsite Indicative Peatland Restoration Areas', and the measures to avoid disturbance to breeding birds and their young on or in the vicinity of each.

In relation to the off-site restoration works to take place at the areas of land known as Loomer Shun, Skaw Paet Hoose, and Ritten Hamar shown on approved Drawing 'Indicative Restoration Plan Drawing No. Figure 1 - Offsite Indicative Peatland Restoration Areas', the HMP shall also include the following information:

- i) the volume of excavated catotelm and acrotelm that will be re-used at the off-site location at Loomer Shun, with illustration of how it will be used, e.g., if infilling the trenches made by peat cutting then provide information on the dimensions of the trench and the volume of catotelm and acrotelm that will be placed.
- ii) The area of each site undergoing restoration, with detail of the baseline condition and target restoration condition of each restoration location.
- iii) Estimates of the reduction in greenhouse gas emission rate (in tonnes CO<sub>2</sub> equivalents per year) that are expected to be achieved by the proposed restoration works at each site should be provided. This may be estimated as a function of the expected change in peatland condition category due to the restoration work and the surface area of the peatland that where that improvement is expected, in conjunction with the emission factors for peat condition categories (in tonnes CO<sub>2</sub> equivalents per hectare per year). The peat condition emission factors applied in the UK Greenhouse Gas Emissions Inventory are presented in Implementation of an Emissions Inventory for UK Peatlands, Table 4.1, page 43.
- iv) Details of how the cessation of peat cutting will be ensured in perpetuity, not only within the proposed lifetime of the development.
- v) Confirmation of the replacement shelter for the sheep that must be provided on Loomer Shun and how the restored areas will be protected in perpetuity/long-term from grazing on all three sites.

The HMP shall also set out the proposed habitat management of the development site during the period of construction, operation, decommissioning, restoration and aftercare of the land, and shall provide for the maintenance, monitoring and restoration of the habitat on site, and for reporting on progress and for review of the HMP.

Unless otherwise agreed in advance in writing by the Planning Authority, the approved HMP and any revisions to it agreed to by the Planning Authority following review of the operation and effectiveness of the HMP, shall be implemented in full.

Reason: In the interests of good land management and to safeguard protected species and their habitats in compliance with Shetland Local Development Plan (2014) Policies GP1, GP2, GP3, NH1, NH2, NH3 and NH5.

#### Archaeological Management Plan

(10) No development shall commence unless and until a detailed Archaeological Management Plan (AMP) and Written Scheme of Investigation (WSI), which identifies a phased programme and method of archaeological work, has been submitted to and approved in writing by the Planning Authority, following consultation with the Shetland Regional Archaeologist. The AMP shall provide for a suitable mitigation strategy arising from archaeological investigations that take place under the approved WSI, which should themselves take place before the site is occupied

and shall confirm that reasonable access to the site may be given to the Shetland Regional Archaeologist at all times. The AMP shall also provide for Historic Building Recording and Post Excavation Research Design for the analysis, publication and dissemination of results and archive deposition within an agreed timescale.

Reason: In line with HEPS 1 - 4, 6; SPP 137-139; 145; 150-151; PAN 2/2011 20 - 22; 25-27; and in compliance with Shetland Local Development Plan (2014) Policies HE 1 and HE 4.

#### Scheduled Monument Condition Survey and Monitoring

- (11) No development shall commence unless and until:
- (a) both a condition survey of the Scheduled Monument on the development site has been carried out, and a scheme detailing monitoring of the condition of the Scheduled Monument during the operational phase of the development have been submitted to the Planning Authority and been accepted by it in writing following consultation with the Shetland Regional Archaeologist and Historic Environment Scotland.
  - (b) a scheme of vibration monitoring to take place during the operational phase of the development has been submitted to and agreed in writing by the Planning Authority

Reason: To ensure that the developer meets their obligation to minimise impacts on the archaeological resource and to provide the developer with the opportunity to make a positive impact on the survival and understanding of the archaeological resource, and in compliance with Shetland Local Development Plan (2014) Policies HE 1 and HE 4.

#### Conservation Management Plan

(12) Prior to the development site becoming an operational vertical launch space port, the developer shall submit to the Planning Authority for its approval in writing before the first launch takes place, a Conservation Management Plan (as committed to in Chapter 8 paras 8.9.3 and 8.9.5 of the EIA Report submitted in support of the planning application). The Conservation Management Plan shall identify future conservation needs based on the approved Scheduled Monument Condition Survey, and the review of works required during the operational phase of the development based on condition monitoring, to ensure the condition of the Scheduled Monument does not deteriorate below the standard identified in the approved Scheduled Monument Condition Survey. The Conservation Management Plan shall not preclude works that might improve on the condition of the Scheduled Monument recorded in the approved Scheduled Monument Condition Survey

Thereafter the Conservation Management Plan shall be implemented in its entirety subject to all consenting requirements having been met.

Reason: To ensure the protection of historical features within the development site in compliance with Shetland Local Development Plan (2014) Policy HE1.



### Surface Water Drainage Plan

(13) No development shall commence unless and until a Surface Water Drainage Plan (SWDP) detailing the proposed surface water disposal methods has been submitted to and approved in writing by the Planning Authority. Details of the scheme shall be supported by:

- a) Details of existing and proposed site levels, including a measured sectional drawing, showing the proposed SuDS treatment train to be provided;
- b) Details of proposed SUDs drainage, designed following Ciria C753 "The SUDs Manual" guidance including calculations to show that attenuation of flows to greenfield rates for rainfall events of up to a 1 in 10 year return period will be achieved, and an assessment of how the proposals will meet the required water quality treatment standards;
- c) Details of how any sustainable drainage scheme is to be maintained.
- d) Confirmation that: i) deluge water from the launch pads, if used during a launch, will be collected to a tank and removed off-site for treatment; ii) in the event of fire, then fire-fighting water will be collected to the same storage tanks as the deluge water and tankered off-site for treatment; and iii) if there is no fire-fighting water requirement from a launch/test the slab will be washed down after the launch/test to remove any residual contamination (drainage collected to the same storage tanks) before normal surface water drainage routes are opened.

Reason: To ensure the provision of adequate surface water drainage as insufficient information has been submitted with the application in order to satisfy the Planning Authority that the development will not result in flooding, or be liable to flooding, and to ensure that no works are undertaken which have an adverse impact on any neighbouring properties or landownership in compliance with Shetland Local Development Plan (2014) Policies GP2 and WD3.

### Site Waste Management Plan

(14) No development shall commence unless and until a Site Waste Management Plan (SWMP) dealing with all aspects of waste produced during the construction and decommissioning/reinstatement phases of the development (other than peat) and the operational phase of the development (other than peat), including details of: briefing of all contractors and personnel on the presence of Japanese Knotweed in the area identified at Section 7.5.25 of the EIA Report submitted in support of the planning application, and the need to apply relevant biosecurity best practice measures to avoid the spread of the species; and dealing with its appropriate eradication.

Reason: To ensure that the impacts of the development during the construction phase are identified, controlled and minimised and to safeguard the amenity of the

locale in compliance with Shetland Local Development Plan (2014) Policies GP2 and W5.

### Bird Breeding Season

(15) Notwithstanding the approved plans, no launches or static tests are to be carried out at the development site between mid-May and the end of June to avoid disturbing birds during the critical incubation and early brooding period.

Reason: To ensure there is no adverse affect on the integrity of the Hermaness, Saxa Vord and Valla Field Special Protection Area through effect on its qualifying features, in compliance with Shetland Local Development Plan (2014) Policies NH1 and NH2.

### Breeding Birds Protection Plan

(16) No development shall commence unless and until a Breeding Birds Protection Plan (BBPP) has been submitted to, and approved in writing by, the Planning Authority following consultation with NatureScot. The BBPP, as well as providing for ornithological monitoring in both the pre-construction and construction phases of the development, should include the following:

- (a) Launch specific monitoring to be carried out before, during and after rocket launches to record short term bird behavioural responses;
- (b) Longer term monitoring to evaluate any impacts on productivity and populations status;
- (c) A feedback and review mechanism so that significant adverse impacts detected through monitoring can be addressed by implementing additional mitigation measures;
- (d) The criteria for identifying levels of adverse impacts to trigger changes; and
- (e) The production of monitoring reports, together with the frequencies of their production and review, and by who, for the consideration of amendments to the operations taking place at the development site.

Construction and any other operational works at the site shall progress in accordance with any mitigation measures contained within the approved BBPP and the timescales contained therein until the development hereby permitted is decommissioned.

Reason: In the interests of the protection of protected bird species and in compliance with Policies NH2 and NH3 of the Shetland Local Development Plan (2014).

### Otter Protection Plan

(17) No development shall commence unless and until:

- (a) i) a pre-construction otter survey is conducted and a report produced;  
ii) based on the results from the pre-construction otter survey apply for an otter licence, if necessary, from NatureScot; and

- iii) until such otter licence (if necessary) is issued, not carry out any works on any otter holts.; and
- (b) an Otter Protection Plan (OPP) has been submitted to and approved in writing by the Planning Authority following consultation with NatureScot, which shall provide for a programme of future monitoring for otters on the site to allow the adaptation of management under the approved OPP as may be agreed to in writing by the Planning Authority.

The approved OPP shall be complied with during the carrying out and operation of the development hereby permitted.

Reason: As there is evidence of the presence of otters (a European Protected Species) on and around the development site, and it has been determined by NatureScot that an otter licence may be required to ensure that disturbance of otters in the vicinity of the development site will not be detrimental to the maintenance of the population at a favourable conservation status in their natural range, in compliance with Shetland Local Development Plan (2014) Policy NH2.

Reason: To ensure that any otters or their holts are protected in compliance with Shetland Local Development Plan (2014) Policy NH2.

#### Construction Traffic Management Plan

(18) No development shall commence unless and until:

- (a) a full site specific Construction Traffic Management Plan (CTMP) containing details of all elements of traffic and transport during the construction phase of the development (including programming and timescales as well as predicted HGV movement volumes and patterns and routes, including to off-site peat restoration areas) in conjunction with details of mitigation measures proposed to ameliorate effects on existing uses, and off-site improvement works to the public road network required for the development site to be accessed satisfactorily (including programming and timescales), has been submitted to and approved in writing by the Planning Authority following consultation with the Roads Authority.
- (b) evidence of an agreement between the Council and the developer has been provided to the Planning Authority with regards to costs of any repairs required due to use of public roads within Unst by construction traffic generated by the development of the site hereby permitted.

The CTMP shall define good practice as well as specific actions required to implement mitigation and monitoring requirements as identified in the EIA Report, the planning process and/or other licensing or consenting processes.

Thereafter, all work in connection with the development shall be carried out in accordance with the approved CTMP unless otherwise approved in writing by the Planning Authority following consultation with the Roads Authority.

Reason: For the avoidance of doubt as to what is being authorised by this permission and to ensure that the traffic impacts of the development during the construction phase are identified, controlled and minimised and that the mitigation measures contained in the EIA Report accompanying the application (or as otherwise agreed), are fully implemented in the interests of safeguarding local amenity and public safety in compliance with Shetland Local Development Plan (2014) Policies GP2, GP3 and TRANS3.

#### Operational Environmental Management Plan

(19) Prior to the development site becoming an operational vertical launch space port, the developer shall submit to the Planning Authority for its approval in writing before the first launch takes place, a detailed Operational Environmental Management Plan (OEMP) based on the outline OEMP provided in the EIA Report submitted in support of the planning application following review. The OEMP shall provide for a scheme of noise and vibration monitoring and include the routes to be taken on the public road network by vehicles associated with the operation and ongoing servicing of facilities at the development site.

Reason: In the interests of safeguarding local amenity and public safety in compliance with Shetland Local Development Plan (2014) Policies GP2, GP3 and TRANS3.

#### Operational Management Plan

(20) Prior to the development site becoming an operational vertical launch space port, the developer shall submit to the Planning Authority for its approval in writing before the first launch takes place, a detailed Operational Management Plan (OMP). The OMP shall detail how the space port is to be operated. It shall include the proposed mitigation measures and actions to be taken should an unexpected event or aeronautical incident occur. The OMP shall include an Emergency Response Plan and shall also have regard to possible adverse effects from such events and incidents on the Scheduled Monument and include a liaison protocol to be followed by the developer involving the Planning Authority and Historic Environment Scotland in such a circumstance.

Reason: In the interests of the protection of the historic environment features on the development site, and to ensure acceptable health and safety standards or levels are not compromised, in compliance with Shetland Local Development Plan (2014). Policies HE1 and GP2.

#### Ministry of Defence Launch Liaison

(21) The development hereby approved shall not be brought into use for the launching of rockets until such time as a launch liaison protocol that outlines liaison arrangements to be followed to ensure that the Ministry of Defence (MOD) is made aware of proposed launches, and any amendments to those arranged launches, has been submitted to and approved in writing by the Planning Authority following consultation with the MOD. The protocol shall also provide for the means of cancellation/postponement of launches if required. Thereafter launch operations at

the site shall take place strictly in accordance with the launch liaison details approved under this condition's terms.

Reason: The proposed use of the development site for the launching of rockets has the potential to have an effect on Air Defence Radar (ADR), and the protocol will address this, in compliance with Shetland Local Development Plan (2014) Policy GP2.

#### Visitor and Spectator Management Plan

(22) No launch events shall take place at the development site until a Visitor and Spectator Management Plan (VSMP), which shall include a Launch Day Traffic Management Plan, has been submitted to and approved in writing by the Planning Authority following consultation with the Roads Authority and the Shetland Islands Council's Transport Services. The plan shall detail the visitor management interventions proposed depending on the particular launch parameters, and account for events that otherwise take place on the isles of Yell and Unst, and provide for monitoring, review and updating of the VSMP with the agreement of the Planning Authority.

Reason: To ensure the site is operated having regard to legal protections surrounding access rights, and to ensure that the impacts of increased visitor numbers and the site's operational requirements do not give rise to unacceptable impacts on the wider community within Unst in particular. In compliance with Shetland Local Development Plan (2014) Policies GP2, TRANS2, TRANS3 and ED2.

#### Wildlife Hide

(23) Details of the design, construction materials, and external colours and finishes of the wildlife hide shown on the approved plans, along with details of the access path to it, shall be submitted to and approved in writing by the Planning Authority before its construction takes place. Its design shall be DDA compliant. Before it is brought into use the wildlife hide shall be provided with 2 no. disabled parking spaces to a standard and design agreed to in writing by the Planning Authority beforehand following consultation with the Roads Authority.

Reason: In compliance with Shetland local Development Plan (2014) Policies GP2, GP3 and TRANS3.

#### Hangar Buildings

(24) Details of the design, construction materials, and external colours and finishes of the hangar buildings shown on the approved plans shall be submitted to and approved in writing by the Planning Authority before their construction takes place.

Reason: In compliance with Shetland local Development Plan (2014) Policies GP2 and GP3.

### Fencing

(25) Details of the colour of fencing to be erected on and around the site approved under the terms of this permission shall be submitted to and approved in writing by the Planning Authority before their erection takes place.

Reason: In compliance with Shetland local Development Plan (2014) Policies GP2 and GP3.

### Lighting

(26) A lighting strategy for the development site when operational as a vertical launch space port shall be submitted to the Planning Authority for approval in writing and implemented before the first launch takes place. Phasing of the introduction of lighting to the site shall be allowed under the lighting strategy.

Reason: In compliance with Shetland local Development Plan (2014) Policies GP2 and GP3.

### Interpretation (Heritage) Strategy

(27) Within 6 months of the notice of commencement of development having been given to the Planning Authority, the developer shall submit to the Planning Authority for approval in writing, following consultation with the Shetland Regional Archaeologist and Historic Environment Scotland, an Interpretation (Heritage) Strategy, the aim of which shall be to enhance understanding, appreciation and experience of the historic interest of RAF Skaw and Inner Skaw and also other archaeological assets and features on the site. The Strategy shall also confirm the availability of public access.

Reason: To ensure good use of resources within the development site in compliance with Shetland Local Development Plan (2014) Policies GP3 and HE1.

### Access Management Plan

(28) Prior to the development site becoming an operational vertical launch space port, the developer shall submit to the Planning Authority for its approval in writing before the first launch takes place, a detailed Access Management Plan (AMP) based on the approved Outdoor Access Plan. The AMP shall fully assess the effects on outdoor access of the proposed development and detail the access arrangements that will exist whilst the launch site is operational along with the mitigations proposed for the loss of unrestricted access to parts of the development site.

Reason: In the interests of safeguarding local amenity and public safety in compliance with Shetland Local Development Plan (2014) Policies GP2 and GP3.

### Decommissioning

(29) Should the site cease to be operational as a vertical launch space port for a continuous period exceeding two years, the development shall be decommissioned, the site restored and aftercare undertaken in accordance with plans and a

Decommissioning Environmental Management Plan (DEMP) developed in accordance with legislation and guidance existing at the time, to a timescale agreed in writing in advance with the Planning Authority (in consultation with NatureScot, Historic Environment Scotland and SEPA).

Thereafter, the development shall be decommissioned, the site reinstated and restored and aftercare undertaken, in accordance with the approved plans and DEMP, unless otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot, Historic Environment Scotland and SEPA.

Reason: To ensure that the site is reinstated and restored in an environmentally acceptable manner in compliance with Shetland Local Development Plan (2014) Policies GP1, GP2 and GP3.

### **Notes to Applicant:**

#### Commencement of Development

The development hereby permitted must be commenced within 3 years of the date of this permission in order to comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 20 of the Planning etc (Scotland) Act 2006.

#### Building Warrant

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

Ministry of Defence (MOD) has requested that the following are noted:

1: Launch Vehicle operation should only take place where requisite notice has been given to the appropriate agencies and organisations to minimise the risks for other air/maritime users. It is anticipated that Notice to Airmen (NOTAMs), Notice to Mariners (NMs) or similar will be issued prior to any launch and these notices will contain sufficient information to ensure air and maritime users can operate safely during the preparation, launch and removal of infrastructure and support structures.

2: In order to address MOD concerns and provide an appropriately detailed liaison protocol, it is strongly recommended that the applicant and/or site operator (as appropriate) attend a meeting with MOD. It is envisaged that participants would cooperate to produce a documented way forward setting out standard agreed details that could be included in submissions intended to discharge the relevant planning condition. The MOD would welcome this engagement.

#### Works Licence

Should any part of the finalised drainage arrangements extend below the level of Mean High Water Springs (MHWS) a works licence under the Zetland County Council Act 1974 from the Shetland Islands Council may be required. Please contact Marine Planning, Shetland Islands Council, 8 North Ness Business Park, Lerwick, Shetland, ZE1 0LZ Tel: 01595 744293

#### Road Construction Consent

The Shetland Islands Council Roads Service has advised that Road Construction Consent (RCC) will be required for all works to, or impacting on, PROW13 which crosses Lamba Ness. Any parts of the new internal site road that the public may be directed down (as an alternative to using the existing route) will also need to be covered by an RCC. Existing retained sections of the PROW may also need to be upgraded under the RCC. The RCC process is separate to the planning process. You are advised to contact Road Services prior to the commencement of any development: Roads Services, SIC Department of Infrastructure Services, Gremista, Lerwick, ZE1 0PX. Tel: 01595 744866.

#### Road Opening Permit

The Shetland Islands Council Roads Service has advised that the length of access that crosses the public road verge shall be constructed to its satisfaction. A Road Opening Permit must be obtained from the Roads Service prior to carrying out any works to form an access onto the public road. You are advised to contact Road Services prior to the commencement of any development: Roads Services, SIC Department of Infrastructure Services, Gremista, Lerwick, ZE1 0PX. Tel: 01595 744866.

#### SEPA

Pollution Prevention and Control (PPC permitting)

SEPA noted reference to a number of generators and power sources on the site. If any of these are greater than 1MW net rated thermal input, the applicant may have to apply to SEPA for a permit under the Pollution Prevention and Control (Scotland) Regulations. Further information is on SEPA's website at Medium combustion plant | Scottish Environment Protection Agency (SEPA) and you can contact the SEPA Waste Industry team via [wasteandindustry@sepa.org.uk](mailto:wasteandindustry@sepa.org.uk) for further advice.

Proposed crushing or screening will also require a permit under these regulations.

#### Waste management

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011.

#### Impacts on the water environment

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands, for abstractions and for discharges.

A construction site licence will be required for management of surface water run-off from the construction site. See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG75) for details.

While it will not be directly regulated by SEPA as it does not have a discharge, SEPA do not consider the proposal in section 12.7.13 of the EIA Report to use a foul storage tank during operation of the site a sustainable solution and would recommend consideration of an alternative option.

Please see the CAR Practical Guide for further advice and contact the SEPA local office via [NHNI@sepa.org.uk](mailto:NHNI@sepa.org.uk) to discuss any of the above aspects of CAR licencing. SEPA would also be happy to provide further advice on the pre-construction site investigation works and would wish to discuss with the applicant whether there exist any licensing implications for using the existing Fuel Storage Area at Baltasound Airfield, which does not form part of this planning application.



Wildlife and Countryside Act 1981

The developer is reminded of the duties imposed by the Wildlife and Countryside Act 1981 in relation to breeding birds.

Notice of completion of development

As soon as practicable after the development is complete, the person who completes the development is obliged by section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

30 March 2022

A handwritten signature in black ink, appearing to read 'G. McDonald', is written over a faint, illegible stamp.

Executive Manager - Planning