



## **REPORT**

**To: Planning Committee**

**23 August 2011**

**From: Planning Officer – Development Plans  
Planning Service**

**Development: To re-route the onshore export pipeline from the Total E&P UK Ltd gas processing plant, land at Sullom Voe and Firths Voe, Shetland**

**By: Total E&P UK Ltd**

Application Ref: 2011/160/PCD

### **1. Introduction**

- 1.1 This planning application proposes a revised route for the onshore export pipeline from the gas processing plant approved under planning permission ref 2009/271/PCD on 24 February 2010 (Minute Reference 13/10).
- 1.2 The detail of the export pipeline was reserved under condition no 9 of the permission for the gas processing plant. However during the detailed survey work for the export pipeline it became clear to the developer that there would be a need for a wider construction area along parts of the export line, particularly at road crossings.
- 1.3 Also, with the approved route requiring multiple crossings of the Brent/Ninian pipeline, the developer recognised that this can be avoided if the export pipeline is rerouted in the vicinity of the junction of the Graven road and the B9076. Since the preferred route of the export pipeline includes land outwith the site covered by the original permission this application seeks full permission for the new route. It is also intended to provide the information required to purify condition 9 of planning permission ref 2009/271/PCD in so far as it relates to the export pipeline.
- 1.4 A location map is attached to this report that shows the proposed revised route of the export pipeline. The right of way or working area for the pipeline is 50 metres in width and will be fenced for its entire length during construction and reinstatement. Drawings showing a typical cross section of the pipeline and working area during construction and following reinstatement are attached. The pipeline will cross the existing Brent/Ninian pipeline close to where it will also cross the B9076 about 400 metres to the east of the junction of the

access into the gas processing plant with the B9076. It will then run parallel to the south side of the B9076 and cross the unclassified X406 road to Moorfield and Graven and the Ninian pipeline before crossing the A986 south of the junction with the B9076 close to Firth/Mossbank and then proceeding to the shore at Firths Voe. On the east side of the A986, close to the road there will be beach valve, the details of which are not known at this time, with a permanent access onto the road at this point.

- 1.5 This application is referred to the Planning Committee for decision as a statutory exception within the approved Scheme of Delegation, as the Council is the landowner of part of the application site.

## **2. Statutory Development Plan Policies**

### **2.1 Shetland Islands Council Structure Plan (2000) Policies**

GDS1: Sustainable Development  
GDS2: Economic Competitiveness  
GDS4: Natural and Built Environment  
SPNE1: Landscape and Design  
SPNE4: Nature Conservation  
SPNE6: Nature Conservation  
SPNE7: Nature Conservation  
SPNE9: Environmental Enhancement  
SPBE1: Built Environment  
SPCST1: Coastal Development  
SPWD1: Water and Drainage  
SPENG1: Oil  
SPIND1: Business and Industry  
SPTP8: Pipelines

### **2.2 Shetland Local Plan (2000) Policies**

LPNE10: Development and the Environment  
LPCST4: Major Oil and Gas Related Development  
LPCST5: Coastal Development at Lerwick and Sullom Voe  
LPWD6: Water and Drainage  
LPWD11: Surface Water Drainage  
LPWD12: Sustainable Drainage Systems  
LPWM12: Contaminated Land  
LPIND5: Business and Industry  
LPIND9: Services Infrastructure

### **2.3 Shetland Islands Council Interim Planning Policy (December 2009) Towards Sustainable Construction and Better design in Shetland.**

- LDP1: General

## **3. Safeguarding**

- 3.1 The pipeline crosses the Brent/Ninian pipelines.

3.2 Part of the application site is within the major hazard consultation area around the approved gas processing plant site and around Sullom Voe Oil Terminal.

3.3 The site lies within the safeguarded area around Scatsta Airport.

#### 4. Consultations

Shetland Islands Council

4.1 Marine Planning: No substantive comments. There appear to be no changes proposed where the planning application overlaps with the works licence granted (200941/NC) for works on the foreshore and in Firths Voe itself.

Environmental Health Service: No comments received.

Roads Services - Traffic: Conditions relating to visibility splays, gradient, width, surfacing and drainage have been recommended for all accesses to the site and any temporary accesses to the pipeline route. A road condition survey is to be carried out before works begin along the public road that will be impacted by the construction of the development and repeated twice during the construction period to identify project related damage. It is recommended that pipe sections are landed at the Construction Jetty at Sullom Voe and transported to the site from there to cut down on the number of HGV loads/trips along the public road.

Roads Services – Drainage: All drainage works should be carried out to maintain the existing flows in all watercourses. Crossing design should ensure that the proposals are capable of handling 1 in 200 year watercourse flows. Temporary SUDs devices may be required to address water quality issues during construction. The pipeline crosses the unclassified X406 road. The bridges on this road are not suitable for sustained heavy construction traffic, and access should only be made from its eastern junction with the B9076. Suitable turning areas for site traffic should be constructed so that no construction vehicles need to travel on the X406 beyond the immediate area of the works and vehicle movements should be closely supervised.

4.2 Scottish Natural Heritage (SNH): The proposal does not pose any additional potential natural heritage impacts to those addressed in our consultations over the original planning application (2009/271/PCD). Our advice regarding natural heritage impacts and mitigation therefore remains the same. Our advice is that it is made a planning condition that works only take place outside the months of May, June and July. This is to avoid adversely impacting the nationally important population of breeding whimbrel identified in the 2011 Bird Survey report, and to avoid offences under the Wildlife and Countryside Act (1981) as amended by causing disturbance to this Schedule 1 species. This exclusion period would also avoid the risk of damaging nests of other species of bird, also an offence under the Wildlife and Countryside Act.

- 4.3 Scottish Environment Protection Agency: SEPA confirm that provided that the construction works are carried out in line with the pollution prevention and waste management measures detailed in the submission SEPA has no objection to this aspect of the development. In relation to the impact on peatland SEPA has asked for a condition to be attached requiring a phase 1 habitat survey to be completed for any areas affected by the revised route that have not already been surveyed. A National Vegetation Classification survey should be carried out for any wetland areas identified and the information gathered should then be used as a baseline for monitoring the success of restoration proposals.
- 4.4 Scottish Water: No objections.
- 4.5 Shetland Archaeologist: The Shetland Regional Archaeologist provided a list of proposed archaeological conditions, including requirements for a watching brief; mitigation for any sites discovered; trial excavation in certain sections; the excavation of the archaeological site beside the mound at Firths Voe; and the reporting of any artefacts or ecofacts discovered.
- 4.6 Royal Society for the Protection of Birds: The RSPB is concerned that construction activity could cause considerable disturbance to breeding whimbrel and other birds that occur along the proposed pipe track. This could be reduced by limiting the time of year that some construction works are to be carried out to outside the breeding season for that species. The RSPB has suggested several conditions to reduce impacts on breeding birds, including that overland pipe laying/reinstatement works should not be carried out during April to August inclusive without the written consent from the Council in consultation with SNH.
- 4.7 Community Council: No objections.
- 4.8 Scatsta Airport: No objection.

## **5. Statutory Advertisements**

- 5.1 Advertised on 10 June 2011 under Regulation 20(1)(a) of the Development Management Procedure Regulations 2008.

## **6. Representations**

- 6.1 None.

## **7. Report**

- 7.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 states that:

*Where in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be*

*made in accordance with the plan, unless material considerations indicate otherwise.*

- 7.2 The Statutory Development Plan Policies against which this application has to be assessed are listed at paragraph 2.1 and 2.2 above. The determining issues to be considered are whether the proposal:
- complies with Development Plan Policy; or
  - there are any other material considerations which would warrant the setting aside of Development Plan Policy.
- 7.3 This report focuses on the main environmental impacts associated with this proposed development that will arise during the construction phase rather than the operational phase of the development and the gas processing plant. It is regarded as being appropriate that a decommissioning plan is required as a condition of any approval given similar to that required in relation to the original gas processing plant and the revised import pipeline permission.
- 7.4 The proposed development includes establishing the right of way for the development which will be a fenced area 50 metres wide stretching from the site of the gas processing plant towards Firths Voe where it widens out on approach to the beach. Within this right of way the pipeline corridor will be constructed. Peat turves will be removed and stored to one side for use in the reinstatement of the area. Subsurface peat will be excavated and side cast to the upper side of the trench. The trench will be backfilled with imported stone to establish a running surface and the pipeline channel. The trench will be opened on two main work fronts, one from the gas processing plant to the B9076 and the other from the B9076 to Firths Voe. The pipe will be placed in sections in the trench and welded in the trench. As this mechanical work is completed pipe bedding will be imported and placed around the pipe and the peat that has been side cast will be placed back on the right of way and the turves placed on top of the surface being reinstated.
- 7.5 The main potential impact of the construction of the export pipeline that need to be considered relate to impacts on birds; on residential amenity (especially at Firths Voe); on traffic and on peat land habitat.

#### Impact on Birds

- 7.6 In terms of the impact of the development on birds, there are concentrations of schedule 1 bird species along the route of the proposed pipeline that include whimbrel. Both SNH and the RSPB have recommended an exclusion period when there should be no working on the export pipeline. SNH has advised that there should be no working during the months of May, June and July to avoid adversely impacting the nationally important population of breeding whimbrel identified in the 2011 Bird Survey report submitted with the application. This exclusion period would it has advised also avoid the risk of damaging nests of other species of birds in the area which is also an offence under the Wildlife and Countryside Act. The Bird

Survey submitted by the applicant concluded that provided that the construction works are undertaken outside the breeding season and the habitats are reinstated in the correct manner there will be negligible negative impact in the bird species recorded in the area.

- 7.7 Mobilising works before birds start to nest will limit impact, as birds will be more inclined to find an alternative nest site. The construction footprint of the development will be marked, signed and fenced. No construction work activity will take place outside this area. It is also proposed that ecologists will undertake pre-construction surveys and provide a watching brief to alert the workforce to potential bird or other wildlife disturbance.

#### Impact on Residential Amenity

- 7.8 The export pipeline is the part of the overall gas processing plant development that has the greatest potential, during the construction phase, to have a detrimental impact on residential amenity as construction will occur relatively close to residential property at Graven, Laxobiggin and Firth. In order to mitigate this, the applicant has confirmed that the hours of working will be limited to Monday to Saturday 07.00 to 19.00. However the pipe pull-in works in Firths Voe will require to be carried out 24 hours a day due to the installation procedure which states that once the pipelay vessel has commenced operations, work cannot stop until complete. The pull-in works are expected to be in April 2012 and are expected to last one week. To ensure that the noise from the works within Firths Voe is kept to a minimum the applicant has indicated that the contractors will use super silent generators and low noise emitting plant where possible. It has also been indicated that there will be no blasting in association with the onshore works proposed.
- 7.9 Proposals for noise monitoring have been submitted. This identifies noise monitoring locations and proposals to monitor baseline noise levels before works begin. Twice yearly measurements will be taken to correspond with construction works adjacent to noise sensitive receptor sites, and monitoring in response to any 3<sup>rd</sup> party complaints will be carried out.

#### Impact on Traffic

- 7.10 There will undoubtedly be some impact on traffic flows in the area. Several public road crossings are proposed, rock for the pipe bed and running surface within the construction area will be imported to the site from various local quarries along the public road and the pipeline equipment requires to be imported to the site. In terms of the road crossings, the Council's Roads Services will require to be consulted prior to any works commencing to the public roads and a minimum of 3 months notice may be required under the New Road and Streetworks Act.
- 7.11 A plan has been submitted that shows temporary working areas for materials storage and car parking at 3 points along the pipeline route taking access out onto the public road for which more details of the junctions will be required. The access from the A968 to the

proposed beach valve will require to be submitted for approval before work begins to this aspect of the development and any permission granted will require to be conditioned to this effect. The unclassified loop road from the B9076 through Graven (X406) is to be crossed by the pipeline. Roads Services has advised that the bridges on this road are not suitable for sustained heavy construction traffic and therefore access should only be made from its eastern junction. This will require to be a condition of any permission.

- 7.12 The import of rock for the development of the gas processing plant from local quarries was examined in relation to a submission made under the conditions of the original planning permission (2009/271/PCD) and was found to be acceptable. This application also proposes using rock from local quarries and has included details of the haul routes to the site from various quarries and Roads Services has raised no objection to these proposals. The applicant has proposed that a baseline road condition survey be undertaken on the public roads to be impacted by the construction of the pipeline before work begins which will be repeated twice during the following 12 months to monitor road conditions and identify any export pipeline construction related damage. This needs to be ensured by condition.
- 7.13 In terms of the transport of pipes, bends etc to the site, the application states that these will be offloaded at the construction jetty at Sullom Voe and transported to the site from there. Roads Services has recommended that this be the case to cut down on the number of HGV loads on the public roads. A condition should be attached to ensure that this is the case.

#### Impact on Peat Land

- 7.14 A National Vegetation Classification Survey (NVC) was carried out by the applicant. This showed that from Firths Voe to the road, the pipeline route crosses through areas of grassland and local flushes. Above the vegetation is a mosaic of blanket and degraded bog, with some bog pools, wet and dry heath and exposed peat hags. These are habitats listed in Annex 1 of the Habitats Directive and are UK Biodiversity Action Plan (BAP) priority habitats. However the survey indicated that the majority of the blanket bog is degraded and eroded with areas of bare peat.
- 7.15 In the construction of the pipeline it is proposed that the acrotelm turves are to be removed and placed on one side of the pipeline spread on top of existing peat which will be protected by a layer of geotextile. The remaining subsurface peat will be side cast except in areas of deep peat where the peat will be removed for storage in the peat stores at the gas processing plant. On completion the subsurface peat will be placed back in the excavated area and over the pipeline and the turves placed back on top. The area will be graded to ensure that the top of the peat is reinstated to match the original ground profile taking into account potential settlement. The applicant considers that it is critical that the majority of peat is displaced on the side of the pipeline as it will reduce handling of the

peat, and has the least programme duration and this will increase the likelihood of successful reinstatement.

- 7.16 SNH has indicated that the peat handling method proposed with regard to peat storage is acceptable provided that the acrotelm turves are carefully laid out and replaced upright on reinstatement to minimise long term impacts on vegetation and peat. SEPA has asked for a planning condition to be attached requiring a Phase 1 habitat survey to be completed for any areas affected by the revised pipeline route that have not already been surveyed with the information gathered used as a baseline for monitoring the success of restoration proposals.
- 7.17 In terms of the stability of the peat and the assessment of peat slide risk, the applicant has indicated that following approval of the proposed construction methods and prior to any work commencing on site, a Risk Review meeting will take place with the designer and contractor to revise the existing document which was created for the original planning submission for the gas processing plant to take into account the export pipeline's new route. A planning condition is proposed to ensure that the risk of peat slides in the vicinity of the pipeline is addressed and a condition will be attached to the permission to this effect.
- 7.18 In addition to the main impacts for consideration outlined above, there are other considerations such as those relating to wildlife and archaeology. The Shetland Regional Archaeologist in response to consultation on the application has indicated a number of requirements that it will be appropriate to attach as planning conditions to ensure that the development has minimal impact on any archaeology found in the area.
- 7.19 Consideration must also be given to potential impact of the proposed development on European Protected Species as designated by the Habitats Regulations. In this instance these are otters. Mitigation proposed for otters includes pre breakthrough surveys, an ecological watching brief, otter friendly fencing and, exclusion areas around holts.
- 7.20 The applicant has indicated that further details of the export pipeline land valve (EPLV) near Firths Voe and details of the landfall marine works will be submitted at a later date and this aspect can be controlled by planning condition. The land valve and ancillary development such as access/parking has the potential to introduce a distinct industrial element into a visually accessible landscape dominated by rural characteristics therefore the design and landscaping will require careful consideration when submission is made under a condition.
- 7.21 Although the proposed development is considered to constitute Schedule 2 development under the 2011 Environmental Impact Assessment Regulations, as it exceeds both the 1 hectare and 7 bar gauge design operating pressure thresholds applying to such a gas



pipeline installation under class 10(k) of the schedule, and will add to the land in the surrounding area already affected by such infrastructure type development, it is considered that:

- the characteristics of the development proposed will not be significantly different, or significant in their own right when assessed against the criteria in Schedule 3 of the 2011 Regulations for the proposed development to constitute EIA development;
- on the basis of the information submitted with the application, the development being proposed will not give rise to significant impacts on the existing surrounding environment, again having regard to the characteristics of the potential impacts contained within Schedule 3 of the 2011 Regulations.

## **8. Conclusions**

8.1 As indicated at paragraph 7.2 above, the determining issues with regard to this development are whether the proposal:

- complies with Development Plan Policy; or whether
- there are any other material considerations which would warrant the setting aside of Development Plan Policy.

8.2 In principle there are no objections to the siting of this development as a revision to the already approved gas processing plant in this location close to Sullom Voe Oil Terminal. A precedent for industrial development in the landscape has been set in this area and Council planning policy is largely supportive of this type of development in this general area (SPENG1, LPCST4, LPCST5) provided that environmental impact is minimised. The assessment of the environmental information submitted with the application has concluded that, given the relatively short term duration of the construction period, provided that the development is undertaken in accordance with the information and method statements submitted, with the planning conditions recommended below attached, the impact of the development will be limited to levels that can be considered to be acceptable.

8.3 The proposed development therefore complies with the relevant policies of the Development Plan as listed in section 2 above.

## **9. Policy and Delegated Authority**

9.1 As the application is for a proposed development on land part owned by the Council, the decision to determine the application is delegated to the Planning Committee under the Scheme of Delegations that has been approved by the Council, as well as that which has been approved by the Scottish Ministers (July 2009).

9.2 If Members are minded to refuse the application as a departure from the Shetland Islands Council Development Plan Policy, it is

imperative that clear reasons for proposing the refusal of planning permission contrary to the development plan policy and the officer's recommendation be given and minuted in order to comply with Regulation 28 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, and for the avoidance of doubt in the case of a subsequent planning appeal or judicial review. Failure to give clear planning reasons for the decision could lead to the decision being overturned or quashed, and an award of costs being made against the Council, on the basis that it is not possible to mount a reasonable defence of the Council's decision.

### 9.3 Notification to Scottish Ministers

Not required.

## 10. Recommendation

- 10.1 It is recommended that this application be approved in compliance with the development plan and subject to the conditions listed below.

### **Conditions**

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

Letter from Total E & P UK LTD dated 25 July 2011 Ref: LAT-GEN-01744

Project Execution Plan Onshore Export Pipeline Construction, Ref: LPU-GEN-00-C-PR-173033-001

Noise Monitoring Proposals

Right of Way Preparation Including Peat Handling for the Export Pipeline Method Statement, Ref: LPU-GEN-00-C-PR-173023-001

Temporary Site Fencing Method Statement, Ref: LPU-GEN-00-C-PR-173002-001

Construction of Permanent Water Crossings, Ref: LPU-GEN-00-C-PR-173028-001

Laggan-Tormore Export Pipeline Bird Survey May 2011, Ref: LPU-EPL-00-F-RP-700019-001

Access and Temporary Set Down Areas, Ref: LPU-EPL-00-L-GA-903285-001

30" Export Pipeline – Onshore Alignment Sheet Key Plan, Drg No: LPU-EPL-00-L-AL-903269-001 Rev A02

30" Export Pipeline – Onshore Road Crossing (A986) RDX4 KP 5.145 Km, Drg No: LPU-EPL-00-L-DT-903299-001 Rev A02

30" Export Pipeline – Onshore Road Crossing (A986) RDX4 KP 5.145 Km, Drg No: LPU-EPL-00-L-DT-903299-002 Rev A02

30" Export Pipeline – Onshore Road Crossing No RDX1 KP 0.045 Km, Drg No: LPU-EPL-00-L-DT-903292-001 Rev A03

30" Export Pipeline – Onshore Road Crossing No RDX2 (B9076), Pipeline Crossing PLX1 (36" Brent Pipeline), Pipeline Crossing PLX2 (36" Ninian Pipeline - Drg No: LPU-EPL-00-L-DT-903297-001 Rev C03

30" Export Pipeline – Onshore Road Crossing No RDX2 (B9076), Pipeline Crossing PLX1 (36" Brent Pipeline), Pipeline Crossing PLX2 (36" Ninian Pipeline - Drg No: LPU-EPL-00-L-DT-903297-002 Rev C03

received by the Planning Authority on 27 July 2011.

National Vegetation Classification Survey of Lagan Tormore Gas Pipeline Route, Sullom Voe, Shetland for Total UK May 2011

received by the Planning Authority on 20 June 2011

PEMP\_Section 1: Site Environmental Plan, Ref: LPU-GEN-00-C-PR-173004-001

PEMP\_Section 2: Environmental Aspects and Impacts, Ref: LPU-GEN-00-C-PR-173004-002

PEMP\_Section 5: Pollution/Impact Control Plan, Ref: LPU-GEN-00-C-PR-173004-005

PEMP\_Section 6: Environmental Monitoring Plan, Ref: LPU-GEN-00-C-PR-173004-006

PEMP\_Section 7: Waste Management Plan, Ref: LPU-GEN-00-C-PR-173004-007

Firths Voe Landfall Construction, Ref: LPU-EPL-00-C-PR-175100-001

Method Statement for Crossing RDX2 Using Trenchless Technique, Ref: LPU-GEN-00-C-PR-173021-001

Peat Stability Risk Report, Ref: SGP-GEN-00-RP-171358-001

\*\*Export Pipeline Landfall Design, Ref: LPU-EPL-00-L-RP-903242-001

30" Export Onshore Pipeline Routing and Crossings Report, Ref: LPU-EPL-00-L-RP-903247-001

Onshore Pipeline Logistics Plan, Ref: LPU-GEN-00-C-PG-173020-001

Laggan-Tormore Pipeline, Shetland Geophysical Survey Report 10/01

30" Export Pipeline – Onshore Overall Planning Extent, Drg No: LPU-EPL-00-L-GA-903285 Rev C06

30" Export Pipeline – Onshore Typical Ditch/Minor Water Course Crossing Details, Drg No: LPU-EPL-00-L-DT-903295 Rev C04

30" Export Pipeline – Onshore Alignment Sheets Sheet 1 of 9, Drg No: LPU-EPL-00-L-AL-903270-001 Rev A02

30" Export Pipeline – Onshore Alignment Sheets Sheet 2 of 9, Drg No: LPU-EPL-00-L-AL-903270-002 Rev A02

30" Export Pipeline – Onshore Alignment Sheets Sheet 3 of 9, Drg No: LPU-EPL-00-L-AL-903270-003 Rev A02

30" Export Pipeline – Onshore Alignment Sheets Sheet 4 of 9, Drg No: LPU-EPL-00-L-AL-903270-004 Rev A02

30" Export Pipeline – Onshore Alignment Sheets Sheet 5 of 9, Drg No: LPU-EPL-00-L-AL-903270-005 Rev A02

30" Export Pipeline – Onshore Alignment Sheets Sheet 6 of 9, Drg No: LPU-EPL-00-L-AL-903270-006 Rev A02

30" Export Pipeline – Onshore Alignment Sheets Sheet 7 of 9, Drg No: LPU-EPL-00-L-AL-903270-007 Rev A02

30" Export Pipeline – Onshore Alignment Sheets Sheet 8 of 9, Drg No: LPU-EPL-00-L-AL-903270-008 Rev A02

30" Export Pipeline – Onshore Alignment Sheets Sheet 9 of 9, Drg No: LPU-EPL-00-L-AL-903270-009 Rev A02

30" Export Pipeline – Onshore Method of Pipeline Construction in Areas of Peat Less Than 2M in Depth, Drg No: LPU-EPL-00-L-DT-903322-001 Rev C06

30" Export Pipeline – Onshore Method of Pipeline Construction in Areas of Peat 2M or Greater in Depth, Drg No: LPU-EPL-00-L-DT-903321-001 Rev A04

Export Pipeline Topographical and Peat Depth Survey Sheet 1 of 3, Drg No: SGP-GEN-00-C-GA-171355-003 Rev C02

Export Pipeline Topographical and Peat Depth Survey Sheet 2 of 3, Drg No: SGP-GEN-00-C-GA-171355-004 Rev C02

Export Pipeline Topographical and Peat Depth Survey Sheet 3 of 3, Drg No: SGP-GEN-00-C-GA-171355-005 Rev C02

Shetland Gas Plant Peat Slide Risk Analysis, Drg No: SGP-GEN-00-C-GA-171359-002 Rev C03

Onshore Environmental Sensitivities at SGP and Garths Voe

Onshore Environmental Sensitivities for Export Line to Firths Voe

30" Export Pipeline – Onshore Typical Trench Layout Details, Drg No: LPU-EPL-00-L-DT-903281-001 Rev R01

30" Export Pipeline – Onshore Small Ditch/Minor Watercourse Crossing Reinstatement Details, Drg No: LPU-EPL-00-L-DT-903283-001 Rev C02

30" Export Pipeline – Onshore Typical Ditch/Minor Watercourse Crossing Details, Drg No: LPU-EPL-00-L-DT-903295-001 Rev C04

30" Export Pipeline – Onshore 'Stone Road' Details of Peat Plugs, Drg No: LPU-EPL-00-L-DT-903320-001 Rev A03

30" Export Pipeline – Onshore Details of Stock Proof Fence, Drg No: LPU-EPL-00-L-DT-903337-001 Rev C02

received by the Planning Authority on 23 May 2011.

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

(2) The development hereby permitted shall be commenced within three years of the date of this permission.

Reason: 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.

(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).

- (4) The development hereby approved shall only be used in connection with the export of gas from the gas processing plant the subject of Planning Permission 2009/271/PCD, a development to which the proposal the subject of this approval is an extension.

Reason: To ensure that the development hereby approved is used only as an extension to the existing approved development for the avoidance of doubt and in compliance with Shetland Structure Plan (2000) Policy GDS4, and SPNE1, and Shetland Local Plan (2004) Policy LPNE10 and LPBE13.

- (5) The site shall not become operational in terms of the transportation of exported gas along the pipeline until a preliminary decommissioning plan has been submitted to and approved in writing by the Planning Authority. Within 6 months of the site becoming operational a final decommissioning and reinstatement plan, including costing of works at prices current at the time of submission, shall be submitted to and approved in writing by the Planning Authority. This site shall only be decommissioned in association with the decommissioning of the gas processing plant, the development to which the proposal the subject of this approval is an extension (Planning Permission 2009/271/PCD). The approved decommissioning and reinstatement plan shall then be the subject of review on a biennial basis by the operator of the site to allow for further development of the plan during the lifetime of the development. The reviews shall take into account the results of monitoring of the condition of the peat within the peat reservoirs on the GPP site, and for informing post decommissioning monitoring and aftercare.

Reason: To ensure that site is reinstated in an acceptable manner and in compliance with Shetland Structure Plan (2000) Policy GDS4, and SPNE1, and Shetland Local Plan (2004) Policy LPNE10 and LPBE13.

- (6) No activities shall take place in connection with the laying of the export pipeline and the carrying out of reinstatement works within the

development site during the months of May, June and July unless specifically authorised by the Planning Authority following the submission and approval of appropriate mitigation measures.

Reason: In order to avoid adversely impacting a nationally important population of breeding whimbrel and to avoid the risk of damaging nests of other bird species found in the area, in compliance with Shetland Structure Plan (2000) Policy GDS4, SPNE5 and SPNE7 and Shetland Local Plan (2004) Policy LPNE10.

(7) No development shall commence in connection with the beach valve and landfall marine works at Firths Voe until further information comprising a scheme detailing the construction of any temporary and permanent structures, and the landscaping and reinstatement at these sites, in the area as identified on the attached plan Ref: 2011/160/PCD – SIC 01 has been submitted to and approved in writing by the Planning Authority.

Reason: In order to minimise the impact of the development on the Firths Voe area, in compliance with Shetland Structure Plan (2000) Policy GDS4, SPNE5 and SPNE7 and Shetland Local Plan (2004) Policy LPNE10.

(8) The development shall not commence until a detailed Phase 1 habitat survey has been completed for the areas affected by the revised export pipeline route that have not already been surveyed. The survey results shall be submitted for the approval of the Planning Authority. A National Vegetation Classification (NVC) survey shall be completed for any wetland areas and the survey results shall be used to inform and monitor the success of the restoration of the works hereby approved on completion of the laying of the pipeline and reinstatement of the land to the approved levels, and shall be subject of review by the operator of the site on a biennial basis following the date of completion of the works to reinstate the land to the approved levels (which shall be notified to the Planning Authority by the developer of the site within 14 days of such completion), the results of which shall be submitted to the Planning Authority not later than 3 months after the date on which such a review falls due to be carried out.

Reason: In order to ensure that the restoration of the site following completion of the development is actively monitored to ensure that environmental impact is minimised in compliance with Shetland Structure Plan (2000) Policy GDS4, SPNE5 and SPNE7 and Shetland Local Plan (2004) Policy LPNE10.

(9) An archaeological watching brief shall be carried out along the pipeline route for any ground breaking work associated with the development, and all archaeological work shall be carried out by a suitably qualified archaeologist or organisation. Access shall be afforded at all times to the Shetland Regional Archaeologist, or their representative (if not the archaeological supervisor), who are charged by the Planning Authority to monitor the archaeological

scheme of works in progress and record items of interest and finds. The Planning Authority and the Shetland Regional Archaeologist or their representative shall be given 21 days notice of any archaeological work commencing on the site. Any artefacts, ecofacts or structures discovered during the works shall be reported immediately to the Shetland Regional Archaeologist.

Reason: In order to establish and protect any known archaeological and historical features within, the application site which are of significant historical importance and Shetland and in compliance with Shetland Structure Plan (2000) Policy SPBE1, Shetland Local Plan (2004) Policy LPNE10.

(10) Development shall not commence until:

- (i) An appropriate archaeological mitigation strategy has been prepared for the section identified as 987-981 in the Geophysical Survey submitted with the planning application which takes account of the recommendations of the Geophysical Survey, and has been submitted to and approved in writing (following appropriate consultation as deemed necessary) by the Planning Authority; and
- (ii) Excavation of the archaeological site beside the mound at Firth's Voe has been completed and documented and the results of the excavation submitted to the Planning Authority.

Reason: In order to protect any known archaeological and historical features within, the application site which are of significant historical importance and Shetland and in compliance with Shetland Structure Plan (2000) Policy SPBE1, Shetland Local Plan (2004) Policy LPNE10.

(11) The development shall not commence until a scheme detailing the road condition surveys to be carried out on the public roads to be impacted by the development as indicated at paragraph 4.6 of PEMP Section 6: Environmental Monitoring Plan has been submitted to and approved in writing by the Planning Authority. This shall include details of the roads to be surveyed and the timing of the surveys and any pre development or remedial works identified as being required. The results of the surveys shall be submitted to the Planning Authority and shall be used to monitor road condition in the vicinity of the development.

Reason: In the interests of public and road safety and in order to identify any works required to the public road prior to development commencing and any damage to the public road as a result of the development, in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(12) All pipeline parts to be used in association with the construction of this development shall be imported to the site via the construction jetty at Sullom Voe as indicated at paragraph 4.2 of the Onshore Pipeline Logistics Plan and thereafter transported to the site via road

transport unless otherwise approved in writing by the Planning Authority.

Reason: For the avoidance of doubt and in the interests of traffic management, road safety, and public amenity. This complies with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(13) Access to and exit from the development site onto the unclassified road (X406), shall only be taken from the eastern junction of this road with the B9076.

Reason: For the avoidance of doubt, as the bridges on this road are not suitable for heavy construction traffic, and in the interests of public and road safety in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPNE10.

(14) Notwithstanding the submitted plans, no new accesses onto the public road (temporary or permanent) shall be created in connection with this development until detailed plans for all accesses onto the public road have been submitted to and approved in writing (following appropriate consultation as deemed necessary) by the Planning Authority.

Reason: As insufficient information has been submitted with the application and to ensure that the infrastructure serving the development site is completed to an acceptable standard in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPHOU4.

(15) The development shall not commence until a peat slide risk assessment and a peat stability management plan addressing peat stability measures to be adopted during the construction, operation and decommissioning phases of the development hereby permitted has been submitted to and approved in writing by the Planning Authority. This shall include proposals for the monitoring and maintenance of the condition of the peat in the surrounding catchment area.

Reason: To ensure that the impacts of the development on the stability of the surrounding peat are identified, controlled and minimised in the interests of environmental and visual amenity, and public safety and in compliance with Shetland Structure Plan (2000) Policy GDS4, SPNE1, SPNE7, and Shetland Local Plan (2004) Policy LPNE10.

(16) If any top soil, spoil or waste materials arising from the excavation of the site and the construction of the development are to be removed from or disposed of outwith the site, with the exception of the peat that is to be stored on the gas processing plant development site the subject of Planning Permission 2009/271/PCD, details of the method of storage or disposal of any such materials, including details of the location of any storage or disposal sites, shall



be submitted and approved in writing by the Planning Authority prior to the commencement of development.

Reason: To ensure that any top soil or waste material arising from the construction of the development is disposed of to an authorised site and in an environmentally acceptable manner in compliance with Shetland Structure Plan (2000) Policy GDS4 and Shetland Local Plan (2004) Policy LPBE13.

### **Note to the Applicant**

1. Notification 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.

2. Roads

The details required under condition no 14 above for junctions onto the B9076, (Detail B) the unclassified road (X406) (Detail C) and the A976 (Detail D) as indicated on Drawing NO LPU-EPL-00-L-GA-903285-001 Rev A01 should be designed to take account of the following guidance received from the Council's Roads Services.

Detail B - Junction on to B9076

- The access points must achieve a visibility splay of 2.5m by 215m in both directions for both sides of the road.
- Access points should be staggered by 50m and in a manner that allows vehicles to exit the site and cross the road in one movement.
- A speed sign is positioned close to the access point and may need to be relocated.
- Existing piped/chipped drainage on the North side of the B9076 must be protected in forming the access on to the public road.

Detail C - Junction on to Unclassified road

- The access points must achieve a visibility splay of 2.5m by 90m in both directions.
- The junctions onto this section must be staggered or a section of road closed and left as a works access from the B9076 for the duration of the development. Please contact the Roads Service to discuss the most appropriate solution and the way forward.
- It should be noted that this section of road is in quite poor condition given it is generally a surfaced dressed road built on peat and is only 2.6m in width. Therefore there is more likelihood of damage to the section of road occurring prematurely.
- The access from the B9076 is through a cattle grid that has concrete wing walls. The bypass gate is only 3m in width with

concrete pillars at either side. If there is to be abnormal loads proposed through this grid some alterations maybe required eg. removable wing walls and pillars.

#### Detail D - Junction on to A968

- The access points must achieve a visibility splay of 2.5m by 215m in both directions for both sides of the road.
- Access points should be staggered by 50m and in a manner that allows vehicles to exit the site and cross the road in one movement.
- The junction onto the A968 from the west side of the road will require the access to be piped with a 450mm diameter pipe. The junction area does have a cross drain under the road which will need to be taken into consideration when finally locating the junction points.

It should be noted that a minimum of 3 months notice is needed under the New Roads & Streetworks Act before the pipeline crosses the public road. Notice should be given to the Shetland Islands Council Roads Service well in advance to ensure coordination with other possible works in the area.

## **11. Attachments**

- 11.1 Location Map.
- 11.2 Typical Cross Sections.

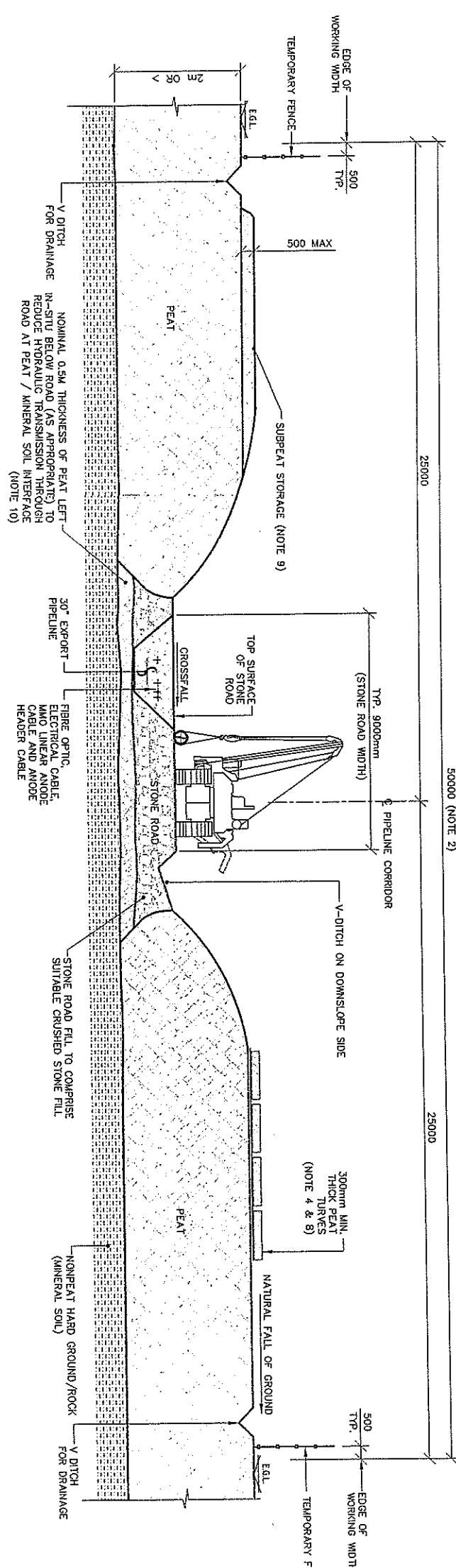
## **12. Background Papers**

None.

Report Number : PL-17-11-F







**TYPICAL RIGHT OF WAY CROSS SECTION USING STONE ROAD METHOD OF CONSTRUCTION**  
**(PEAT GREATER THAN 2m IN DEPTH)**