

DEVELOPMENT CONTROL COMMITTEE 15 APRIL 2021

AMENDMENT SHEET

The Chairperson accepts the amendment sheet in order to allow for Committee to consider necessary modifications to the Committee report to be made so as to take account of late representations and corrections and for any necessary revisions to be accommodated.

| <u>ITEM NO.</u> | <u>PAGE NO.</u> | <u>APPLICATION NO.</u> |
|------------------------|------------------------|-------------------------------|
| 9 | 31 | P/20/423/RLX |

The applicants' Agent has submitted additional information in support of the application as follows:-

I just wanted to draw your attention to the recent attached decision, extending the life of a Scottish windfarm to 40 years upon application only two years after the original grant of permission. We would respectfully submit that all the policy, national and local, in all the nations of the UK points towards the same support for renewables – there is now a positive duty upon planning authorities to support these applications, including those for repowering, rather than just passive acceptance. We would argue that support includes taking into account that financial investment models require long-term certainty, especially since all national and local plans make very clear that support for renewables is itself a long-term policy objective.

The Agent also draws attention to the policy guidance from the recently-published from Planning Policy Wales (Edition 11, February 2021) and emphasises extracts from that guidance.

This information and a copy of the Appeal decision referred to above are reproduced as Appendix A to this Amendment Sheet.

**JONATHAN PARSONS
GROUP MANAGER – PLANNING & DEVELOPMENT SERVICES
15 APRIL 2021**

| <u>ITEM NO.</u> | <u>PAGE NO.</u> | <u>APPLICATION NO.</u> |
|-----------------|-----------------|------------------------|
| 9 | 31 | P/20/423/RLX |

APPENDIX A

(from:)

PLANNING POLICY WALES EDITION 11| FEBRUARY 2021

Development Plans (p9)

1.22 Up-to-date development plans are the basis of the planning system and set the context for rational and consistent decision making. Plans at all levels of the development plan hierarchy must be prepared in accordance with national planning policies. Planning applications must be determined in accordance with the adopted plan, unless material considerations indicate otherwise.⁷ Development plans must show how places are expected to change to accommodate development needs over the plan period. They provide certainty for developers and the public about the type of development that will be permitted at a particular location.

Objectives of Good Design (p26)

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. [An integrated and flexible approach to design, including early decisions](#) regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

Productive and Enterprising [section] (p75)

The breadth of topics in the Productive and Enterprising Places theme respond to future trends and issues that will need to be addressed through the planning system. These trends need to be challenged by planning decisions in order to ensure we create sustainable places.

[The key issues in this theme include: \[...\]](#)

- embracing the challenge of decarbonising our energy and transport sectors including phasing out of fossil fuels and moving towards local, decentralised renewable energy systems, the increased use of energy storage to balance supply and demand and the challenge this creates on our distribution networks; [...]
- [supporting and enabling renewable, low carbon globally responsible material choices](#) and their efficient and most appropriate use, so as to prevent waste and ensure finite resources are not unnecessarily diminished;

Productive and Enterprising Linkages (p75)

The policy topics of the Productive and Enterprising Places theme can collectively work together to create sustainable places through development plan strategies, policies and allocations and development management decision making. In particular: [...]

- [encouraging policies and proposals which promote low carbon developments and sites for renewable energy](#), manufacturing, research and development close to areas of deployment of renewable energy;

5.6 The Rural Economy

5.6.1 The rural economy must develop a wide base if it is to be adaptable and resilient to the challenges it faces now and in the future. [...]

5.6.13 Diversification activities come in many forms and include both agricultural and non-agricultural activities. [...] Diversification can also include renewable energy proposals such as anaerobic digestion facilities or solar and wind installations, which will help to increase the viability of rural enterprises by reducing their operating costs. These schemes should be supported where there is no detrimental impact on the environment and local amenity.

Energy

5.7 Context (p88)

5.7.1 The Welsh Government's highest priority is to reduce demand wherever possible and affordable. Low carbon electricity must become the main source of energy in Wales. Renewable electricity will be used to provide both heating and transport in addition to power. [...]

5.7.2 Overall power demand is expected to increase as a result of growing electrification of transport and heat. In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales.

5.7.3 These priorities contribute to reducing carbon emissions, as part of our approach to decarbonisation, whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. This means taking precautionary action to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development. [The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.](#)

5.7.4 Future Wales – The National Plan 2040 sets out the national development plan context for energy and provides specific policies for heat network and renewable energy development.

5.7.7 [The benefits of renewable and low carbon energy, as part of the overall commitment to tackle the climate emergency and increase energy security, is of paramount importance.](#) The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should: [...]

- maximise renewable and low carbon energy generation;

Renewable Energy Targets (p90)

5.7.14 The Welsh Government has set targets for the generation of renewable energy:

- [for Wales to generate 70% of its electricity consumption from renewable energy by 2030;](#) [...]

5.7.15 The planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings.

5.9 Renewable and Low Carbon Energy (p91)

5.9.1 Local authorities should facilitate all forms of renewable and low carbon energy development and should seek cross-department co-operation to achieve this. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved.

Planning authorities should seek to maximise the potential of renewable energy by linking the development plan with other local authority strategies, including Local Well-being plans and Economic/ Regeneration strategies.

(p93)

5.9.10 Planning authorities should ensure development plan policies are supportive of renewable and low carbon energy development in all parts of Wales, direct developments to the right locations and set out clearly the local criteria against which proposals will be evaluated (see below).

Locational Policies for Renewable and Low Carbon Energy Development (p94)

5.9.14 Planning authorities should support and guide renewable and low carbon energy development to ensure their area's potential is maximised. Planning authorities should assess the opportunities for renewable and low carbon energy in the area, and use this evidence to establish spatial policies in their development plan which identify the most appropriate locations for development of energy developments below 10MW. There should be a presumption in favour of development in identified areas, including an acceptance of landscape change, with clear criteria-based policies setting out detailed locational issues to be considered at the planning application stage.

Large Scale Wind Energy Development

5.9.16 **Wales has an abundant wind resource and, as a result, wind energy forms a key part of meeting the Welsh Government's vision for future renewable energy production.**

Re-powering, Life Extension, Decommissioning and Remediation (p97)

5.9.29 **The extension and re-powering of existing renewable energy infrastructure is important in meeting renewable energy and decarbonisation targets. Planning authorities should support such schemes** and take into account changes in renewable energy technology and viability, which may mean, for example, that the format of a repowered wind farm will be different from an existing scheme. Planning authorities should set out broad criteria for the determination of life extension and re-powering applications, based on the additional impact of the new scheme.

THE NATIONAL PLAN 2040

Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure

The Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. **In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and our target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.** In Pre-Assessed Areas for Wind Energy the Welsh Government has already modelled the likely impact on the landscape and has found them to be capable of accommodating development in an acceptable way. There is a presumption in favour of large-scale wind energy development (including repowering) in these areas, subject to the criteria in policy 18.

Applications for large-scale wind and solar will not be permitted in National Parks and Areas of Outstanding Natural Beauty and all proposals should demonstrate that they will not have an unacceptable adverse impact on the environment.

Proposals should describe the net benefits the scheme will bring in terms of social, economic, environmental and cultural improvements to local communities.

(P171) [Regional] **It is vital the region plays its role in decarbonisation and supports the realisation of renewable energy.**

THE LOCAL DEVELOPMENT PLAN 2013

2.2 Local Development Plan Objectives (P9)

2.2.1 The LDP Vision will be delivered through four strategic LDP objectives which seek to address the national, regional and local issues facing the County Borough. These four strategic objectives are at the centre of the LDP and form the basis for its policy development. They are: 1. To produce high quality sustainable Places. 2. To protect and enhance the Environment.

OBJ 2e To contribute towards the energy needs of Wales with a focus on the promotion of renewable energy. (NR5, LS3)

Policy PLA4 (P26)

Climate Change and Peak Oil

All development proposals will be required to make a positive contribution towards tackling the causes of, and adapting to the impacts of Climate Change and Peak Oil issues. Means of achieving this may include:

- 1) Having lower carbon energy requirements by reducing energy demand, and promoting energy efficiency;
- 2) Utilising local materials and supplies wherever feasible;
- 3) [Encouraging the development of renewable energy generation;](#)

4.6 Energy Generation, Efficiency and Conservation (P45)

Strategic Policy SP8 – Renewable Energy

Development proposals which contribute to meeting national renewable energy and energy efficiency targets will be permitted where it can be demonstrated that there will be no significant adverse impacts on the environment and local communities. LDP Objective: 2e (P78)

| To Protect and Enhance the Environment | | | |
|--|--|---|---|
| Energy Generation, Efficiency and Conservation | | Primary Policy: Strategic Policy SP8 | LDP Objectives: 2e |
| Monitoring Aim: That the County Borough contributes towards the country's renewable energy requirements | | Other Policies: ENV17, ENV18 | |
| Policy Target | Indicators | Annual / Interim Monitoring Target | Assessment Trigger |
| 16. All major planning applications assess the potential for onsite Renewable / Low Carbon Energy technologies. | Major planning applications which are accompanied by a Renewable / Low Carbon Energy Assessment in accordance with Policy ENV17. | 100% of all major planning applications are accompanied by a Renewable / Low Carbon Energy Assessment in accordance with Policy ENV17. 2014: Production of Energy Opportunities Plan SP8. | <100% of all major planning applications are accompanied by a Renewable / Low Carbon Energy Assessment in accordance with Policy ENV17 in any year. Energy Opportunities Plan SP8 is not in place by 2014. |
| 17. To increase the amount (in MW) of energy produced in the County Borough from renewable sources. | Permitted and installed capacity (MW) of renewable electricity and heat projects within the County Borough. | Annual increase in the permitted or installed capacity of renewable electricity and heat projects within the County Borough through the Plan period. 2014: Production of Energy Opportunities Plan SP8. | Its annual increase in the permitted or installed capacity of renewable electricity and heat projects within the County Borough. Energy Opportunities Plan SP8 is not in place by 2014. |
| 18. 35MW of renewable energy generated in the refined Strategic Search Areas (Policy ENV18) by the end of the Plan period. | The capacity of renewable energy developments (MW) installed inside the refined Strategic Search Areas (Policy ENV18). | If planning applications which would cumulatively meet the 35MW target are not submitted by 2018. | If planning applications which would cumulatively meet the 35MW target are not submitted by 2018. |
| Bodies Responsible: Bridgend County Borough Council | | Data Source: Planning Applications | |

SECTION 42 PERMISSION

ReferenceNo:19/02647/S42

To: Wathegar 2 Limited
Glebe Barn
Great Barrington
Burford
Oxon
OX18 4US

Per: Per:
Natural Power Consultants Limited
Per: Gavin Shirley
Spey House
3 Dochfour Business Centre
Dochgarroch
Inverness
IV3 8GY

Town and Country Planning (Scotland) Act 1997 (As Amended)
Planning Etc. (Scotland) Act 2006

DECISION NOTICE

Application under Section 42 to develop land without compliance with condition(s) 2 previously attached to Planning Permission ref. 14/01082/S42 for the permission granted consent to amend the wording of Condition 1 attached to the existing consent to increase the consented tip height to 110m & the consented rotor diameter to 92.5m & extend the expiry date to three years from the approval of the amendment at Land 100M NW Of Wathegar, Bibster, Wick.

The Highland Council in exercise of its powers under the above Act **grants Planning Permission to develop land without compliance with condition 2** previously imposed, in accordance with the particulars given in the application and the following conditions and reasons:

1. The development shall be undertaken in accordance with the planning permission reference 11/03671/FUL, approved plans and the environmental statement except in so far as amended by the terms of this consent or as subsequently agreed in writing by the Planning Authority in consultation with Scottish Natural Heritage and Scottish Environmental Protection Agency.

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

2. The Planning Permission is granted for an operational period of up to 40 years from the date when electricity was first exported from the wind turbines to the electricity grid network, defined as the First Export Date (17 October 2017). At the end of the operational period decommissioning and restoration shall be completed within 43 years of the First Export Date in line with the provisions of Condition 6 of this planning permission

Reason: The application is for a temporary period of 40 years.

Dated: 17th December 2019

Dafydd Jones

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Area Planning Manager

- 3. If any wind turbine fails to supply electricity to the grid for a continuous period of 6 months then, unless otherwise agreed in writing with the Planning Authority, a scheme for the removal of that wind turbine and any surface ancillary works solely relating to that wind turbine shall be submitted in writing for the approval of the Planning Authority. The scheme shall then be implemented as approved.

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

- 4. The turbines to be erected on site shall be the RePower MM92 wind turbine in accordance with the design as shown on the approved drawing Figure 5. The external colour of each turbine shall be a non-reflective semi-matt pale grey colour (RAL colour 7035) unless otherwise agreed in writing with the Planning Authority. No name, sign or other logo shall be displayed on any external surfaces of the wind turbines save as required by law. For the avoidance of doubt, all wind turbine blades shall rotate in the same direction, consistent with existing Turbines at Wathegar 1, Achairn and Flex Hill wind farms.

Reason: In the interests of visual amenity and to comply with the Council's Highland Renewable Energy Strategy.

- 5. Turbines and tracks may be micro-sited within 50 metres of the positions shown on approved layout submitted with the application.

Reason: To allow areas of deep peat and wetlands to be avoided in the final design.

- 6. Not later than 12 months before the end of the consent period, a decommissioning and site restoration scheme shall be submitted for the written approval of the Planning Authority, such scheme to include the removal of above-ground elements of the development, management and timing of any works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The scheme shall be implemented as approved.

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

- 7. The applicant shall ensure that the approved bond or any other financial provision which may be put in place at the review dates to cover all decommissioning and site restoration costs is maintained throughout the duration of this consent. For the avoidance of any doubt the bond or other financial provision shall include an element to address an appropriate wear and tear agreement with the local Roads Authority to ensure no net detriment to the local road network as a result of decommissioning works. The bond or other financial provision will be subject to a five yearly review from the commencement of the development, to be conducted by a competent independent professional who has relevant experience within the wind energy sector.

Dated: 17th December 2019

Dafydd Jones

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Area Planning Manager

Reason: To ensure that the restoration of the site is achieved after decommissioning and safeguard the local road network from the impact of these works.

- 8. Prior to any further development or works on the site, inclusive of decommissioning and any maintenance that requires provision of new or improved tracks, or replacement of any turbine components (defined as towers, blades or nacelles), a Construction Traffic Management Plan shall be submitted to and agreed in writing by the Planning Authority. The Construction Traffic Management Plan shall include proposals for construction vehicle routing, the location and design of accesses from the public highway onto the site, management of traffic at junctions to and crossings of the public highway and other public rights of way, the scheduling and timing of movements, details of escorts for abnormal loads, temporary warning signs, temporary removal or replacement of highway infrastructure and street furniture, off-site road works and banksman details etc. The approved Construction Traffic Management Plan shall be implemented as approved in writing by the Planning Authority. For the avoidance of any doubt this will include details to advise the public including road users on the A882 and those living along the access route of the expected abnormal loads associated with the delivery of turbine parts.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 9. Prior to any further development or works on the site, inclusive of decommissioning and any maintenance that requires provision of new or improved tracks, or replacement of any turbine components (defined as towers, blades or nacelles), an agreement dealing with liability for remedial work required as a result of any damage to the local road network directly attributable to the Wind Farm construction and providing for pre and post construction surveys of the said local road network has been submitted to and agreed in writing with the Planning Authority in consultation with the local Roads Authority.

Reason: In order to protect highway safety and the amenity of other users of the public highway and rights of way.

- 10. The Community Liaison Group established by the developer, in collaboration with Highland Council and local Community Council's, to allow views on the phased delivery of all road mitigation measures required for the development and decommissioning of the wind farm to be shared and taken into account and to keep under review the timing of the delivery of turbine parts (blades turbine tower sections and hubs) using the local road network shall remain in place until decommissioning of the site has been completed.

Reason: To assist with the delivery of the development and it's decommissioning.

- 11. Prior to any further development or works on the site, inclusive of decommissioning and any maintenance that requires provision of new or improved tracks, or replacement of any turbine components (defined as towers, blades or nacelles), a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority in consultation with SNH, SEPA and other Council Services. Construction

Dated: 17th December 2019

Dafydd Jones
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Area Planning Manager

of the development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP should include information on the following matters: -

- Environmental Policy - Statement of responsibility for all environmental features, safeguards and mitigation.
- Appointment and scope of work for an Ecological Clerk of Works (ECoW) who shall have responsibility for monitoring compliance with the provisions of the approved CEMP and who shall report all breaches of the approved CEMP to the Planning Authority.
- Details of construction works, the construction methods and surface treatment of all hard surfaces and tracks.
- Details of temporary site compounds for storage of materials and machinery (including areas designated for car parking).
- Details of the timing of works and methods of working for cable trenches and foundation works.
- Details of the timing of works and construction of the substation/ control buildings and anemometry masts.
- Details of the bridges and culverts for all new water crossings.
- Pollution control arrangements, including protection of water courses and ground water and soils, bunding of fuel storage areas, and sewage disposal.
- Dust management.
- Cleaning of site entrances, site tracks and the adjacent public highway and the sheeting of all HGVs taking spoil or construction materials to / from the site to prevent spillage or deposit of any materials on the highway.
- Disposal arrangements of surplus materials.
- Post construction restoration / reinstatement of the temporary working areas.
- Construction noise management plan (including identification of access routes, locations of materials lay-down areas, details of equipment to be employed, operations to be carried out, mitigation measures and a scheme for the monitoring of noise in the event of complaints).

Reason: To protect highway safety, amenity and control pollution of air, land and water.

12. The approved "Forestry and Nature Conservation Management Plan" (submitted to the Planning Authority on 02 June 2016) shall be implemented as approved throughout the operational life of the wind farm.

Reason: To protect and enhance local woodland, wetlands and nature conservation interests.

13. Prior to any further development or works on the site, inclusive of decommissioning and any maintenance that requires provision of new or improved tracks, or replacement of any turbine components (defined as towers, blades or nacelles), survey work and all necessary mitigation shall be undertaken in respect of the interests of protected species within and adjacent to the application site as agreed in writing with the Planning Authority in respect of all construction and site restoration associated with this project. The earlier noted Ecological Clerk of Works shall oversee the construction and decommissioning phase of the development and that that

Dated: 17th December 2019

Dafydd Jones

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Area Planning Manager

individual shall be given the power to stop construction works if necessary to safeguard protected species and their habitats.

Reason: To protect the interests of European and other Protected Species which prevail within the area of the proposed construction works.

14. The approved scheme of mitigation for shadow flicker (submitted to the Planning Authority on 05 April 2016) shall be implemented in accordance with the details contained therein. Any variation to the approved scheme shall be submitted to and approved in writing by the Planning Authority.

Reason: To protect the occupiers of residential units from the effects of shadow flicker.

15. The approved Television and Radio Mitigation Plan (submitted to the Planning Authority on 05 April 2016) shall be implemented and be effective for a period of 12 months from the commissioning of the development. Any claim by any individual person regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer and the results submitted to the planning authority. Should any impairment to the TV signal be attributable to the wind farm, the developer shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV reception.

Reason: To ensure that any effect on TV or radio reception is rectified.

16. The applicant provided both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement on 29 March 2016, copied to the Planning Authority and Highland and Islands Airport Authority Ltd, containing the following information:

- The date of commencement of the construction;
- The exact position of the turbine towers in latitude and longitude;
- A description of all structures over 300 feet high.
- The maximum extension height of any construction equipment;
- The height above ground level of the tallest structure; and
- The lighting schemes for relevant turbines, taking account of existing turbine lighting, as agreed with aviation interests and the Planning Authority.

Shall any of the above matters change in the course of the operation or decommissioning of the development a further statement containing the above information shall be submitted to Ministry of Defence and the Defence Geographic Centre (AIS Information Centre), copied to the Planning Authority and Highland and Islands Airport Authority Ltd.

Reason: In the interests of air safety.

Dated: 17th December 2019

Dafydd Jones
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Area Planning Manager

17. The approved scheme for measuring and assessing the levels of noise emission from the development cumulatively with the Achairn 04/00366/FULCA; Flex Hill 04/00017/FULCA and Wathegar 10/00042/FULCA wind farms submitted to the Planning Authority in May 2016 shall be implemented. The submitted scheme details the measurement methodology, proposed measurement locations, relevant wind speeds and directions and reporting procedures.

The rating level of noise immissions from the combined effects of the wind turbines of this development and those of Achairn, Flex Hill and Wathegar Wind Farms (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

a) The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

b) No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.

c) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request

Dated: 17th December 2019

Dafydd Jones

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Area Planning Manager

of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Dated: 17th December 2019

Dafydd Jones
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Area Planning Manager

Table 1 - Between 07:00 and 23:00 - Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

| Location | Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods | | | | | | | | | | | |
|-------------------|--|------|------|------|------|------|------|------|------|------|------|------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Achair Cottage | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.9 |
| Achair Farm | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.9 |
| Basquary | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.9 |
| Housequoy | 35.0 | 35.0 | 35.0 | 35.0 | 35.0 | 36.8 | 39.6 | 42.3 | 44.8 | 47.2 | 49.4 | 51.2 |
| Lealands | 35.0 | 35.0 | 35.0 | 35.0 | 35.0 | 35.4 | 38.3 | 41.3 | 44.1 | 46.5 | 48.4 | 49.4 |
| Roadside Farm | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.5 | 48.4 | 49.4 |
| Rowangarth | 35.0 | 35.0 | 35.0 | 35.0 | 35.0 | 36.8 | 39.6 | 42.3 | 44.8 | 47.2 | 49.4 | 51.2 |
| Schoolhouse | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.5 | 48.4 | 49.4 |
| Gardeners Cottage | 35.0 | 35.0 | 35.0 | 35.0 | 35.0 | 38.0 | 41.8 | 46.0 | 50.5 | 55.1 | 59.6 | 63.9 |
| Thuster* | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.4 | 45.0 | 45.0 | 45.0 | 46.5 | 48.4 | 49.4 |

* Includes Stockman's Cottage; Thuster Mains; Thuster House; Thuster Bungalow

Dated: 17th December 2019

Dafydd Jones

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Area Planning Manager

Table 2 - Between 23:00 and 07:00 - Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

| Location | Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods | | | | | | | | | | | |
|-------------------|--|------|------|------|------|------|------|------|------|------|------|------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Achair Cottage | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.9 |
| Achair Farm | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.9 |
| Basquary | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.9 |
| Flex Cottage | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.0 | 50.5 | 55.1 | 59.6 | 63.9 |
| Housequoy | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 40.8 | 44.3 | 47.7 | 50.9 | 53.5 |
| Lealands | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 40.5 | 43.4 | 46.2 | 48.7 |
| Roadside Farm | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.2 | 48.7 |
| Rowangarth | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 40.8 | 44.3 | 47.7 | 50.9 | 53.5 |
| Schoolhouse | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.2 | 48.7 |
| Gardeners Cottage | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 38.0 | 41.8 | 46.0 | 50.5 | 55.1 | 59.6 | 63.9 |
| Thuster * | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 45.0 | 46.2 | 48.7 |

Includes Stockman's Cottage; Thuster Mains; Thuster House; Thuster Bungalow

Dated: 17th December 2019

Dafydd Jones

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Area Planning Manager

Table 3 - Coordinate locations of the properties listed in Tables 1 and 2.

| Property | Easting | Northing |
|----------------------------------|----------------|-----------------|
| Achairn Cottage | 329887 | 949878 |
| Achairn Farm | 330341 | 950138 |
| Basquary | 330674 | 950348 |
| Flex Cottage | 326344 | 951562 |
| Housequoy | 330994 | 950369 |
| Lealands | 328700 | 952575 |
| Roadside Farm | 329075 | 952405 |
| Rowangarth | 331015 | 952076 |
| Schoolhouse | 329475 | 952269 |
| Gardeners Cottage | 326016 | 952056 |
| Stockman's Cottage, Thuster Farm | 330048 | 951920 |
| Thuster Mains | 329940 | 951961 |
| Thuster House | 330117 | 951868 |
| Thruster Bungalow | 330261 | 951863 |

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Reasons: In the interests of the amenity of existing residents in the area.

Dated: 17th December 2019

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Area Planning Manager

Variations

During the processing of the application the following variations were made to the proposal:

None.

Section 75 Obligation

None.

REASON FOR DECISION

The proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Accordance with Approved Plans and Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

Flood Risk

It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (or emanating from) the application site. As per Scottish Planning Policy (paragraph 259), planning permission does not remove the liability position of developers or owners in relation to flood risk.

Scottish Water

You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Dated: 17th December 2019

Dafydd Jones

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Area Planning Manager

Septic Tanks and Soakaways

Where a private foul drainage solution is proposed, you will require separate consent from the Scottish Environment Protection Agency (SEPA). Planning permission does not guarantee that approval will be given by SEPA and as such you are advised to contact them direct to discuss the matter (01349 862021).

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as road construction consent, dropped kerb consent, a road openings permit, occupation of the road permit etc.) from the Area Roads Team prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local Area Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984.

Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>

Application forms and guidance notes for access-related consents can be downloaded from: http://www.highland.gov.uk/info/20005/roads_and_pavements/101/permits_for_working_on_public_roads/2

Mud and Debris on Road

Please note that it an offence under Section 95 of the Roads (Scotland) Act 1984 to allow mud or any other material to be deposited, and thereafter remain, on a public road from any vehicle or development site. You must, therefore, put in place a strategy for dealing with any material deposited on the public road network and maintain this until development is complete.

Construction Hours and Noise-Generating Activities

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended). Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

Dated: 17th December 2019

Dafydd Jones
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Area Planning Manager

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

Protected Species - Halting of Work

You are advised that work on site must stop immediately, and Scottish Natural Heritage must be contacted, if evidence of any protected species or nesting/breeding sites, not previously detected during the course of the application and provided for in this permission, are found on site. For the avoidance of doubt, it is an offence to deliberately or recklessly kill, injure or disturb protected species or to damage or destroy the breeding site of a protected species. These sites are protected even if the animal is not there at the time of discovery. Further information regarding protected species and developer responsibilities is available from SNH: www.snh.gov.uk/protecting-scotlands-nature/protected-species

Land Ownership/Planning Permission

For the avoidance of doubt, the existence of planning permission does not affect or supersede an individual's ownership or other legal rights. Please be advised that this permission does not entitle you to build on, under or over ground outwith your ownership or to enter private ground to demolish, construct or maintain your property.

Dated: 17th December 2019

Dafydd Jones
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Area Planning Manager

RIGHT OF APPEAL ETC

1. If the applicant is aggrieved by the decision to refuse planning permission for, or approval required by a conditions in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals
4 The Courtyard
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Appeals can also be lodged online via the ePlanning Portal at: <https://www.eplanning.scot>

2. 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 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 (as amended).

Dated: 17th December 2019

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Area Planning Manager