

Planning and Environmental Appeals Division

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Ms K Lyons
Highland Council
Sent By E-mail

Our ref: PPA-270-2142

29 March 2016

Dear Ms Lyons

PLANNING PERMISSION APPEAL: ACHLACHAN 2 WINDFARM WATTEN

Please find attached a copy of the decision on this appeal.

The reporter's decision is final. However you may wish to know that individuals unhappy with the decision made by the reporter may have the right to appeal to the Court of Session, Parliament House, Parliament Square, Edinburgh, EH1 1RQ. An appeal **must** be made within six weeks of the date of the appeal decision. Please note though, that an appeal to the Court of Session can only be made on a point of law and it may be useful to seek professional advice before taking this course of action. For more information on challenging decisions made by DPEA please see <http://www.gov.scot/Topics/Built-Environment/planning/Appeals/ourperformance/commentsandcomplaints>.

I trust this information is clear. Please do not hesitate to contact me if you require any further information.

Yours sincerely

Scott Mackenzie

SCOTT MACKENZIE
Case Officer
Planning and Environmental Appeals Division



Decision by David Liddell, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-270-2142
- Site address: Achlachan 2 Windfarm, Watten, Caithness
- Appeal by Whirlwind Renewables against the decision by The Highland Council
- Application for planning permission dated 11 May 2015 refused by notice dated 18 September 2015
- The development proposed: Erection Of 3 Additional Turbines With A Maximum Height Of 110m And Combined Capacity Of Up To 7.5MW And Associated Infrastructure
- Application drawings *Figure 1.1 Location Plan dated 27/03/2015; Figure 1.2 Site Layout dated 8/05/2015; Figure 1.3 Detailed Site Layout dated 05/05/2015; Figure 4.1 Typical Wind Turbine dated 8/05/2015; Figure 4.3 Typical Turbine Foundation dated 8/05/2015; Figure 4.4 Typical Access Track dated 8/05/2015*
- Date of site visit by Reporter: 20 & 21 March 2016

Date of appeal decision: 29 March 2016

Decision

I allow the appeal and grant planning permission subject to the 20 conditions listed at the end of the decision notice. I draw attention to the 3 advisory notes at the end of the notice.

Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise.
2. Having regard to the provisions of the development plan the main issues in this appeal are the landscape and visual impacts of the proposal (including any cumulative impacts), its impacts on homes and communities, and its renewable energy and climate change benefits. I must also consider the potential impacts on nearby Special Protection Areas (SPA) and a Special Area of Conservation (SAC).
3. The proposal is for a 3-turbine extension immediately to the south of the consented, though not yet built, 5-turbine Achlachan wind farm. The proposed turbines would be a maximum of 110 metres to tip height, as would the consented turbines. Together the 3 proposed turbines would have a rated capacity of 7.5 MegaWatts,
4. The development was accompanied by an Environmental Statement (ES). In support of the appeal, the appellant submitted additional wireframe drawings and

commentary on these. This material constituted additional information under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, and was made subject to the required notification, publication and consultation arrangements. I have had regard to this and to all other environmental information before me, and to the responses from the consultees and other parties, in reaching my conclusions on the environmental impacts of the proposal.

5. The appeal site lies within an area of relatively flat moorland to the west of the A9. It is around 2 kilometres southwest of the settlement of Mybster, further north of which is Spittal. The Achlachan Burn flows westward through the consented wind farm site and into the River Thurso.

6. The operational Causeymire wind farm (21 turbines, 100 metres height to blade tip) lies immediately to the south. To the southeast of that is the site of the consented Bad á Cheò wind farm, which would have 13 turbines of up to 112 metres in height. The site of the consented Halsary wind farm (15 turbines up to 112 metres in height) lies further east, within a semi-mature conifer plantation on the east side of the A9.

7. The closest residential property to the site - Mybster Farmhouse, at around 1.2 kilometres distance – has a financial involvement in the proposal. The nearest non-involved houses are in Westerdale (about 2km to the west) and Mybster, a similar distance to the northeast.

The development plan

8. The development plan in this case consists of the Highland-wide Local Development Plan (HwLDP). Elements of the earlier Caithness Local Plan remain in force, although none of these are relevant to the proposal before me. Policy 67 Renewable Energy is the key policy of HwLDP.

9. The council refused to grant planning permission because the development would, in association with the other existing and consented wind farms nearby, have an unacceptable visual impact on properties at Spittal and Mybster, contrary to Policy 67 of HwLDP.

Landscape impacts

10. Although the council's reason for refusal refers only to visual impacts, I consider also the landscape impacts of the proposal.

11. The Caithness and Sutherland Landscape Character Assessment was published by Scottish Natural Heritage (SNH) in 1998. The proposed turbines would be located within what is described in that document as an area of Sweeping Moorland, within which the consented Achlachan turbines would also sit. Immediately to the south is an area of Flat Peatland within which lies the Causeymire wind farm. These landscape character types are fairly similar in nature, being relatively flat, expansive and open. An area of Mixed Agriculture and Settlement lies to the northeast. Areas of Coniferous Woodland lie to the south and east. The Environmental Statement assesses the impacts of the proposal (either alone or in combination with other wind farm development) on these landscape character types as, at most, moderate.

12. The relatively flat, expansive and open nature of the Sweeping Moorland and Flat Peatland landscapes means they have, in my view, considerable potential to accommodate large-scale wind energy development. The presence of the existing Causeymire and consented Achlachan wind farms on these landscape types underlines this conclusion, as do the consented Bad á Cheò and Halsary wind farms which would also be on fairly flat topography. Given the presence of these operational and consented wind farms (in particular Causeymire and Achlachan, between which the 3 proposed turbines would be located), the additional impacts on these landscape character types would not be significantly adverse. The same holds true for the area of Mixed Agriculture and Settlement to the north.

13. The Flow Country and Berriedale Coast Special Landscape Area (SLA) lies around 4 kilometres to the south of the site. When visible from the south, the turbines would be seen beyond the more numerous Causeymire wind farm and would form a small component within a larger cluster of consented wind farms. There would therefore be no significant effects on the SLA or on the wild land qualities of this general area to the south of the site.

Visual impacts

14. I acknowledge that the proposed turbines would, in effect, 'close the gap' between the consented Achlachan and operational Causeymire wind farms. But from most locations where they would be seen together these wind farms would, in the event that the Achlachan consent is implemented without these three additional turbines, already appear as a single wind farm. In my view the photomontages and wireframes submitted in support of the proposal (for example from Viewpoint 1 Spittal) very clearly demonstrate this.

15. From Mybster and Spittal, as demonstrated by the additional wireframes submitted by the appellant, the proposed turbines would generally be viewed in the context of the existing Causeymire turbines immediately behind and the consented Achlachan turbines (without which the proposed 3-turbine extension would not be built) to the right and, to a degree, overlapping.

16. The most notable visual impacts would perhaps be experienced from around Mybster Junction (additional Viewpoint 1) and on the A9 to the south of there. From such locations the proposed turbines would appear to close the fairly narrow gap which would otherwise exist between the two wind farms. The effect would be to create the appearance of a single, larger wind farm. However both wind farms would be located in a very similar flat and open moorland landscape. Overall, from Mybster and Spittal, the three additional turbines would be viewed within the existing spread of operational and consented turbines and would result in additional visual impacts which would, in my view, be no more than minor.

17. A similar effect, of appearing to close the gap between the wind farms, would be experienced from Westerdale, around the location of Viewpoint 8, and from some locations further west, for example from Viewpoint 18 Dirlot Castle. Again, given the very similar host landscapes and the narrow nature of the gap between the wind farms, visual impacts from these locations would also be minor.

18. From the B870 to the north of the site (see Viewpoint 16) the turbines would generally be seen behind the consented Achlachan turbines, sandwiched between these and the Causeymire turbines further beyond. The additional visual impacts of the proposal from this road would be fairly slight.

19. There would be cumulative visual impacts with other wind farms, most notably with the nearby consented Bad á Cheò and Halsary wind farms. There would also be cumulative impacts (of lesser magnitude) with other wind farms when viewed from Mybster and Spittal, and in longer views from higher ground. These include the cluster of operational and consented wind farms to the west of Wick. Given, however, the modest contribution that the proposed 3 turbines would make to the cluster of wind farms in the immediate area, these additional cumulative impacts would not be significant.

20. It would be important to ensure that the proportions and appearance of the proposed turbines take proper account of those of the neighbouring turbines. This can be assured by planning condition.

Residential Amenity

21. The council's reason for refusing the application refers to visual impacts on properties within the communities at Mybster and Spittal. I viewed the appeal site from a number of locations within and around these settlements, and from along the A9 to the south where there are also a number of (financially involved) houses.

22. I deal with landscape and visual impacts above. In respect of visual amenity as a component of residential amenity, my findings are very similar to my findings on visual impacts generally. The turbines would be seen, from these settlements, with the similarly sized and much more numerous Causeymire turbines in the immediate background. The 5 turbines of the original Achlachan wind farm would be in the immediate foreground, offset somewhat to the right but often overlapping. The 3 additional turbines would therefore be viewed within the existing spread of operational and consented turbines.

23. In this context, and noting the distances of generally between 2 to 4 kilometres to the nearest proposed turbine, I find no reason to conclude that the 3 additional turbines would have a significant impact on the amenity of any residential property.

24. The ES predicts that additional noise levels from these 3 turbines, taking into account the noise which would be generated by the existing and consented turbines, would be negligible. I am satisfied, as is the planning authority, that planning conditions could adequately control noise impacts from the development. The nearest houses are beyond a distance equivalent to 10 times the rotor diameter of the proposed turbines, this being the distance beyond which Scottish Government advice is that shadow flicker is unlikely to occur.

Natural Heritage

25. A number of burns which border the appeal site flow into the River Thurso, a SAC. None of these burns would be directly affected and SNH considers that, provided that

appropriate mitigation is put in place, the development is unlikely to have a significant effect on the SAC.

26. SNH did consider that the proposal would be likely to have a significant effect on the Greylag Goose population of the Caithness Lochs SPA and the Herring Gull population of the East Caithness Cliffs SPA. In the light of such impacts, I must undertake a Habitats Regulations Appraisal of the impacts on these protected areas.

27. In relation to both Greylag Goose and Herring Gull, I note that the assessment in the ES is that there would be only a slight increase in collision risk as a result of the extension to the existing wind farm, and the levels of predicted mortality from collisions would remain low. In the light of this expert advice, I conclude that the conservation objectives of the SPAs would not be adversely affected by the proposal, either alone or in combination with other development. I note that SNH reaches a similar conclusion.

28. The ES recommends that ground clearance works take place out with the bird nesting season, or alternatively the use of nesting bird checks and buffer zones around nests during construction. In respect of protected species, the ES identifies the potential for construction impacts on reptiles, otters and water voles, and proposes a species protection plan. SNH is content with the range of ecological mitigation measures proposed, and recommends that an Ecological Clerk of Works has oversight of these.

29. The site is predominantly peatland, including areas of fairly deep peat. The Scottish Environment Protection Agency (SEPA) recommends a number of measures aimed at minimising impacts on peat, as well as a Construction Environment Management Plan and a decommissioning strategy. SEPA also recommends that tracks and hard-standings on areas of deep peat should be of floating construction, and makes some further micro-siting recommendations. Given the importance of carbon rich soil and peatland habitat, SNH recommends that peatland habitat restoration would be appropriate. All of these requirements can be assured by planning conditions.

The benefits of the proposal

30. The ES estimates that the operational wind farm would offset the emission of 10,845 tonnes of carbon-dioxide (CO²) per year. This is stated to be the equivalent of the electricity requirement of 6,494 homes. This would provide a modest yet useful contribution towards meeting the Scottish Government's targets for the production of renewable energy and the reduction of greenhouse gas emissions. There would also be local economic benefits from the construction and operation of the wind farm, although these would be fairly minor.

Other matters

31. The Ministry of Defence and Highlands and Islands Airports Limited request a scheme of aviation safety lighting. This can be secured by a planning condition. Conditions can also ensure satisfactory transportation and access arrangements for the development and can control other potential impacts such as on television reception. Historic Scotland has no objection in relation to historic environment assets, although the council's archaeological service recommends an archaeological watching brief.

32. I acknowledge the concerns which have been raised, including in the objection from Halkirk and District Community Council, about the amount of wind farm development in the local area and more widely in Caithness. I also note the council's intention to undertake further wind farm capacity analysis for Caithness given the amount of consented wind farms in the county and the continuing developer interest. However, in this case the proposed turbines would appear as a relatively small addition within the visual envelope of existing and consented wind farms and would have only very minor additional landscape and visual impacts.

33. The site is identified within 'Stage 2 – Areas with potential constraint for wind energy development' in the council's non-statutory Onshore Wind Energy Supplementary Guidance. The main constraint is proximity to the Settlement Development Areas at Westerdale and Mybster. However, I conclude above that the impacts on these settlements would be minor.

34. The council is in the process of reviewing this supplementary guidance and has approved a revised draft for public consultation. I note that this draft does not identify Settlement Development Areas as a constraint. The draft document identifies the site of the proposed turbines as being potentially constrained due to the presence of deep peat. My conclusions in relation to impacts on peat are above.

35. The appellant also makes reference to the earlier Highland Renewable Energy Strategy, although in relation to the key issues in this case this document does not add significantly to my findings.

Assessment of the proposal against the development plan

36. In assessing the proposal against the terms of HwLDP, I rely principally on Policy 67 Renewable Energy Developments.

37. The policy requires consideration of the renewable energy and economic impacts of the proposal. I find above that these are positive, albeit the economic benefits would be fairly minor. The proposal would form an extension to a previously consented wind farm and, in this respect, would accord with the requirement in the policy to make effective use of existing and proposed infrastructure. The policy also requires that regard is had to the Highland Renewable Energy Strategy and to the council's planning guidelines, with which I find no significant conflict.

38. Policy 67 also lists a number of other criteria against which proposals are to be assessed. The key issue raised by the council is visual impacts on properties in Mybster and Spittal. I conclude above that the impacts on these communities, including on residential amenity, would be minor. I reach similar conclusions as to the landscape and visual impacts of the proposal more generally. Subject to mitigation which can be controlled by planning conditions, there would be no significant impacts in relation to the other criteria listed in the policy, including species, habitats and the water environment.

39. I conclude that the development would not be significantly detrimental overall, either individually or in combination with other development. The proposal therefore complies with Policy 67.

40. The council's reason for refusal refers only to Policy 67. Other policies in HwLDP are also potentially of relevance, including Policy 28 Sustainable Design which refers to impacts on individual and community residential amenity and Policy 57 Natural, Built and Cultural Heritage which covers impacts on SPAs and SACs. I have had regard to these and to a number of other policies in the plan. Although these policies are expressed in different terms from Policy 67, they do not cover any additional key issues relevant to this appeal. Given the minor nature of the impacts I identify above, I am satisfied that there is no significant conflict with these or any of the other policies in HwLDP. Overall, therefore, I conclude that the proposal accords with the development plan.

Other material considerations

41. The appellant refers to the presumption in Scottish Planning Policy (SPP) in favour of development which contributes to sustainable development, and to the list (in paragraph 29 of SPP) of principles which are to guide decisions. The sections of SPP dealing with renewable energy, and wind energy in particular, are also referred to.

42. Put broadly, SPP supports renewable energy development, including wind energy, provided that landscape and visual impacts, impacts on communities and other technical and environmental issues can be satisfactorily addressed. SPP lists the likely considerations which will apply to wind energy proposals. In light of my conclusions as to the limited impacts of the development, and that planning conditions can address all the key technical and environmental issues raised, I am satisfied that the support in SPP for wind energy development applies to the proposal before me. Similarly, I find that that proposal, for renewable energy development which accords well with the principles listed in paragraph 29, would be development which contributes to sustainable development. The proposal therefore draws strong support from SPP.

43. The appellant also refers to the 3rd National Planning Framework (NPF3). I find that, as the proposal would contribute to Scottish Government renewable energy and climate change targets and would have only minor adverse impacts, it would be consistent with NPF3.

Conclusion

44. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission.

45. I have considered all other matters raised, none which lead me to alter my conclusions.

46. In allowing this appeal, I have imposed the planning conditions (subject to some minor editing to aid clarity and consistency) proposed by the council and which the appellant has raised no objections to. These conditions address all of the key issues raised

by consultees. I have also added a time limit condition, as the standard duration of a planning permission that is imposed by section 58(1) of the Town and Country Planning (Scotland) Act 1997, does not apply to temporary permissions. I have allowed a five year commencement period because the proposal would be an extension to a consented wind farm which is yet to be constructed.

David Liddell

Reporter

Conditions

1. The development shall be begun no later than five years from the date of this permission.

(Reason: in accordance with section 58(4)(c) of the Town and Country Planning (Scotland) Act 1997.)

2. This planning permission shall expire and cease to have effect after a period of 30 years from the date when electricity is first exported from any of the approved wind turbines to the electricity grid network (the "First Export Date"). Upon the expiration of a period of 25 years from the First Export Date, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of condition 2 of this permission. Written confirmation of the First Export Date shall be submitted in writing to the planning authority within one month of the First Export Date.

(Reason: wind turbines have a projected lifespan of 25 years, after which their condition is likely to be such that they require to be replaced, both in terms of technical and environmental considerations. This limited consent period also enables a review and, if required, reassessment to be made of the environmental impacts of the development and the success, or otherwise, of noise impact, species protection, habitat management and mitigation measures. The 30 year cessation date allows for a 5 year period to complete commissioning and site restoration work.)

3. No development shall commence until a draft Decommissioning and Restoration Plan (DRP) for the site has been submitted to, and approved in writing by, the planning authority in consultation with SNH and SEPA. Thereafter:

- a. No later than 3 years prior to the decommissioning of the development, the draft DRP shall be reviewed by the Wind Farm Operator and a copy submitted to the planning authority for their written approval, in consultation with SNH and SEPA; and
- b. No later than 12 months prior to the decommissioning of the development, a detailed DRP, based upon the principles of the approved draft plan, shall be submitted to, and approved in writing by, the planning authority, in consultation with SNH and SEPA.

For the avoidance of doubt, the DRP shall include the removal of all above ground elements of the development, all access tracks, the treatment of disturbed ground surfaces, management and timing of the works, environmental management provisions and a traffic management plan to address any traffic impact issues during the decommissioning period. The detailed Decommissioning and Restoration Plan shall be implemented as approved.

(Reason: to ensure that all wind turbines and associated development is removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.)

4. No development shall commence until:
 - a. Full details of a bond or other financial provision to be put in place to cover all of the decommissioning and site restoration measures outlined in the DRP approved under condition 2 of this permission have been submitted to, and approved in writing by, the planning authority; and
 - b. Confirmation in writing by a suitably qualified independent professional that the amount of financial provision proposed under part (i) above is sufficient to meet the full estimated costs of all decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work, as well as associated professional costs, has been submitted to, and approved in writing by, the planning authority; and
 - c. Documentary evidence that the bond or other financial provision approved under parts (i) and (ii) above is in place has been submitted to, and confirmation in writing that the bond or other financial provision is satisfactory has been issued by, the planning authority.

Thereafter, the Wind Farm Operator shall:

- d. Ensure that the bond or other financial provision is maintained throughout the duration of this permission; and
- e. Pay for the bond or other financial provision to be subject to a review five years after the commencement of development and every five years thereafter until such time as the wind farm is decommissioned and the site restored.

Each review shall be:

- f. conducted by a suitably qualified independent professional; and
- g. published within three months of each five year period ending, with a copy submitted upon its publication to both the landowner(s) and the planning authority; and
- h. approved in writing by the planning authority without amendment or, as the case may be, approved in writing by the planning authority following amendment to their reasonable satisfaction.

Where a review recommends that the amount of the bond or other financial provision should be altered (be that an increase or decrease) or the framework governing the bond or other financial provision requires to be amended, the Wind Farm Operator shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the planning authority, and in accordance with the recommendations contained therein.

(Reason: to ensure financial security for the cost of the restoration of the site to the satisfaction of the planning authority.)

5. The Wind Farm Operator shall, at all times after the First Export Date, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the planning authority within one month of any request by them. In the event that:

- a. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 6 months, then the wind turbine in question shall be deemed to have ceased to be required. Under such circumstances, the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 6 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition; or
- b. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Wind Farm Operator must notify the planning authority in writing immediately. Thereafter, the planning authority may direct in writing that the wind farm shall be decommissioned and the application site reinstated in accordance with this condition. For the avoidance of doubt, in making a direction under this condition, the planning authority shall have due regard to the circumstances surrounding the failure to generate and shall only do so following discussion with the Wind Farm Operator and such other parties as they consider appropriate.

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved detailed Decommissioning and Reinstatement Plan, or, should the detailed Decommissioning and Reinstatement Plan not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the approved draft DRP, as may be specified in writing by the planning authority.

(Reason: to ensure that any redundant or non-functional wind turbines are removed from site, in the interests of safety, amenity and environmental protection.)

6. Unless otherwise agreed in writing by the planning authority, all of the wind turbine transformers shall be located within the tower of the wind turbine to which they relate. Agreement for external transforms will only be given if the developer can, through detailed design work and additional landscape and visual impact assessment, demonstrate, to the

satisfaction of the planning authority, that they would not adversely affect the character, integrity or general amenity of the application site and its setting.

(Reason: to ensure ancillary elements of the development, such as external transformers, are only permissible if, following additional design and LVIA work, they are demonstrated to be acceptable in terms of visual, landscape, noise and other environmental impact considerations.)

7. No development shall commence until full details of the proposed wind turbines have been submitted to, and approved in writing by, the planning authority. These details shall include:

- a. The make, model, design, direction of rotation, power rating and sound power levels of the turbines to be used; and
- b. The external colour and/or finish of the turbines to be used (incl. towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

Thereafter, development shall progress in accordance with these approved details and, with reference to part b. above, the turbines shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. For the avoidance of doubt, all wind turbine blades shall rotate in the same direction.

(Reason: to ensure that the turbines chosen are suitable in terms of visual, landscape, noise and environmental impact considerations.)

8. No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of all control buildings, welfare facilities, compounds and parking areas, as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the planning authority (in consultation with SEPA and SNH, as necessary). Thereafter, development shall progress in accordance with these approved details. For the avoidance of doubt, details relating to the control, substation and welfare buildings shall include additional architectural design, LVIA and other relevant assessment work, carried out by suitably qualified and experienced people, to ensure that they are sensitively scaled, sited and designed.

(Reason: to ensure that all ancillary elements of the development are acceptable in terms of visual, landscape, noise and environmental impact considerations.)

9. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended), and unless there is a demonstrable health and safety or operational reason, none of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement without express advertisement consent having been granted on application to the planning authority.

(Reason: to ensure that the turbines are not used for advertising, in the interests of visual amenity.)

10. No development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by, the planning authority after consultation with the Ministry of Defence and Highlands and Islands Airport Limited. Thereafter the approved scheme of aviation lighting shall be fully implemented on site. Prior to commencement of the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) shall be provided with a statement, copied to the planning authority and Highland and Islands Airports Limited, containing the following information:

- a. the date of Commencement of the Development;
- b. the exact position of the wind turbine towers in latitude and longitude;
- c. a description of all structures over 300 feet high;
- d. the maximum extension height of all construction equipment;
- e. the height above ground level of the tallest structure; and
- f. detail of the aviation lighting scheme as agreed with the planning authority.

(Reason: to ensure that the erected turbines present no air safety risk, and in the interests of visual amenity.)

11. No development shall start on site until a Construction Environmental Management Document is submitted to, and approved in writing by, the planning authority in consultation with SNH and SEPA. The Document shall include:

- a. An updated Schedule of Mitigation (SM) including all mitigation proposed in support of the planning application, other relevant agreed mitigation (e.g. as required by agencies) and set out in the relevant planning conditions.
- b. Processes to control / action changes from the agreed Schedule of Mitigation.
- c. The following specific Construction and Environmental Management Plans (CEMP):
 - (i) Peat management plan – to include details of all peat stripping, excavation, storage and reuse of material. For the avoidance of any doubt it is expected that the following provisions will apply: -
 - all tracks on peat greater than 1.5 metres depth to be floated;
 - a floating construction for all hard-standing areas;
 - Turbine No 1 is not to be located on peat greater than 3.5 metres. Further, that if peat depths exceed 2 metres at the final approved turbine location, the foundations shall incorporate a piling design to reduce impacts on peat.
 - Turbine 2 to be micro-sited so as to be located onto peat with depths of 1.5 metres or less.
 - The access track to Turbine 3 is micro-sited onto shallower peat.
 - (ii) Management of geo-technical risks.

- (iii) Pollution prevention plan.
 - (iv) Drainage, surface water management, development buffers from watercourses and a fisheries plan - to address both construction and post construction with specific regard to protection of the interests contained within the Caithness and Sutherland Peatlands SAC and River Thurso SAC.
 - (v) Chemical pollution plan to include controls to ensure the import of stone aggregate is of similar chemical composition to the surrounding locality.
 - (vi) Species protection plan including details of pre-commencement surveys and development buffer areas to prevent encroachment on protected species and habitat.
 - (vii) Site waste management plan.
 - (viii) Noise and vibration mitigation plan.
- d. Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:
- (i) Providing training to the developer and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
 - (ii) Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
 - (iii) Advising the developer on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
 - (iv) Directing the placement of the development (including any micro-siting, if permitted by the terms of this consent) and the avoidance of sensitive features; and
 - (v) The power to call a halt to development on site where environmental considerations warrant such action.
- e. Details of any other methods of monitoring, auditing, reporting and communication of environmental management on site and with the client, planning authority and other relevant parties.
- f. Statement of any additional persons responsible for 'stopping the job/activity' if a potential breach of a mitigation or legislation occurs.

Unless otherwise agreed in writing by the planning authority the development shall proceed in accordance with the agreed Document.

(Reason: to protect the environment from the construction and operation of the development.)

12. No development shall commence until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by, the planning authority in consultation with SNH and SEPA. The HMP, which shall be implemented in full and in accordance with any timescales outlined therein unless otherwise agreed in writing by the planning authority, shall provide for measures to protect and manage habitat and species within the site and shall include the following elements:

- a. Measures to minimise any impact of the development on statutorily protected species and other species of nature conservation interest (including otters, water vole and other breeding birds) and their respective habitats, and post construction bird monitoring.
- b. The enhancement, restoration and future management of the site to blanket bog / heath habitat.

(Reason: to protect and enhance the nature conservation interests of the area, including the management of vegetation and peatland within the site, mitigate any effects on statutorily protected species and their habitat and avoid adverse effects on other species of nature conservation interest.)

13. No development or work (including site clearance) shall commence on site until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development/work, including a timetable for investigation, in accordance with Section 12.11 of the Achlachan 2 Wind Farm Environmental Statement, has been submitted to, and approved in writing by, the planning authority. The approved programme shall be implemented in accordance with the agreed timetable for investigation.

(Reason: in order to protect, record and interpret the historic environment.)

14. Before the First Export Date, as defined within Condition 3, a copy of all information that informed the archaeological assessment submitted in support of the application, including any descriptions, plans and photographs gathered as part of the desk top analysis and/or site survey, shall be submitted to the planning authority.

(Reason: in order to assist the council with maintaining an accurate and current record of the historic environment.)

15. No development shall commence until an Access Management Plan to facilitate public access across the site following construction has been submitted to, and approved in writing by, the planning authority. The approved Access Management Plan, and any associated works, shall be implemented in full prior to the operation of the wind farm or as otherwise may be agreed within the approved plan.

(Reason: to maximise the opportunities for public access to the countryside.)

16. No development shall commence until a TV and radio reception mitigation plan has been submitted to, and approved in writing by, the planning authority. The plan shall provide for a baseline TV reception survey to be carried out prior to the commencement of turbine installation, the results of which shall be submitted to the planning authority. Within 12 months of the Final 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 appointed by the developer and the results shall be submitted to the planning authority. Should any impairment to the TV signal be attributable to the development, 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 local TV and Radio Services are sustained during the construction and operation of the development.)

17. Access to the site by heavy goods vehicles and any noisy construction activity (e.g. piling) shall be restricted to 07.00 to 19.00 on Mondays to Fridays and to 07.00 to 13.00 on Saturdays with no such access on Sundays unless otherwise agreed in advance in writing by the planning authority.

(Reason: in order to control noise in the interest of amenity.)

18. No development shall commence until a Traffic Management Plan has been submitted and approved by the planning authority in consultation with Transport Scotland Network Management. The Plan must describe all measures to manage traffic during the construction periods. The Plan must then be implemented as approved. This plan must ensure that the local road network, including access onto the public road, is upgraded to a suitable standard to the satisfaction of the planning authority. This will require as a minimum the following measures to be addressed:

- a. A route assessment report for abnormal loads including swept path analysis and details on the movement of any street furniture and any traffic management measures.
- b. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant.
- c. An assessment of the capacity of the existing local road network to cater for predicted construction traffic volumes and measures to strengthen and improve the road to cater for this traffic. All identified road works are to be completed before any other works commence on site unless otherwise agreed by the planning authority.
- d. An assessment of the capacity of existing bridges and other structures along the construction access route(s) to cater for all construction traffic.
- e. Unless otherwise agreed in writing with the planning authority in consultation with Transport Scotland, a trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks notice of this trial run must be made to the planning authority, which must be able to attend this trial run.

f. A concluded Wear and Tear agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the developer is responsible for the repair of any damage to the local road network that can reasonably be attributed to construction related traffic. As part of this agreement, pre-start and post construction road condition surveys will need to be carried out by the developer to the satisfaction of the planning authority.

(Reason: to protect the integrity of the local road network during the construction and when any abnormal loads are required to deliver to this development.)

19. A community liaison group shall be established by the developer prior to development commencing, in collaboration with the planning authority and local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing of the delivery of turbine components. This should also ensure that local events and tourist seasons are considered and appropriate measures taken to coordinate deliveries and work to ensure no conflict between construction traffic and the increased traffic generated by such events / seasons. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the wind farm has been completed and is operational.

(Reason: to assist with the provision of mitigation measures to minimise the potential hazard to road users, including pedestrians travelling on the road networks.)

20. The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1 and 2 attached to these conditions and:

a. Prior to the First Export Date, the wind farm operator shall submit to the 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 planning authority.

b. Within 21 days from receipt of a written request of the planning authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the 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 planning authority shall set out at least the date, time and location to which the complaint relates. Within 14 days of receipt of a written request from the planning authority made under this paragraph (b), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (h) to the planning authority in the format set out in Guidance Note 1(e).

c. Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the 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 submission of the proposed noise limits to the planning authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. 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 planning authority for the complainant's dwelling.

d. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the planning authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the planning authority pursuant to paragraph (c) of this condition shall be undertaken at the measurement location approved in writing by the planning authority.

e. Prior to the submission of the independent consultant's assessment of the rating level of noise immissions pursuant to paragraph (f) of this condition, the wind farm operator shall submit to the planning authority for written approval a proposed assessment protocol setting out the following:

- (i) The range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions.
- (ii) A reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component.

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 information provided in the written request from the planning authority under paragraph (b), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the planning authority and the attached Guidance Notes.

f. The wind farm operator shall provide to the 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 planning authority made under paragraph (b) of this condition unless the time limit is extended in writing by the planning authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the planning authority on the request of the planning authority. 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 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) of the attached Guidance Notes, 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 (f) above unless the time limit for the submission of the further assessment has been extended in writing by the planning authority.

h. 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 Planning Authority on its request, within 14 days of receipt in writing of such a request.

(Reason: in the interests of amenity at noise-sensitive premises.)

Table 1: Between 07:00 and 23:00 hours (Noise Level in dB L_{A90, 10-min})

Location	Wind Speed at Ten Metres Height, m/s, within the site averaged over 10-minute periods									
	4	5	6	7	8	9	10	11	12	
	L _{A90} Decibel Levels									
Balbeg	13.6	20.3	25	26.4	25.7	24.9	25.1	24.5	24.5	
Ballone	18.4	25.1	29.8	31.2	30.5	29.7	29.9	29.3	29.3	
Corner Cottage	15.9	22.6	27.3	28.7	28	27.2	27.4	26.8	26.8	
Curlew	14.4	21.1	25.8	27.2	26.5	25.7	25.9	25.3	25.3	
Mybster Croft	15.1	21.8	26.5	27.9	27.2	26.4	26.6	26	26	
Mybster Farm	18.9	25.6	30.3	31.7	31	30.2	30.4	29.8	29.8	
Mybster Inn	13.8	20.5	25.2	26.6	25.9	25.1	25.3	24.7	24.7	
Croft of Mybster	16.3	23	27.7	29.1	28.4	27.6	27.8	27.2	27.2	

Table 2: Between 23:00 and 07:00 hours (Noise Level in dB L_{A90, 10-min})

Location	Wind Speed at Ten Metres Height, m/s, within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
	L _{A90} Decibel Levels								
Balbeg	13.6	20.3	25	26.4	25.7	24.9	25.1	24.5	24.5
Ballone	18.4	25.1	29.8	31.2	30.5	29.7	29.9	29.3	29.3
Corner Cottage	15.9	22.6	27.3	28.7	28	27.2	27.4	26.8	26.8
Curlew	14.4	21.1	25.8	27.2	26.5	25.7	25.9	25.3	25.3
Mybster Croft	15.1	21.8	26.5	27.9	27.2	26.4	26.6	26	26
Mybster Farm	18.9	25.6	30.3	31.7	31	30.2	30.4	29.8	29.8
Mybster Inn	13.8	20.5	25.2	26.6	25.9	25.1	25.3	24.7	24.7
Croft of Mybster	16.3	23	27.7	29.1	28.4	27.6	27.8	27.2	27.2

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

Location	Easting	Northing
Balbeg	315994	953381
Ballone	315841	952686
Corner Cottage	313594	952119
Curlew	316666	952899
Mybster Croft	316911	952523
Mybster Farm	316291	952418
Mybster Inn	316832	952907
Croft of Mybster	316916	952211

Note to Tables 1 and 2: The geographical coordinate references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies. The wind speed standardised to 10 metres height within the site refers to wind speed at 10 metres height derived in accordance with the method given in the attached Guidance Notes.

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

Guidance Notes for condition 20

For the purposes of this condition, a “dwelling” is a building within Use Class 9 of the Use Classes Order which lawfully exists or had planning permission at the date of this consent.

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve

described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the LA90,10 minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the planning authority, and placed outside the complainant’s dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the planning authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the planning authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be ‘standardised’ to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the planning authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured at the location agreed with the Planning Authority, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the planning authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits. Data points obtained during periods of unrepresentative noise such as dawn chorus; construction; seasonal agricultural activity; should also be excluded.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

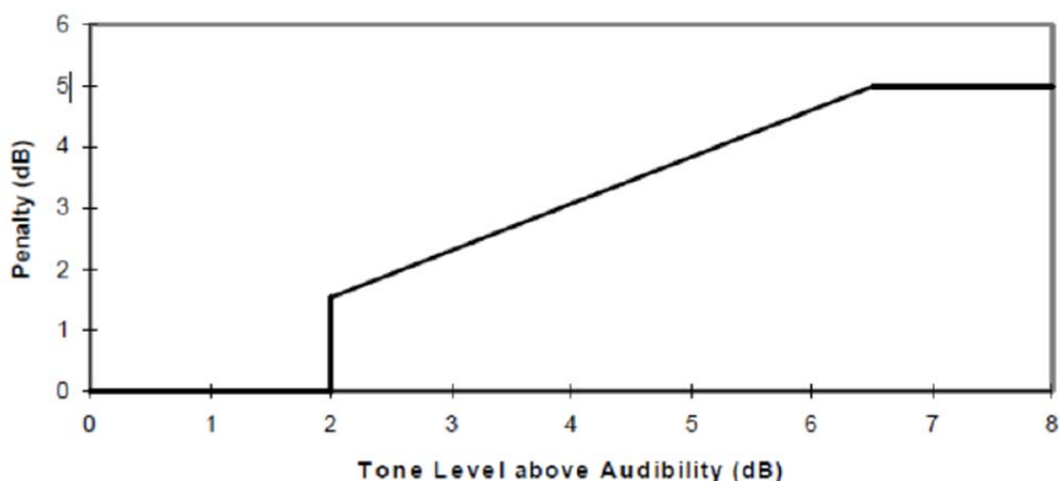
(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares “best fit” linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the planning authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a

further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e). Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the planning authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10\log [10^{L2/10} - 10^{L3/10}]$$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the planning authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the planning authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

“Wind Turbine Noise Level” means the rated noise level due to the combined effect of all the Wind Turbines, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R -97, pages 99 – 109.

“Wind Farm Operator” means the individual(s), organisation(s) or company(ies) responsible for the day-to-day operation of the windfarm, who may or may not also be the owner of the windfarm.

“Background Noise Level” means the ambient noise level already present within the environment (in the absence of noise generated by the development) as measured and correlated with Wind Speeds.

“Wind Speeds” means wind speeds measured or calculated at a height of 10 metres above ground level on the site at a specified Ordnance Survey grid reference agreed in writing by the planning authority

“Night hours” means 23:00 – 07:00 hours on all days.

“Noise-Sensitive Premises” means any building, structure or other development that, on the date of this planning permission, exists or is yet to exist but benefits from extant planning permission, the lawful use of which falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or is as a flat or static residential caravan. Where such documents exist, this definition also includes any other premises defined as being noise-sensitive within any Environment Statement or other assessment or survey submitted in support of the planning application. For the purposes of this definition, ‘premises’ includes any relevant curtilage.

Advisory notes

- 1. Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 2. Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).
- 3. Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).