

Agenda Item	1.3
Report No	NPC/03/20

HIGHLAND COUNCIL

Report of handling for consultation which Chair of NPAC under the revised Scheme of Delegation applicable during the Covid19 outbreak

Date: 21 April 2020

19/05504/S42: Beaufort Wind Limited

Report Title: Novar Wind Farm I, Novar Estate, Evanton

Report By: Acting Head of Development Management – Highland

1. Purpose/Executive Summary

1.1 **Description:** Application to vary Condition 1 of Planning Permission ref. RC/1995/421 to extend the operational period of Novar Windfarm from 25 years to 35 years

1.2 **Ward:** 06 – Cromarty Firth

Development category: Electricity Generation Major

Under the previous Scheme of Delegation this application would have been reported to Committee for the following reasons: Major development and Community Council objection.

All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

2. Recommendations

2.1 The Chair is asked to agree the recommendation to Grant planning permission as set out in section 11 of the report.

3. PROPOSED DEVELOPMENT

3.1 The application has been submitted under Section 42 of the Planning Act and seeking approval for non-compliance with Condition 1 of Planning Permission ref. RC/1995/421 granted on 27th August 1996 to allow and extend the operational period of Novar Windfarm from 25 years to 35 years

3.2 Condition 1 of the existing planning permission (RC/1995/421) states:

The permission hereby granted shall endure for a period of twenty-five years from the date of this consent by which time, unless with the express approval of the Planning Authority, all wind turbines, buildings and ancillary equipment shall be dismantled and removed from the site, and the ground full re-instated to the satisfaction of the Planning Authority in accordance with the relevant conditions listed below.

Reason: *In the interest of amenity.*

3.3 Novar Wind Farm I was approved in 1996 and has satisfied the suspensive planning conditions set out in the planning permission. Electricity was first exported to the national grid on a commercial basis, around 1 September 1997.

This application only seeks to vary condition 1 to allow the extension of the operational period of Novar Wind Farm I from 25 years to 35 years from the date of the original planning consent. This would mean the wind farm could operate until 27 August 2031 rather than 27 August 2021 that is currently permitted.

3.4 Novar Wind Farm has a generating capacity of 17MW. It comprises of the following main elements:-

- 34 Wind Turbines (each 500kW and hub height of 42m and a rotor diameter of 38m – Blade Tip Height 60m);
- Concrete hard standing for each turbine;
- Stone access tracks with passing places and turning points;
- A substation located at the entrance of the wind farm;
- Control building; and
- Buried cabling.

3.5 Pre Application Consultation: No formal pre-application consultation undertaken. The applicant did discuss procedure with the Planning Authority prior to submission.

3.6 Supporting Information:

- Decision Notice for Novar Wind Farm Ref THC Aug 1996
- Novar Wind Farm Life Extension S42 Application Report
- Novar Wind Farm Non Technical Summary
- Novar Wind Farm Planning Process Agreement
- Novar Wind Farm Environmental Statement
- Decommissioning Bond Support Study
- Decommissioning Draft Letter of Credit

- Noise Assessment

3.5 Variations: None

4. **SITE DESCRIPTION**

4.1 The site is located on the Novar Estate which is located approximately 15km north-east of Dingwall, 8.5km north-west of Evanton, 9.6km west of Ardrross and 6km north-west of Alness. The site encompasses four hills, Meall an Tuiric (626m), Meal an Leathaid (579m), Bendealt (5653) and Cnoc Gille Mo Bhrianaig (547m) to the south-west of the village of Boath between the River Averon and Glen Glass.

4.2 The site lies wholly within Novar Estate which has remained an upland sporting estate. The site is largely covered by peat of less than two metres in depth, overlying igneous rocks. There is some commercial forestry close to the site to the western boundary but there are no trees in proximity of the turbine envelop. The site does not lie within any national or local designations for nature conservation. The landscape character type is of Rounded Mountain Massif, that consists of high core mountain groups which site within a broad belt of lower, smooth rounded hills, moorland and straths.

4.3 Novar Wind Farm II (03/00426/FULCA), was constructed in 2006 and lies adjacent to Novar Wind Farm I. However, Novar Wind Farm II is separate from Novar Wind Farm I and is under different ownership. Novar Wind Farm II includes 16 x 2.3MW wind turbines with a blade tip height of 106m.

5. **PLANNING HISTORY**

5.1	RC/1995/421 Wind Farm Development at Novar Estate, Novar	Granted	27.08.1996
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5.2	03/00426/FULRC Installation of Eighteen Wind Turbines & Associated Infrastructure adjoining the existing Wind Farm	Permission Granted	02.08.2006
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	10/01232/FUL Application under section 42: Amendment of Condition 38 of Planning Permission (Ref No: 03/00426/FULRC) to allow for an extended area of the existing conifer plantation to be felled.	Permission Granted	22.04.2010
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	11/02914/FUL Extend Borrow Pit	Permission Granted	26.09.2011
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6. **PUBLIC PARTICIPATION**

6.1 Advertised: Environmental Statement and Unknown Neighbour

Date Advertised: 08.01.2020 and 10.01.2020

Representation deadline: 0

Timeous representations: 0

Late representations: 0

7. CONSULTATIONS

7.1 **Ardross Community Council** do not object to the application.

7.2 **Kiltearn Community Council** did not respond to the consultation.

7.4 **Environmental Health** do not object to the application following submission of further information. Environmental Health have no record of complaints in relation to noise arising from Novar Wind Farm. Environmental Health do not see any reason to suspect that this will change, although as the equipment ages there may be more likelihood of wear on moving parts which could increase noise. However, as the original application was consented prior to the introduction of the current guidance, the existing noise condition is obsolete and needs to be reworded. In order to establish noise limits for the condition, an updated noise assessment was requested. The updated noise assessment was submitted, and Environmental Health raised no objection subject to an updated noise condition being attached to any planning consent.

7.5 **Transport Planning** do not object to the application.

7.6 **Historic Environment Scotland** do not object to the application. It does not consider that the application will lead to an increase in effects on the historic environment and no increase in significant effects is likely.

7.7 **Scottish Natural Heritage** do not object to the application. It is satisfied that that there is no need additional survey work to support an application to extend the operational life of the Wind Farm.

7.8 **Scottish Environmental Protection Agency (SEPA)** do not object to the application as there is no physical changes to the wind farm on matters within their interest. It sets out that current best decommission practice is not necessary to leave bases and electrical cables in-situ contrary to the details in the proposed schedule of mitigation. If it is proposed to now condition the schedule, then SEPA request a condition should be worded to ensure that the measures proposed follow best practice at the time of the works. Current best practice is that infrastructure should be removed unless the potential environmental risk posed by removal is shown to outweigh the benefits.

7.9 **Transport Scotland** do not object to the application and do not have any comments on the application.

8. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

8.1 **Highland Wide Local Development Plan 2012**

28 - Sustainable Design
29 - Design Quality and Place-making
30 - Physical Constraints

31 - Developer Contributions
55 - Peat and Soils
57 - Natural, Built and Cultural Heritage
58 - Protected Species
59 - Other important Species
60 - Other Importance Habitats
61 - Landscape
67 - Renewable Energy Developments
72 - Pollution
77 - Public Access

8.2 **Inner Moray Firth Local Development Plan 2015**

No site specific policies apply.

8.5 **Highland Council Supplementary Planning Policy Guidance**

Developer Contributions (March 2013)
Flood Risk and Drainage Impact Assessment (Jan 2013)
Green Networks (Jan 2013)
Highland Historic Environment Strategy (Jan 2013)
Highland's Statutorily Protected Species (March 2013)
Highland Renewable Energy Strategy and Planning Guidelines (May 2006)
Onshore Wind Energy: Interim Supplementary Guidance (March 2012)
Standards for Archaeological Work (March 2012)
Sustainable Design Guide (Jan 2013)

9. **OTHER MATERIAL POLICY CONSIDERATIONS**

9.1 **Scottish Government Planning Policy and Guidance**

- Scottish Planning Policy (June 2014)
- National Planning Framework for Scotland 3 (June 2014);
- Scottish Energy Strategy (December 2017);
- Onshore Wind Energy Statement (December 2017);
- Pan 1/2011 – Planning and Noise;
- Plan 60 – Planning for Natural Heritage; 2020
- 2020 Routemap of Renewable Energy;
- Onshore Wind Turbines (online guidance);
- Wind Farm developments on Peat Lands;
- Siting and Designing wind farms in the landscape Version 3.

10. **PLANNING APPRAISAL**

10.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Determining Issues

- 10.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

Planning Considerations

- 10.3 The key considerations in this case are:
- a) compliance with the development plan and other planning policy
 - b) Modification of Condition 1; and
 - c) any other material considerations.

Development plan/other planning policy

- 10.4 Development Plan Policy has changed since the time of the determination of the original application. The Development Plan comprises the adopted Highland-wide Development Plan (HwLDP), the Inner Moray Firth Local Development Plan (IMFLDP) and all statutorily adopted supplementary guidance. There are no site specific allocations for this site or policies related to this type of development within the IMFLDP. The IMFLDP broadly sets out ongoing support for renewable projects that will release benefits from the energy sector.
- 10.5 The principal HwLDP policy on which the application needs to be determined is Policy 67 – Renewable Energy and the associated Onshore Wind Energy Supplementary Guidance. The other HwLDP policies listed at 8.1 of this report are also relevant and the application must be assessed against all these matters and considered in the round.
- 10.6 Policy 67 highlights that the Council will consider the contribution of the project towards renewable energy targets, positive and negative contribution of the project towards renewable energy targets, positive and negative effects on the local and national economy and other material considerations including making effective use of existing and proposed infrastructure and facilities. In that context the Council will support proposals where it is satisfied they are located, sited and designed so that they will not have a significant detrimental impact either individually, or cumulatively with other developments. If the Council is satisfied on these matters, then the amending of this application will accord with the Development Plan.
- 10.7 National planning policy remains supportive of onshore wind energy development with the framework for assessing wind farm proposals set out in Scottish Planning Policy (SPP). SPP sets out that areas identified for wind farms should be suitable for use in perpetuity, it also allows for consents to be time limited. The time limit on a wind farm does not negate the need to ensure the wind farm is sited and designed to ensure impacts are minimised. In determining the original application, it was considered that impacts had been minimised or mitigated. Consideration of any increase in the length of any permission that may be granted should be on the bases that the turbines continue to operate efficiently and effectively for the duration of the permission and that any turbines which becomes redundant within the permission period will be appropriately decommissioned.

- 10.8 The key issue therefore is whether the amendment of the condition would result in the proposal being incompatible with the Development Plan or national planning policy. If the Council is satisfied that there will be no significant adverse impact from as set out within this submission, then the application can be supported.

Modification of Condition 1

- 10.9 The application seeks an extended operational period for the wind farm. This has been the result of the developer undertaking an assessment of the existing wind farm primarily looking at the extension of its life. This confirmed that the wind farm would be viable for a further 10 years subject to a programme of works for the renewal, refurbishment and repair of turbine components. These are set out within

the *Inspection, Servicing, Maintenance and Repair Programme* submitted to support this application. This includes recommendations for additional maintenance and inspections of particular turbine components.

- 10.10 The principle of the development has been established. This is an application to modify the requirements of a condition on an existing permission. In order to address the determining issues therefore, the Council must consider the extent to which the proposal, as amended, continues to comply with development plan policy and take into consideration any other material considerations.

- 10.11 A significant change has been the adoption of the Onshore Wind Energy Supplementary Guidance, November 2016 (with addendum, December 2017). This provides both technical and locational guidance for wind energy development. As planning permission for a development of this kind in this location exists and is operational, the locational guidance is not considered to apply. The technical guidance supports the key criteria set out within Policy 67 of the HwLDP.

- 10.12 Maximising the potential of a renewable energy development is supported in principle by Policy 67. Having said that, the Development Plan also supports the protection and preservation of landscape designations and landscape character, visual amenity, individual and community amenity, air safety, telecommunications and features of historic and cultural importance. As the wind farm is existing and this is an extension to the operation time of the wind farm, it is unlikely to have a significant effect on the landscape character, key views, gateways or key routes.

- 10.14 During the determination of the application Environmental Health sought an updated noise assessment as the guidance has changed significantly since the planning was granted. The noise assessment identified two locations to the West, Loch Glass House and Culzie Lodge, where predicted noise levels would exceed the simplified ETSU standard of 35dB LA90. However, these properties are derelict and not currently considered to be residential properties. The noise assessment suggested limits of Novar Wind Farm II however, given that this is an existing wind farm and there is no record of noise problems the Council is satisfied that the proposed limits are reasonable.

- 10.13 The proposal did not raise any other material planning considerations beyond those assessed when the original permission was determined. Temporary planning permission for wind farm developments across Scotland have historically been

made in line with turbine warranty. These time limited decisions also allow for the decommissioning and restoration of sites earlier, should the turbines suffer serious sustained technical failures within the operational period of the consent.

10.14 The Council is satisfied that there is no reason that turbines could not have a useful extended life after a manufacturer's warranty expires. However, it will be important to ensure that any approval for an extended period of planning permission has sufficient safeguards to ensure that:

- the turbines continue to operate effectively;
- all mitigation is sustained for the full operational life of the wind farm; and
- the provisions for turbine failures and final removal are continued.

10.15 It is worth highlighting that an application submitted under S42 of the Planning Act provides the Planning Authority with an opportunity, as part of the process in considering the proposed variation, to amend any, or each of the original conditions previously applied which it considers necessary to regulate the development proposed. This can ensure the wording is in line with current good practice and ensure the conditions are suitable to regulate the proposed development. All of the conditions have been reviewed given the scheme is now operational. The conditions have been reworded to reflect the operational status of the scheme.

10.16 In this case the Novar Wind Farm planning permission is subject to a number of planning conditions. The following conditions are particularly relevant should a longer operational period be supported with Condition 1 amended to reflect the extension in time:

- Condition 1 – provides details of the time period for temporary permission for the development;
- Condition 2 – provides for the removal of any turbine that fails to supply electricity for a continuous period of 6 months;
- Condition 3 – provides for the development being constructed and operated in accordance with the provisions of the application, the environmental statement and the submitted plans;
- Condition 4 – provides for the number of turbines and their locations;
- Condition 24 – provides clarification on lighting within the site;
- Condition 25 – ensures that no symbols, signs, logos or other lettering shall be displayed on any part of the wind turbines nor any other buildings or structures;

These conditions will be revised to ensure they are inline with current good practice.

10.12 Any permission granted would require the above conditions to remain in place to ensure: mitigation continues to be secured; the operation life of the wind farm is clear. Further conditions will be applied to ensure the relevant noise levels are adhered to and the decommissioning of the wind farm is secured at the end of the operational life of the wind farm.

- 10.13 As set out above subject to appropriate planning conditions being applied the extension in time is broadly acceptable. A further modification is however proposed to ensure the timescale for decommissioning and restoration of the site is clearly defined. This will be defined as a 2 year period from the end of the operational life of the wind farm.

Other material considerations

- 10.14 All suspensive planning conditions as previously applied have been satisfied, some of these require ongoing application of mitigation or are operational requirements. As this is the case these require to remain in force.
- 10.15 The original application was supported by an Environmental Statement which is applicable to the current application. In this regard, given that the existing development is supported by an Environment Statement, a new decision being issued following an approval of the S42 will require any schedule of mitigation to be highlighted within the Decision Notice in compliance with EIA Regulations 2017.
- 10.16 There are no other material considerations.

Non-material considerations

- 10.17 The development provides community benefit provision in line with corporate policies of the Council and Scottish Planning Policy. This currently applies for the 25 years of wind farm operation / electricity generation. Should this application be supported then there should be a continuance of community benefit payments for the extended years of operation. This will require relevant agreements to be updated to reflect any grant of this Section 42 application.

Matters to be secured by Section 75 Agreement

- 10.18 a) Revision of original Section 50 Agreement which secured the bond for decommissioning and restoration
- 10.19 The applicant has four months from the date that the Council writes to the Applicant/Applicant's solicitor indicating the terms of the legal agreement, to deliver to the Council a signed legal agreement. Should an agreement not be delivered within four months, the application shall be refused under delegated powers.

11. CONCLUSION

- 11.1 The Council is broadly supportive of renewable energy projects in line with national policy. The impact of this wind farm has been deemed to be acceptable in this location and the development is operational. There have been no objections raised in respect of this amendment to the application from third parties or statutory consultees.

- 11.12 It is considered that sufficient safeguards are in place through the conditions which would remain in force on the permission to ensure that should the turbines fall into disrepair or fail, remedial measures can be put in place. Furthermore, a modified legal agreement will be completed to secure a financial bond for the decommissioning and restoration of the site.
- 11.13 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

12. IMPLICATIONS

- 12.1 Resource: Not applicable.
- 12.2 Legal: Not applicable.
- 12.3 Community (Equality, Poverty and Rural): Not applicable.
- 12.4 Climate Change/Carbon Clever: The impact on climate change of the result of the construction of the wind farm would have been offset by the renewable energy produced by the development in the last 22 years. The extension in operational period will allow the continued production of renewable energy for a further 10 years.
- 12.5 Risk: Not applicable.
- 12.6 Gaelic: Not applicable.

13. RECOMMENDATION

Action required before decision issued	Y
Notification to Scottish Ministers	N
Conclusion of Section 50	Y
Revocation of previous permission	N

Subject to the above, it is recommended that planning permission be **GRANTED**, subject to the following:

Conditions and Reasons

- The development shall be undertaken in accordance with the planning permission reference RC/1995/421, approved plans and the Environmental Statement 1995 and the Environmental Statement Addendum 2019 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 35 years from the date consent was first granted (27 August 1996). At the end of the operational period decommissioning and restoration shall be completed within 2 years of cessation date (27 August 2031).

Reason: The application is for a temporary period of 35 years.

3. The Company shall, at all times after the date of Final Commissioning, record information regarding the monthly supply of electricity to the national grid from the Site as a whole and electricity generated by each individual turbine within the development and retain the information for a period of at least 12 months. The Company shall make such of that information as may be reasonably required for the purposes of verifying that electricity has been exported from any one or more of the turbines available to the planning authority within one month of any request by them. In the event that:
 - i. any one or more (up to 50%) of the wind turbine generators hereby permitted cease to export electricity to the grid for a continuous period of 6 months, unless otherwise agreed in writing with the planning authority, then a scheme shall be submitted to the planning authority for its written approval within 3 months from the end of that 6 month period for the repair or removal of those turbines. The scheme shall include a programme of remedial or repair works to the relevant turbine(s) and requirements for monthly reporting to the planning authority on progress with such works. If the said turbine(s) have not begun exporting electricity to the grid within a period of 6 months from approval of the said scheme, unless otherwise agreed in writing with the planning authority, then a scheme shall be submitted to the planning authority with a programme for removal of the relevant turbines and associated above ground works approved under this permission and in line with best practice prevailing at the time and for site restoration measures following the removal of the relevant turbine. The scheme shall thereafter be implemented in accordance with the approved details and timetable;
 - ii. 50% or more of the wind turbine generators hereby permitted cease to export electricity to the grid for a continuous period of 12 months, unless otherwise agreed in writing with the planning authority, then a scheme shall be submitted to the planning authority for its written approval within 3 months of the end of that 12 month period for either the repair of those turbines, including a programme of remedial works, or decommissioning of the development in accordance with Condition 4. The approved scheme shall then be implemented in accordance with the programme contained therein.

Paragraph (i) and (ii) shall not apply if such outages are out with the Company's control or as a consequence of any emergency or requirement of National Grid. In these instances the planning authority shall be informed of the turbine shutdowns, reasons for the turbine shut downs and timescales for the outages within 5 working days of the turbines being switched off.

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

4. Within 6 months of the date of this permission an Interim Decommissioning and Restoration Plan (IDRP) for the site shall be submitted to, and approved in writing by, the planning authority in consultation with SEPA. Thereafter:
 - i. not later than 3 years prior to the decommissioning of the Development, the IDRP shall be reviewed by the Company, to ensure that the IDRP takes account of best practice in decommissioning prevailing at the time and ensures that site specific conditions, identified during construction of the Site, and subsequent operation and monitoring of the Development are given due consideration. A copy shall be submitted to the planning authority for its written approval, in consultation with SNH and SEPA; and
 - ii. not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan (DRP), based upon the principles of the approved interim plan, shall be submitted to, and approved in writing by, the planning authority, in consultation with SNH and SEPA.

The IDRP and subsequent DRP shall include, unless otherwise agreed in writing with the Planning Authority and in accordance with legislative requirements and published best practice at time of decommissioning, details about the removal of the Development, including where necessary details of:

- a. justification for retention of any relevant elements of the Development;
- b. the treatment of disturbed ground surfaces
- c. management and timing of the works;
- d. environmental management provisions;
- e. Site Waste Management Plan (inclusive of Peat Management); and
- f. a traffic management plan to address any traffic impact issues during the decommissioning period.

The DRP shall be implemented as approved. In the event that the Final DPR is not approved by The Highland Council in advance of the decommissioning, unless otherwise agreed by the planning authority the Interim IDRP shall be implemented.

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.

5. 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) until a concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the Company 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 must be carried out by the Company, to the satisfaction of the Roads

Authority(s). It will also require the submission of an appropriate financial guarantee, bond or alternative form of security acceptable to the planning authority in respect of the risk of any road reconstruction works.

Reason: To ensure that the road network is appropriately safeguarded from wear and tear during maintenance, decommissioning and restoration of the site.

6. 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 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.

7. 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 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:

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- 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.

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), 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 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.

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 (other than health and safety signage) unless otherwise approved in advance in writing by the planning authority.

Reason: To in the interests of the visual amenity of the area and compliance with Town and Country Planning (control of advertisements) (Scotland) regulations 1984.

9. Prior to any further development or works on the site and / or any maintenance that requires provision of replacement of any turbine components (defined as towers, blades or nacelles) details of the proposed replacement turbine components shall be submitted to, and approved in writing by, the planning authority. These details shall include:

- i. The make, model, design, of the replacement turbine components to be used; and
- ii. The external colour and/or finish of the replacement turbine components to be used which shall be non-reflective pale grey semi-matt.

Thereafter, development shall progress in accordance with these approved details and, with reference to part ii 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.

Reason: To ensure that only the turbines as approved are used in the development and are acceptable in terms of visual, landscape, and environmental impact considerations.

10. Prior to any further development or works on the site and / or any maintenance that requires the replacement of the control building, substation and or ancillary infrastructure until final details of the location, layout, external appearance, dimensions and surface materials of all buildings, compounds, parking areas, as well as any external lighting (excluding aviation lighting), fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by, the planning authority. Thereafter, development shall progress in accordance with these approved details.

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

11. For the avoidance of doubt no modifications are permitted, either permanent or temporary, to the tracks: between turbines 4 and 6; the spur to turbine 5; or the access to turbine 3 without prior written approval of the Planning Authority in consultation with Scottish Natural Heritage.

Reason: to ensure the protection of the natural heritage features within the site.

12. For the avoidance of doubt no modifications which would widen the track in the vicinity of St. Curitan's Chapel not in the vicinity of any other structure identified on site by the approved Archeological Assessment.

Reason: to protect the built and cultural heritage in vicinity of the development.

13. The approved Habitat Management Plan which sets out the proposed habitat management within the Site during the period of construction, operation, decommissioning, restoration and any aftercare of the Site, and provides for the maintenance, monitoring and reporting impact of the development on protected species and ornithology.

The approved habitat management plan shall be subject to regular monitoring and review to be undertaken by the applicant to consider whether amendments are needed to better meet the habitat plan objectives.

Unless otherwise agreed in advance in writing with the planning authority, the approved habitat management plan shall be implemented in full and an annual report, summarising the results of the monitoring shall be submitted on 28 February of each year following the issuing of this permission.

Reason: In the interests of good land management and the protection of habitats and ornithology

14. The rating level of noise emissions 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 Table 1 attached to these conditions. Furthermore:
- (A) Where there is more than one dwelling at a location specified in Table 1 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. In the event of a noise complaint relating to a dwelling which is not identified by name or location in the Table attached to these conditions, the applicant shall submit to the Planning Authority, for written approval, proposed noise limits to be adopted at the complainant's dwelling for compliance checking purposes. The submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of limits. 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.
 - (B) No electricity shall be exported on a commercial basis to the grid until the Company has submitted 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.
 - (C) There shall be no Commencement of Development until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by, the planning authority. The scheme shall include:
 - A framework for the measurement and calculation of the rating level of noise immissions from the wind farm (including the identification of any tonal component) to be undertaken in the event of a complaint in accordance with ETSU-R-97 and its associated Good Practice Guide and Supplementary Guidance Notes.
 - A framework for implementing any required curtailment measures, where necessary to ensure the values in Table 1 are met and not exceeded.
 - (D) Within 21 days from receipt of a written request of the planning authority, following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ an independent consultant approved by the planning authority to assess the rating level of noise immissions from the wind farm at the complainant's property in accordance with the approved Noise Measurement & Mitigation Scheme. The written request from the 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.

Within 14 days of receipt of a written request from the planning authority, the Company shall provide the planning authority with the information relevant to the complaint logged in accordance with paragraph (G) of this condition.

The independent consultant's assessment must be undertaken in accordance with the approved Noise Measurement & Mitigation Scheme and must relate to the range of conditions 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 and such other conditions as the independent consultant considers necessary to fully assess the noise at the complainant's property.

- (E) The Company shall provide to the planning authority the independent consultant's assessment of the rating level of noise immissions within 2 months of the date of the written request of the Planning Authority, 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.
- (F) Where a further assessment of the rating level of noise immissions from the wind farm is required to assess the complaint, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment to the Planning Authority unless the time limit for the submission of the further assessment has been extended in writing by the planning authority.
- (G) Within one week of the planning authority receiving an assessment which identifies that the wind farm noise levels are exceeding any of the limits in Table 1 attached to this condition, the Company will implement mitigation measures in accordance with the approved Noise Measurement & Mitigation Scheme.
- (H) The Company 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 Company 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.

Note: 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.

Table 1: Between 07:00 and 23:00 hours (Noise Level in dB LA90, 10-min)

Table 1 - Noise Limits in dB LA90

Location	Noise limit (LA90)
Culzie Lodge	36
Loch Glass House	36
Eilanach Lodge	29
Tighnacraig	31
Balnarge	31
Douchan	31
Glaick	30
Ballone	30

Note to Table 1: 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.

Guidance Notes for Noise Conditions

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 BS4142: 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 Company 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 Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north 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, such as direct measurement at a height of 10 metres, this wind speed, averaged across all operating wind turbines, and corrected to be representative of wind speeds measured at a height of 10m, shall be used as the basis for the analysis. It is this 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with 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 in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, 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.

(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 10- 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 10- metre height 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.

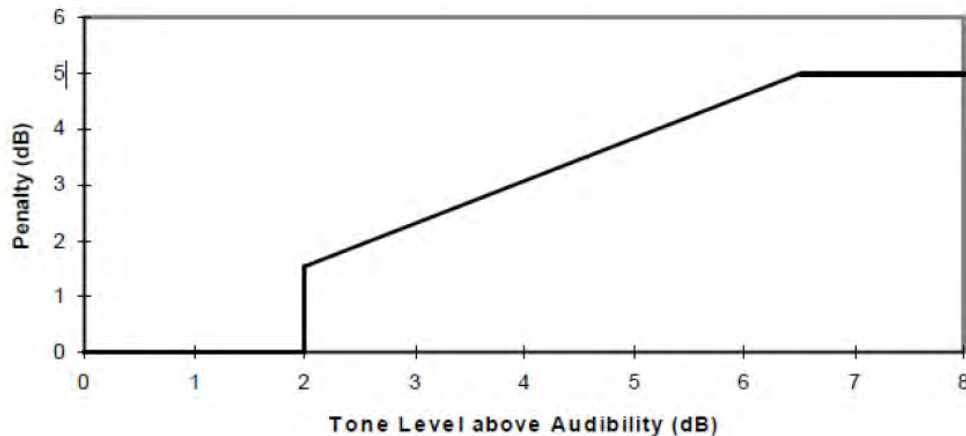
(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that 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 Company 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:

$$L_1 = 10 \log \left[10^{L_2/10} - 10^{L_3/10} \right]$$

(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.

REASON FOR DECISION

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.

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 is 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.

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.

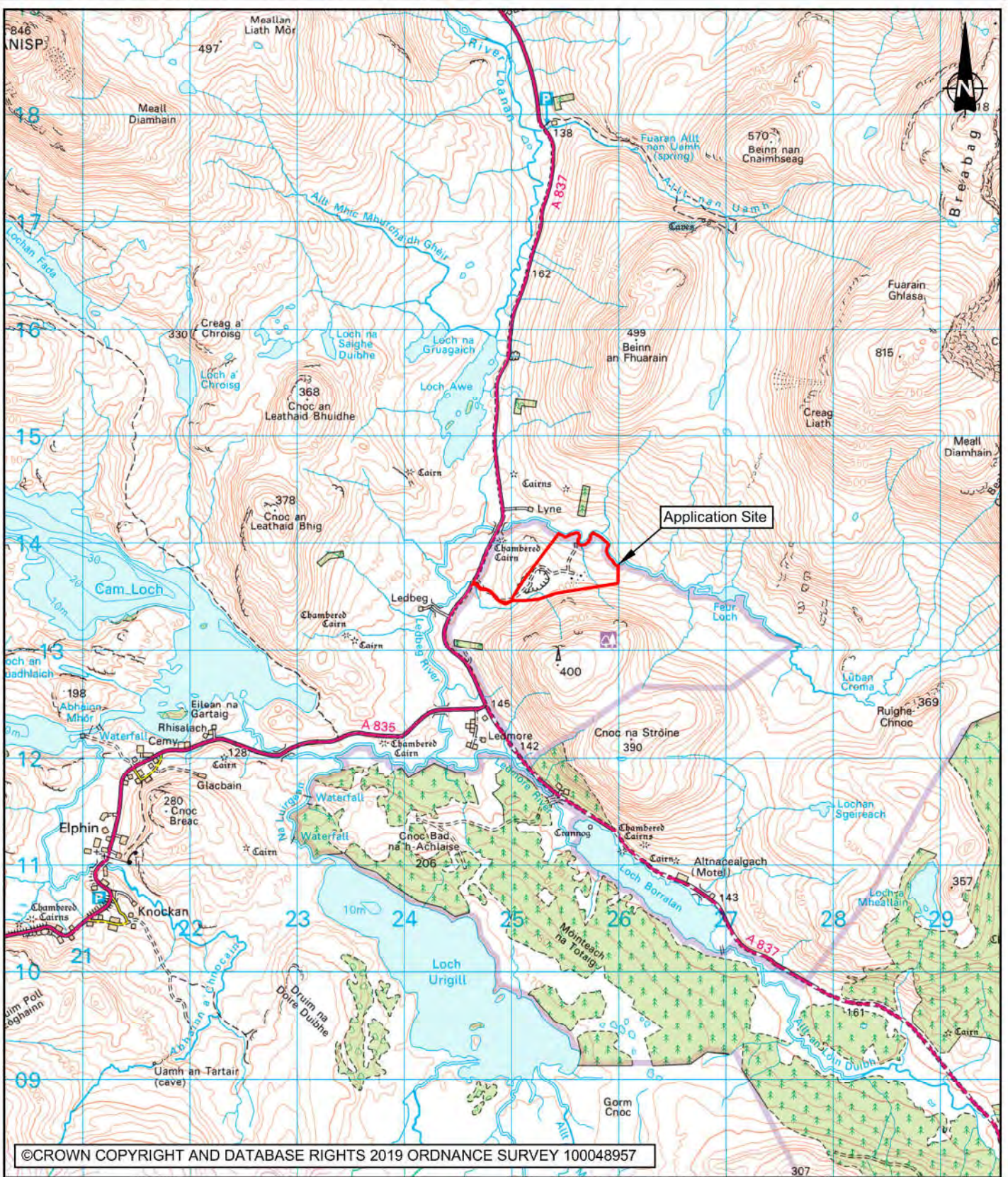
Protected Species – Halting of Work

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

Designation: Acting Head of Development Management – Highland
Author: Claire Farmer - Planner
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 - Figure 3 – Site Layout Plan

Appendix – Letters of Representation

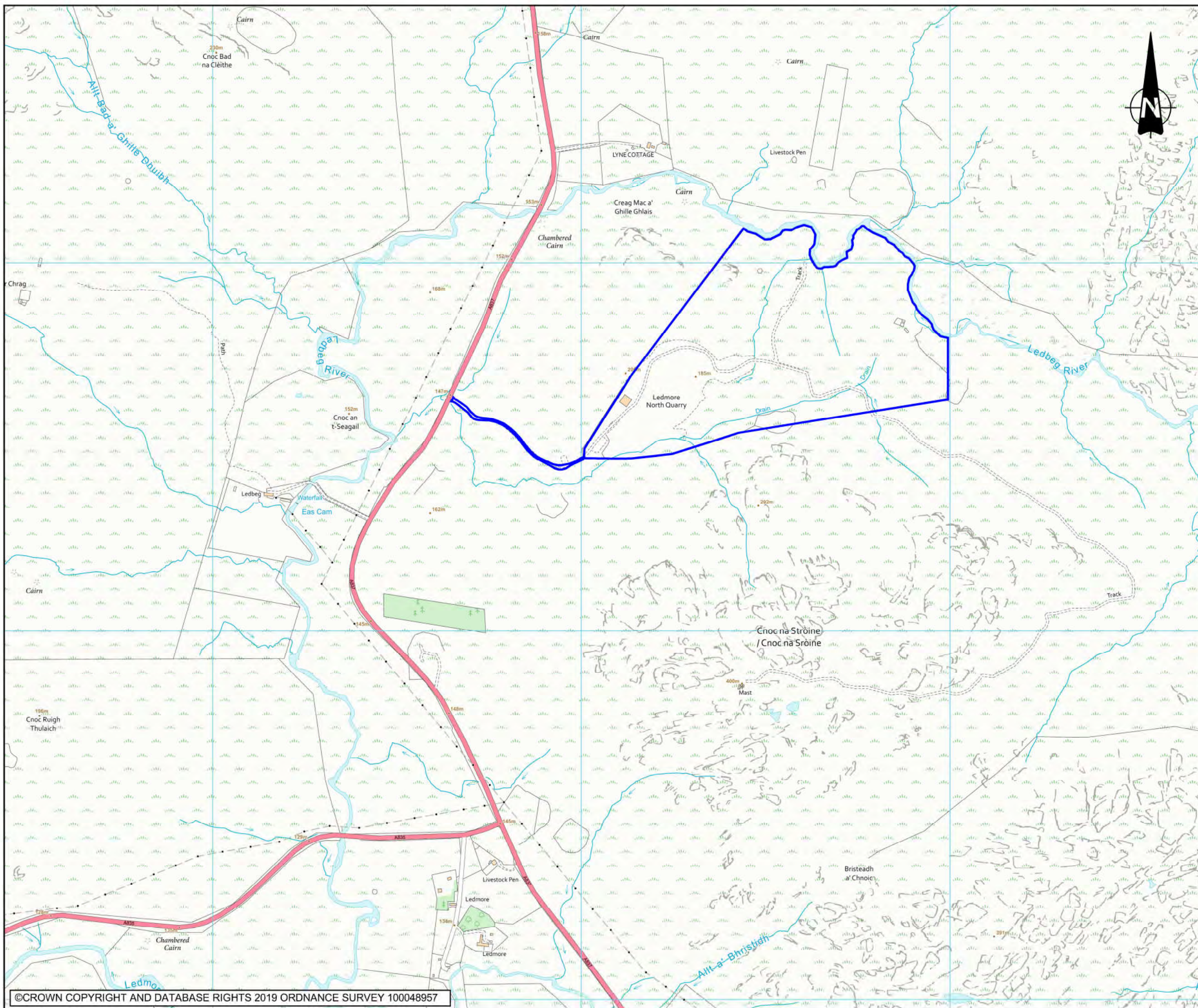
None



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CLIENT					
LIMEHILLOCK QUARRIES LTD					
JOB TITLE					
LEDMORE QUARRY					
DRAWING TITLE					
SITE LOCATION PLAN					
SCALES	ORIG.DRG SIZE	DATE	DRAWN BY	APPROVED BY	DRAWING No.
1:50000	A4	NOV 2019	RK		RG456/PA/F/01

A4 border 277 x 190



NOTES

— Land under the Applicant's Control

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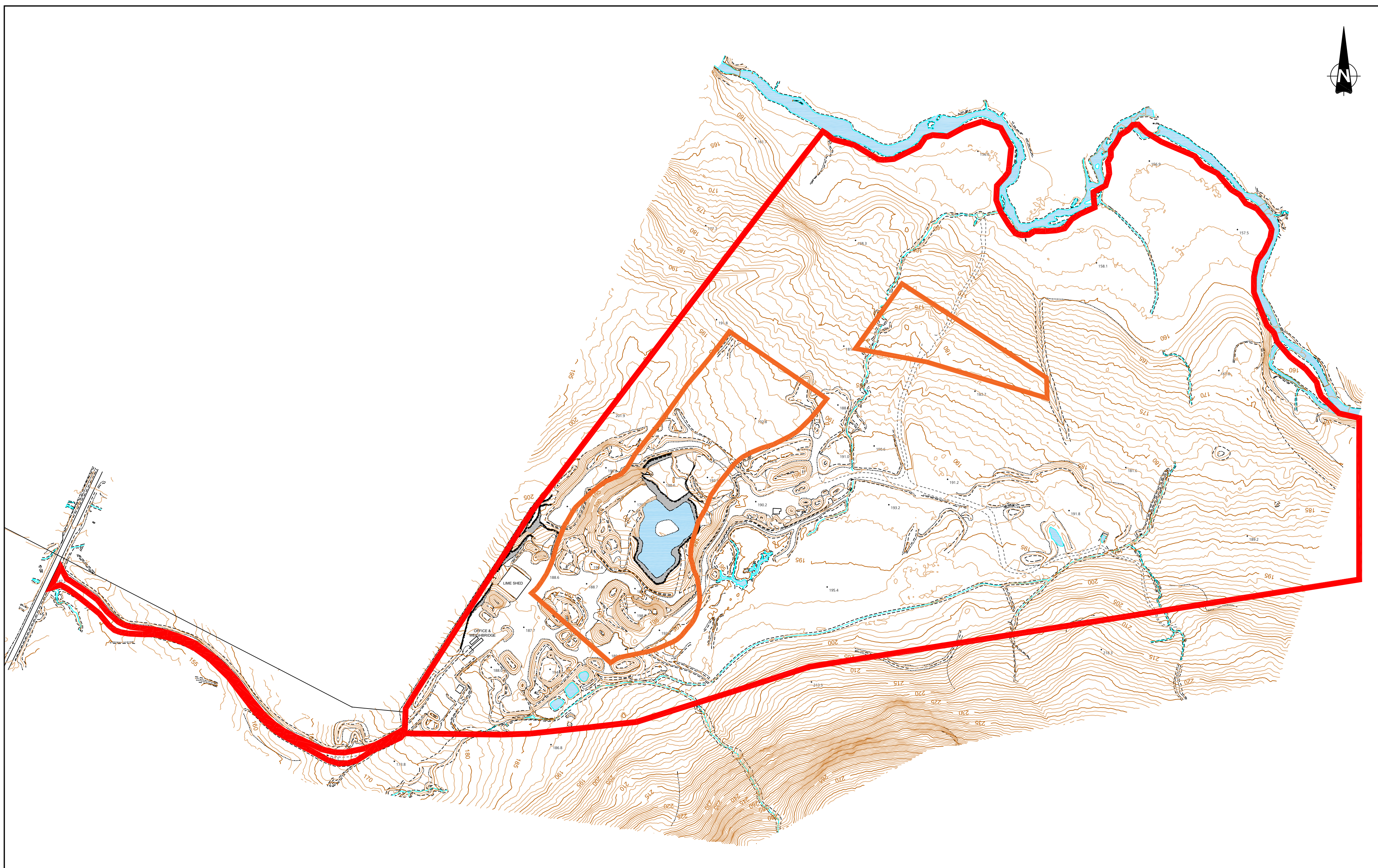
PROJECT TITLE

**LEDMORE QUARRY
 ELPHIN, LAIRG**

DRAWING TITLE

**LAND UNDER THE
 APPLICANT'S CONTROL**

DRAWN BY RK	APPROVED BY
SCALES 1:10000	ORIGINAL DRAWING SIZE A3
DATE NOV 2019	DRAWING No. RG456/PA/F/02



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CLIENT DETAILS

Limehillock
QUARRIES LTD

JOB TITLE

**LEDMORE QUARRY
ELPHIN, LAIRG**

DRAWING TITLE

**TOPOGRAPHIC SURVEY
OCTOBER 2019**

NOTES

- Planning Permission 98/00164/FULSU
- Permitted areas of mineral extraction

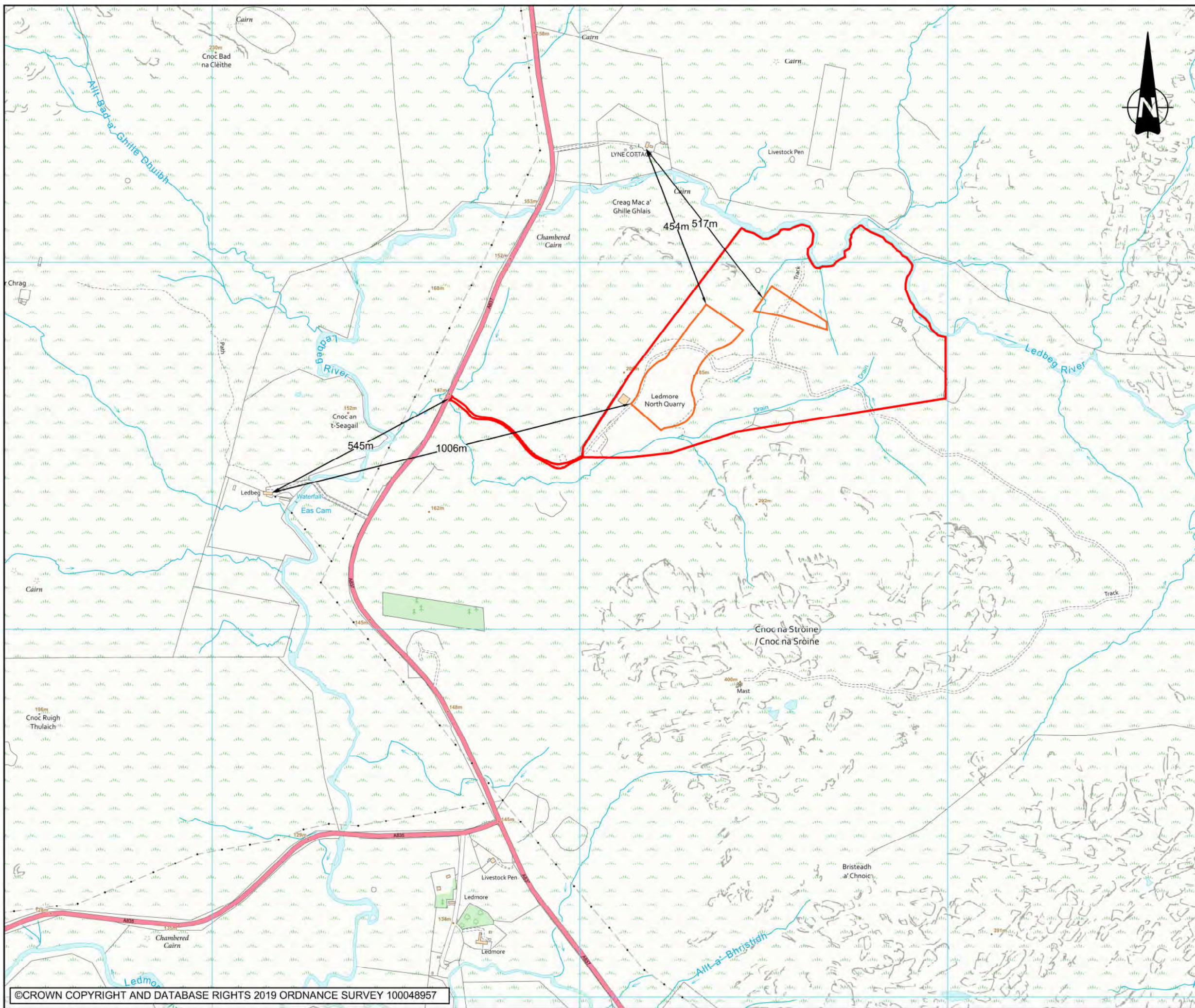
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DATE	REVISION	No.

DRAWN BY	RK
SCALES	1:2,500
DATE	NOV 2019

APPROVED BY	
ORIGINAL DRAWING SIZE	A2
DRAWING No.	RG456/PA/F/03

A2 border 488 X 395



NOTES
— Planning Permission 98/00164/FULSU
— Permitted areas of mineral extraction

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CLIENT



PROJECT TITLE

**LEDMORE QUARRY
 ELPHIN, LAIRG**

DRAWING TITLE

**RESIDENTIAL PROPERTY
 LOCATION PLAN**

DRAWN BY RK	APPROVED BY
SCALES 1:10000	ORIGINAL DRAWING SIZE A3
DATE NOV 2019	DRAWING No. RG456/PA/F/04