

DEVELOPMENT MANAGEMENT REVIEW COMMITTEE – 17 FEBRUARY 2015

LAND 750M WEST OF UPPER BALMACHIE FARM, BALMACHIE, CARNOUSTIE

APPLICATION NO. 13/00501/FULL for the erection of a wind turbine of 50m to hub height and 77m to blade tip and ancillary development.

With reference to Article 4 of the minute of meeting of this Committee of 29 January 2015, the appropriate conditions, for approval, are detailed as follows:-

1. That the wind turbine hereby approved shall be removed from the site no later than 26 years after the date when it is erected unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the date of erection of the turbine shall be provided to the Planning Authority within one month of that date.

Reason: In order to limit the permission to the expected operational lifetime of the wind farm and to allow for restoration of the site.

2. That prior to the commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Planning Authority: -
 - (i) The make and model of the turbine selected for use in the development shall be submitted for the written approval of the Planning Authority. For the avoidance of doubt the turbine shall have a hub height of 50 metres and a maximum height to blade-tip of 77 metres.
 - (ii) Where any turbine other than the candidate turbine is to be installed, a detailed noise assessment, including where necessary a cumulative assessment taking into account any existing wind turbine developments approved prior to the date of this permission, demonstrating that the noise limits specified by this permission shall not be exceeded for the written approval of the Planning Authority.
 - (iii) Where any wind turbine is required to operate in a reduced power mode in order to comply with the noise limits specified by this permission a scheme for the mitigation of noise shall be submitted for the written approval of the Planning Authority. Once approved the operation of the wind turbine shall take place in accordance with the mitigation scheme unless otherwise agreed with the Planning Authority.

Reason: For clarification and the avoidance of misunderstanding because the technical assessment of the planning application has been based on a specific type of turbine and in the interests of residential amenity and minimising potential noise impact.

3. The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed at any property lawfully existing at the date of this planning permission: -
 - (a) LA90 35dB (A) 10min at wind speeds up to 10 m/s at 10m height at any location.
 - (b) Where the occupiers of a property have a financial interest in the development, the absolute lower limit of the above noise level may be increased to 45dB (A)

The developer shall, prior to the commencement of the development, satisfy the planning authority that the occupiers of the following properties have a financial interest in the development;

1. Upper Balmachie Farmhouse, Balmachie, Carnoustie, DD7 6LB
2. Upper Balmachie New House, Balmachie, Carnoustie, DD7 6LB

Should the occupiers of these properties, at any time, no longer have a financial interest in the development then the noise levels shall revert back to those referred to in condition 3(a) above.

Reason: In the interests of residential amenity and minimising potential noise impact.

4. The wind turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). This data shall be retained for a period of not less than 24 months. The wind turbine 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 order to safeguard the residential amenity of noise sensitive property located close to the development.

5. No electricity shall be exported until the wind turbine operator has submitted to the Planning Authority for written approval a list of proposed independent consultants who may undertake noise compliance measurements in accordance with this permission. Amendments to the list of approved consultants shall be made unless otherwise agreed with the Planning Authority.

Reason: In order to ensure an appropriate monitoring regime is in place to investigate any noise complaint which may arise and to mitigate any such impact.

6. Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind turbine operator shall, at its expense, employ a consultant approved by the Planning Authority to assess the level of noise emissions 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 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 Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

Reason: In order to protect residential amenity in the context of potential noise emissions from the turbine and in order to ensure an appropriate monitoring regime is in place to investigate any noise complaint which may arise and to mitigate any such impact.

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

Reason: In order to ensure an appropriate monitoring regime is in place to investigate any noise complaint which may arise.

8. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits to be adopted at the complainant's dwelling for

compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

Reason: In order to safeguard the residential amenity of noise sensitive property located close to the development.

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

Reason: In order to safeguard the residential amenity of noise sensitive property located close to the development.

10. Where a further assessment of the rating level of noise emissions from the wind farm is required pursuant to Guidance Note 4(c), the wind turbine operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to condition 9 above unless the time limit has been extended in writing by the Planning Authority.

Reason: In order to safeguard the residential amenity of noise sensitive property located close to the development.

11. In the event that noise emissions from the wind turbine exceed the levels set by this permission, operation of the turbine shall cease until measures to reduce noise levels to comply with this permission are implemented. Should such measures fail to achieve compliance with the noise levels set by this permission the operation of the turbine shall cease until otherwise approved in writing by the planning authority.

Reason: In order to safeguard the residential amenity of noise sensitive property located close to the development.

12. That no works in accordance with this planning permission shall commence unless and until the Planning Authority has approved in writing, in consultation with the Ministry of Defence, a radar mitigation scheme. The scheme shall include the location and external appearance of the equipment. The turbine shall not become operational unless and until all measures required by the approved radar mitigation scheme have been carried out and demonstrated to the written satisfaction of the Planning Authority, in consultation with the Ministry of Defence to be operationally effective. Thereafter the developer shall comply with all other obligations contained within the radar mitigation scheme. For the purposes of this condition, 'radar mitigation scheme' means a scheme designed to mitigate the impact of the development upon the Primary Surveillance Radar and the air traffic control operations of RAF Leuchars that rely on the radar, as at the date of the radar mitigation scheme. The radar mitigation scheme will set out the appropriate measures to be implemented to that end.

Reason: In the interests of aviation safety.

13. That the turbine shall be fitted with 25 candella omni-directional red lighting or infra red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. The lighting shall thereafter be maintained in operational condition during the lifetime of the turbine hereby approved.

Reason: In the interests of aviation safety.

14. That prior to the commencement of development, the applicant shall provide the Ministry of Defence (Defence Estates – Safeguarding) with the following information, a copy of which shall also be submitted to the Planning Authority;
 - Proposed date of commencement of construction;
 - Estimated date of completion of construction;
 - Height above ground level of the tallest structure;
 - Maximum extension height of any construction equipment;
 - Latitude and Longitude of the proposed turbine.

Reason: In the interests of aviation safety.

15. That in the event of a pollution incident or interruption to supply, caused by the wind farm development, affecting or likely to affect any private water supply, the wind turbine operator shall provide an immediate temporary supply to those affected until permanent

mitigation can be effected to the satisfaction of the Planning Authority. Any replacement supply shall be of a quality to meet the private water supplies (Scotland) Regulations 1992 or any other appropriate Regulation in force at the time. In any case a permanent replacement supply or mitigation measures shall be provided no later than one month after the supply is first affected.

Reason: In order to protect any private water supplies that may be affected by the development, in the interests of residential amenity.

16. That should the wind turbine no longer be required or should it cease to generate electricity for a period of six months it shall be removed and the site restored to its previous condition in accordance with the details approved under condition 17(iii) of this permission. The restoration works shall be completed no later than twelve months following the date that the turbine has ceased to generate electricity or as otherwise agreed in writing with the Planning Authority.

Reason: In order to ensure that the turbine is removed and the land restored to its previous condition in the event that the turbine is no longer required in the interests of the visual amenity of the area.

17. That prior to the commencement of the development hereby approved the following information shall be submitted to and approved in writing by the Planning Authority: -

- (i) The precise route and details of the transmission cables from the turbine. Thereafter the transmission cables shall be provided only in accordance with the approved details;
- (ii) Details of the colour of the wind turbine which shall be Agate Grey (RAL 7038) unless otherwise agreed with the Planning Authority. Thereafter the turbine shall be finished in accordance with the approved details;
- (iii) A scheme for the decommissioning and restoration of the site including aftercare measures. The scheme shall set out the means of reinstating the site to agricultural land following the removal of the components of the development. The developer shall obtain written confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved plan and (unless otherwise agreed in writing by the Planning Authority) works for removal of site apparatus shall be completed within 12 months of the final date electricity is generated at the site;

- (iv) An assessment of the impact from shadow flicker shall be carried out and a mitigation scheme shall be submitted for the written approval of the Planning Authority. Once approved the operation of the wind turbine shall take place in accordance with the scheme unless otherwise agreed with the Planning Authority. For the avoidance of doubt the mitigation scheme shall apply to all sensitive receptors including all residential properties and office buildings within a distance of 10 times the rotor diameter of the nearest turbine.

Reason: In order that the Planning Authority may verify the acceptability of the transmission lines, access route and turbine colour in the interests of visual amenity; in order to ensure appropriate site restoration and in the interests of residential amenity.

18. That unless otherwise first approved in writing by the planning authority, the turbines hereby approved shall: -
- Have no symbols, signs, logos or other lettering by way of advertisement displayed on any part of the wind turbine;
 - Not be lit other than for the purposes of aviation safety.

Reason: In the interests of the visual amenity of the area.

19. That, prior to the commencement of development, a Construction Traffic Management and Routing Plan shall be submitted for the written approval of the Planning Authority. The details of the plan should consider arrangements for the following:
- (i) Agreement with the Roads Authority on the routing for abnormal loads;
 - (ii) The type and volume of vehicles to be utilised in the delivery of construction materials;
 - (iii) Assessment of the suitability of the proposed routes, including bridge capacities, to accommodate the type and volume of traffic to be generated by the development. The assessment shall include details of swept path analyses and include DVD video route surveys;
 - (iv) Mitigating measures on public roads, including, carriageway widening, junction alterations, associated drainage works, protection to public utilities, temporary or permanent traffic management signing, and temporary relocation or removal of other items of street furniture;

- (v) The restriction of delivery traffic to agreed routes;
- (vi) The timing of construction traffic to minimise impacts on local communities, particularly at school start and finish times, during refuse collection, at weekends and during community events;
- (vii) A code of conduct for HGV drivers to allow for queuing traffic to pass;
- (viii) Liaison with the roads authority regarding winter maintenance;
- (ix) Contingency procedures, including names and telephone numbers of persons responsible, for dealing with vehicle breakdowns;
- (x) A dust and dirt management strategy, including sheeting and wheel cleaning prior to departure from the site;
- (xi) The location, design, erection and maintenance of warning/information signs for the duration of the works, at site accesses and crossovers on private haul roads or tracks used by construction traffic and pedestrians, cyclists or equestrians;
- (xii) Contingencies for unobstructed access for emergency services;
- (xiii) Co-ordination with other major commercial users of the public roads on the agreed routes in the vicinity of the site;
- (xiv) Traffic management, in the vicinity of temporary construction compounds;
- (xv) The provision of data from traffic counters, installed at locations and at intervals to be agreed with the Roads Authority, at the applicant's expense;
- (xvi) Arrangements for the monitoring, reviewing and reporting on the implementation of the approved plan; and
- (xvii) Procedures for dealing with non-compliance with the approved plan.

The Construction Traffic Management and Routing Plan shall be implemented in accordance with the approved details.

Reason: To ensure the free flow of traffic, in the interests of road safety and for the convenience of road users.