## THE HIGHLAND COUNCIL

# NORTH PLANNING APPLICATIONS COMMITTEE 04 August 2015

15/01857/S42: RWE Renewables Ltd Land at Halsary Forest, Watten, Caithness

## **Report by Head of Planning and Building Standards**

## SUMMARY

**Description:** Construction of a 15 wind turbine wind farm (Halsary Wind Farm) without compliance with Condition 1 of permission 09/00399/FULCA to allow an increase in the maximum turbine height from 100m to 112m.

**Recommendation: GRANT** planning permission

Ward: 4 – Landward Caithness

Development category: Major Application

Pre-determination hearing: None

Reason referred to Committee: Major Application

## 1.0 PROPOSED DEVELOPMENT

- 1.1 The application seeks to amend Condition 1 of the planning permission 09/00399/FULCA granted permission on 14 July 2014.
- 1.2 Condition 1 of the planning permission states:

For the avoidance of doubt the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement. This permission shall be for a maximum of 15 turbines up to 100m in height from ground level and 1 anemometer mast, to be sited as shown on the site layout drawing (Figure 4.1) contained within Chapter 4 of the Halsary wind farm ES, December 2012. The prior written approval of the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency shall be required for the siting of any wind turbine or access track more than 50 metres from the approved location. Any such submission shall include a revised site layout for the location of all turbine and access roads.

Agenda Item	5.10
Report No	PLN/047/15

Unless otherwise agreed with the planning authority, the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement (ES) of June 2012, including Supplementary Environmental Information of March 2013. This permission shall be for a maximum of 13 turbines and 1 anemometer mast, to be sited as shown on the site layout drawing (Figure 4.1a) contained within Chapter 4 of the Bad a' Cheò Wind Farm ES.

**Reason:** In order to clarify the terms of permission and ensure that development does not infringe on watercourses.

1.3 In this case, the applicant seeks to increase the overall height of turbine specified within the Environmental Statement, and subsequent decision on the application, as 100m to 112m. The typical turbine dimensions identified in the ES submitted in support of the approved scheme indicated a 67m hub height and 90m blade length. No height of mast or length of blade has been identified within the current proposal.

## 2.0 PLANNING HISTORY

2.1 **14.07.2014** - Planning Permission for construction of a 15 turbine wind farm granted planning permission (09/00399/FULCA). A copy of this decision is contained within **Appendix 2**.

## 3.0 PUBLIC PARTICIPATION

3.1 Advertised: Schedule 3

Representation deadline: 15 June 2015

Timeous representations: 4

Late representations: 0

- 3.2 Material issues raised can be summarised as:
  - The increase in tip height by 12m will have an unacceptable visual impact
  - Unlikely to have been considered acceptable at this height in the first instance
  - Spittal Hill wind farm was refused for its visual impact
- 3.3 Non-material issues raised can be summarised as:
  - Only required to make money

## 4.0 CONSULTATIONS

- 4.1 Halkirk and District CC: No response received.
- 4.2 Watten Community Council: No response received.

- 4.3 Latheron and Clyth Community Council: No response received.
- 4.4 **Historic Environment Team** has raised no issues with regard to the impact on the historic environment.
- 4.5 **Transport Planning** has no objection to the increased turbine dimensions proposed. From a local roads perspective, the abnormal load route from port of entry to site will need to be reviewed to determine any additional impact on Council maintained assets as a result of larger turbine components. As normal, any accommodation/mitigation measures needed to enable the movement of abnormal loads on the local road network will require to be agreed in advance by the Roads Authority and thereafter implemented. This is however covered by the terms of the conditions on the existing consent which should be carried over.
- 4.6 **Environmental Health** advice is that the amendment is likely to result in the need for some turbines to be curtailed in order to meet with the existing conditions but has no objection to the application.
- 4.7 **Scottish Environment Protection Agency (SEPA)** has no objection.
- 4.8 **Scottish Natural Heritage (SNH)** advise that the same planning conditions that were specified for the consented Halsary wind farm should also be applied to the amended proposal.
- 4.9 **Civil Aviation Authority (CAA)** request, that if consent is granted, the Defence Geographic Centre (mail to dvof@mod.uk) are informed of the change in height of the turbines together with any change to the expected date of removal of the turbines, any revised locations or lighting status, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, prior to the start of construction, to allow for the appropriate inclusion on Aviation Charts, for safety purposes.
- 4.10 **Highlands and Island Airports Ltd (HIAL)** considers that due to the height and position of the turbines that aviation warning lighting will required to be fitted at the hub height of some of the turbines. It advises that the Civil Aviation Authority specifications are for a steady red omnidirectional light at a minimum of 32 candela and that these will be required in addition to any infra-red lights specified for military aircraft.
- 4.11 **Ministry of Defence (MOD)** has not responded.
- 4.12 **Ofcom:** No comment received.
- 4.13 Trunk Roads Authority: No comment received.

## 5.0 DEVELOPMENT PLAN POLICY

5.1 The development plan comprises of the Highland Wide Local Development Plan (2012), the Caithness Local Plan (2006) (as continued in force) and Statutory Supplementary Guidance.

5.2 The following policies are relevant to the assessment of the application:

## Highland Wide Local Development Plan 2012

5.3	Policy 28	Sustainable Design
	Policy 29	Design Quality and Place Making
	Policy 57	Natural, Built and Cultural Heritage
	Policy 58	Protected Species
	Policy 59	Other Important Species
	Policy 61	Landscape
	Policy 67	Renewable Energy

## **Caithness and Sutherland Local Development Plan 2014**

5.4 No relevant policies apply.

## **Statutory Supplementary Guidance**

5.5 Highland Statutorily Protected Species: Supplementary Guidance (March 2014).

## 6.0 OTHER MATERIAL POLICY CONSIDERATIONS

## **Scottish Government Planning Policy and Guidance**

- 6.1 Scottish Planning Policy (2014) requires Planning Authorities to progress, as part of the Development Plan process, a spatial framework identifying areas most likely to be appropriate for onshore wind farms. It lists the main considerations likely to be taken into account in assessing proposals. These can be summarised as:
  - Net economic impact;
  - Contribution to renewable energy targets;
  - Effect on greenhouse gas emissions;
  - Cumulative impacts;
  - Impacts on communities and individual dwellings;
  - Landscape and visual impacts, including wild land;
  - Natural heritage;
  - Carbon rich soils;
  - Public access;
  - Historic environment;
  - Tourism and recreation;
  - Aviation and defence interests;
  - Telecommunications
  - Road traffic;
  - Trunk roads;
  - Hydrology and flood risk;
  - Decommissioning;
  - Energy storage;
  - Planning obligations for site restoration.
  - •

- 6.2 In addition to the above, the Scottish Government sets out further advice on Renewable Energy in a number of documents and web based information regularly updated including: -
  - National Planning Framework for Scotland 3
  - PAN 56 Planning and Noise
  - PAN 58 Environmental Impact Assessment
  - PAN 60 Planning for Natural Heritage
  - 2020 Routemap for Renewable Energy
  - Onshore Wind Turbines
  - Wind Farm developments on Peat Lands

## **Onshore Wind Energy: Interim Supplementary Guidance (March 2012)**

6.3 The document provides a spatial framework to guide the location of large wind farms, development guidelines for all locations and additional guidance on the policies and principles set out in Policy 67 – Renewable Energy Developments of the Highland-wide Local Development Plan.

## Highland Renewable Energy Strategy (HRES) (May 2006)

- 6.4 While superseded, in part, by the above Interim Supplementary Guidance, HRES is still relevant as a strategic document for renewable energy. Relevant policies include:
  - Policy H1 Education and Training
  - Policy K1 Community Benefit
  - Policy N1 Local Content of Works

## 7.0 PLANNING APPRAISAL

7.1 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. The Development Plan in this case comprises the Highland wide Local Development Plan (approved April 2012).

#### **Determining Issues**

- 7.2 The determining issues are:
  - do the proposals accord with the development plan?
  - if they do accord, are there any compelling reasons for not approving them?
  - if they do not accord, are there any compelling reasons for approving them?

## Planning Considerations

7.3 The principle of the development has been established. This is an application to remove the applicant's obligations on a condition of the existing permission; in this case compliance with the terms set out within an Environmental Statement that

formed part of the original application and subsequent approval. In order to address the determining issues therefore, Committee 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.

7.4 It is worth highlighting that an application submitted under S42 of the Planning Act provides a planning authority with an opportunity, in considering the proposed application, to amend any, or all, of the conditions on a planning permission that it considers necessary to regulate the development proposed.

### **Development Plan**

- 7.5 The principle of the development is now clearly established and should not be open to re-examination. Development Plan Policy has not changed substantially since the time of the Committee's decision to grant planning permission. The key issue therefore is whether the amendment sought, the increase in turbine tip height from 100m to 112m, would make the development incompatible with the Development Plan.
- 7.6 This application has been submitted for two key reasons; firstly, the availability of turbines at 100m height and, secondly the requirement to make the development as efficient as possible within its current envelope.
- 7.7 The applicant states: "One of the key design rationales in 2009 was that due to the proximity of the development to the operational Causeymire Windfarm, it should be designed to integrate well with Causeymire therefore making it appear as one windfarm as opposed to two. This influenced the decision to propose candidate turbines with a maximum height of 100m as they were of a similar height to the Causeymire turbines and would appear cohesive in views." In continuing the applicant states: "Since then, both Bad a Cheo and Achlachan wind farms have been approved with maximum turbine heights of 112m and 110m respectively. While previously the development would only be viewed in conjunction with Causeymire Windfarm, it will now also be viewed in the context of Bad a Cheo and Achlachan windfarms. This also reflects the turbines which are now available on the market as manufacturers are typically phasing out production of smaller turbines leaving Developers with significantly fewer options that could be accommodated within the lower tip heights."
- 7.8 The UK incentive mechanism for renewable electricity generation is also changing. Renewable Obligation Certificates (ROCs) are being replaced by a new mechanism, Contracts for Difference (CfD), which will come into effect for those developments constructed and connected from April 2017. CfD is focussed on delivering renewable energy generation by the most cost effective means for consumers. This is a driver for developers to look at the most efficient turbines. The proposed increase in tip height for Halsary will widen the choice of turbines available and increase the efficiency and output of the wind farm without having to significantly amend the proposed development in scale.

7.9 Maximising the potential of a renewable energy development is supported in principle by Policy 67 of the Highland wide Local Development Plan. Having said that, the Development Plan also supports the protection and preservation of landscape designations and landscape character, visual amenity, individual and community amenity more generally, air safety, telecommunications and features of historic and cultural importance. Were the proposal to increase the tip height likely to have an adverse effect on any of these features then the proposal would be judged not to comply with the Development Plan.

## **Material Considerations**

- 7.10 In support of the application, the applicant has submitted a statement that contains information on a number of topics including noise, ornithology and landscape and visual considerations; the latter of which includes reference to the visual effects associated with increased tip height from a number of key viewpoints around the area as demonstrated within photomontages.
- 7.11 It is clear from the responses from consultees that the increase in tip height proposed will have no significant impact on habitats and species, cultural heritage, noise or air safety that would result in a development that would be incompatible with the development plan. The acceptability of the impact on visual amenity of the increase in tip height is however more of a matter of individual judgement.
- 7.12 There is merit in the argument advanced by the applicant that an increase in tip height would be consistent with Bad a' Cheò and Achlachan, both of which were recently granted planning permission. Representations made against the proposal highlight that the development would not have been accepted at this height originally. While that may have been true, the context in which a decision on this application must be made has changed.
- 7.13 While an increase in overall height by 12m sounds considerable, and well beyond the 7m increase recently allowed the Bad a' Cheò, the reality, illustrated by the visualisations submitted, support the conclusion that the visual impact of the increased height of the Halsary turbines would not be significant. The key consideration in mitigating the cumulative visual impact of this wind farm cluster will be to ensure that the dimensions of turbines selected relate well to one another i.e. that the proportion of blade to mast remains consistent with the existing Causeymire scheme. The proposal would not impact on the decision on Spittal Hill.
- 7.14 It is considered that Condition 6 of planning permission 09/00399/FULCA that requires the specification for the final turbine model to be approved by the Planning Authority prior to installation would adequately secure the mitigation sought.
- 7.15 With regard to other material considerations, HIAL has requested that aviation warning lights be fitted to the turbines. These are separate from and different to the lighting previously requested by MoD. The development lies outwith the safeguarding zone of Wick Airport. The applicant is in discussion with HIAL on this

point and a conclusion is expected before the Committee. Should additional lighting be insisted upon it could be dealt with by minor modification to Condition 21.

## 8.0 CONCLUSION

- 8.1 All relevant matters have been taken into account when appraising this application. The representations received indicate a general disapproval of development in this location. However, this is not relevant to this application since the principle of wind farm development on this site is established. The proposal is designed to maximise choice and efficiency without further adverse impact brought about by potentially more significant changes to design and layout. The increase in turbine tip height is not considered to result in a significant additional adverse visual impact. The visual relationship between the various schemes within the area, which is considered to be the most important factor in developing a visually cohesive 'cluster' of wind energy development in this area, could be harmonised by careful consideration of the proportions of blade length to tower height.
- 8.2 While the application provides an opportunity to amend or add conditions other than those applied for, it is not considered necessary to add any additional conditions in this instance at this time. Having said that, a minor amendment to Condition 21 may be necessary dependent upon the outcome of current discussion between the applicant and HIAL on the need for additional aviation lighting.
- 8.3 The application to amend Condition 1 of this extant planning permission accords with the development plan and is acceptable in terms of all other applicable material considerations.

## 9.0 **RECOMMENDATION**

## Action required before decision issued N

**Subject to the above,** it is recommended that the application be **granted** planning permission subject to:

## **A.** Amendment to Condition 1 to read:

For the avoidance of doubt the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement (ES) Addendum, December 2012. This permission shall be for a maximum of 15 turbines **up to 112m** in height from ground level and 1 anemometer mast, to be sited as shown on the site layout drawing (Figure 4.1) contained within Chapter 4 of the Halsary wind farm ES Addendum, December 2012. The prior written approval of the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency shall be required for the siting of any wind turbine or access track more than 50 metres from the approved location. Any such submission shall include a revised site layout for the location of all turbine and access roads.

**B.** All other conditions pertaining to planning permission 09/00399/FULCA, subject to any minor amendment to Condition 21 to take into account the need for non-military aviation warning lights, the detail of which can be delegated to the Head of Planning and Building Standards.

Signature:	Malcolm MacLeod
Designation:	Head of Planning and Building Standards
Author:	David Mudie (01463) 702255
Background Papers:	Documents referred to in report and in case file.



PLANNING PERMISSION

Reference No: 09/00399/FULCA

To: Scottish Power Renewables (UK) Ltd 2nd Floor Cathcart Business Park Spean Street Glasgow G44 4BE

## Town & Country Planning (Scotland) Act 1997 as amended by the Planning Etc. (Scotland) 2006 Act

## DECISION NOTICE

Construction of a wind farm containing 15 (as amended) wind turbines and turbine foundations; crane hardstandings; 2 site accesses from the A9(T); fenced substation and switchgear compound; on-site underground cabling; on-site access tracks and associated pipe bridges and watercourse crossings; removal of forestry; one permanent steel lattice or tubular tower anemometry mast; two temporary power performance assessment masts; and ancillary construction development including two temporary construction compounds/lay-down areas at Halsary Forest, Watten

The Highland Council in exercise of its powers under the above Acts **grants planning permission** for the above development in accordance with the particulars given in the application and the following plans/drawings:

Type of Plan	Plan Number	Version No.	Date Plan Received
Location Plan	FIGURE PA A1		16.01.2013
Proposed Site Layout Plan	FIGURE PA A2		16.01.2013
Elevations	FIGURE PA A3		16.01.2013
Foundations	FIGURE PA A4		16.01.2013
Foundations	FIGURE PA A5		16.01.2013
Road Layout	FIGURE PA A6		16.01.2013
Road Layout	FIGURE PA A7		16.01.2013
Drainage	FIGURE PA A8		16.01.2013

This permission is granted subject to the following conditions: -

(1.) For the avoidance of doubt the development shall be constructed and operated in accordance with the provisions of the application, the submitted plans, and the Environmental Statement. This permission shall be for a maximum of 15 turbines up to 100m in height from ground level and 1 anemometer mast, to be sited as shown on the site layout drawing (Figure 4.1) contained within Chapter 4 of the Halsary wind farm ES, December 2012. The prior written approval of the Planning Authority in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency shall be required for the siting of any wind turbine or access track more than 50 metres from the approved location. Any such submission shall include a revised site layout for the location of all turbines and access roads.

Dated: 14<sup>th</sup> July 2014

Head of Planning and Building Standards PEFULZ Page 1 of 15 **Reason:** In order to clarify the terms of permission and ensure that development does not infringe on watercourses.

(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 3 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:
  - i. 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
  - ii. 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 aboveground elements of the development, all new 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:
  - i. 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 Decommissioning and Restoration Plan approved under Condition 3 of this permission have been submitted to, and approved in writing by, the Planning Authority; and
  - ii. 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

iii. 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:

- i. Ensure that the bond or other financial provision is maintained throughout the duration of this permission; and
- ii. 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:

- a. conducted by a suitably qualified independent professional; and
- b. 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
- c. 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 approved under part (c) above 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:
  - i. 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

ii. 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 removed from site, in the interests of safety, amenity and environmental protection.

- (6.) 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:
  - i. The make, model, design, power rating and sound power levels of the turbines to be used; and
  - ii. 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 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. 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.

(7.) 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.

(8.) 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, its setting or any designations located close by.

**Reason:** To ensure ancillary elements of the development, such as external transformers, are only permissible if, following additional design and LVIA work, are demonstrated to be acceptable in terms of visual, landscape noise and other 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 tree felling works shall commence, until a further attempt to locate the Scheduled Standing Stone (Site 2: MHG1273) and possible shieling hut (Site 5: MHG20197) has been made. In the event that survey work does not ascertain their presence, a qualified archaeologist must be present during felling operations to supervise the work and ensure the protection of the features of archaeological importance.

**Reason:** In order to protect any features of archaeological importance.

- (11.) No development shall start on site until a Construction Environmental Management Document is submitted to and agreed in writing by the Planning Authority in consultation with SNH and SEPA. The Document shall include:
  - 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
  - Processes to control / action changes from the agreed Schedule of Mitigation.
    - 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
      - ii. Pollution prevention plan
      - iii. Drainage and surface water management plan to address both construction and post construction with specific regard to protection of the Caithness and Sutherland Peatlands SAC and River Thurso SAC.
      - iv. Chemical pollution plan
      - v. Species protection plan
      - vi. Fisheries protection plan
      - vii. Site waste management plan viii.
      - viii. Noise and vibration mitigation plan
      - ix. Traffic management plan providing details on the proposed route for any abnormal loads, any accommodation measures required and any additional signing or temporary traffic control measures deemed necessary

- 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.
- 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.
- Statement of any additional persons responsible for 'stopping the job / activity' if in 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, providing for measures to protect and manage habitat and species within the site. The HMP, which shall be implemented in full and in accordance with any timescales outlined therein unless otherwise agreed in writing, shall include the following elements:
  - Measures to minimise any impact of the development on statutorily protected species and other species of nature conservation interest (including hen harrier, otters, bats, water vole and wild cat) and their respective habitats
  - The enhancement, restoration and future management of the site to its 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 shall commence, including tree felling works, until pre-commencement surveys to locate the presence or absence of water vole, otter and wild cat is undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall be carried out in the year preceding the commencement of development and the report of survey shall inform any mitigation measures identified in the Species Protection Plan required as part of the Construction Environmental Management Document/Plan(s) approved under condition 10.

**Reason:** To protect and enhance nature conservation from construction activities.

## PLANNING PERMISSION

(14.) No development shall commence, including tree felling works, until a pre-commencement bird survey has been undertaken and a report of survey has been submitted to, and approved in writing by, the Planning Authority. The survey shall be carried out within 500m of all development and associated works cover the application site, be carried out in the year preceding the commencement of development and the report of survey shall inform any mitigation measures identified in Species Protection Plan required as part of the Construction Environmental Management Document/Plan(s) approved under Condition 10.

**Reason:** In order to safeguard birds and breeding birds present within the site during the construction phase.

- (15.) No development shall commence on site until the applicant has provided the Ministry of Defence (Defence Estates Safeguarding) with the following information; a copy of which shall be submitted to the Planning Authority:
  - proposed date of commencement of the construction;
  - estimated date of completion of the construction;
  - height above ground level of the tallest structure;
  - maximum extension height of any construction equipment;
  - position of the turbines in latitude and longitude plus eastings and northings;

Reason: In order to ensure the safety of low flying military aircraft.

- (16.) No development shall commence until a Noise Measurement and Mitigation Scheme has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
  - i. A framework for the measurement and calculation of noise levels to be undertaken in accordance with "The Assessment & Rating of Noise from Wind Farms", September 1996, ESTU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of The Schedule, pages 95 to 97; and Supplementary Guidance Notes to the Planning Obligation, pages 99 to 109. Wind speeds shall be determined using the methods in the IOA Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise.
  - ii. Mitigation measures to be enacted, along with a timetable(s) for implementation, should noise emissions exceed the limits prescribed under this planning permission.

**Reason:** To ensure that the noise impact of the built turbines can be assessed, if necessary following a complaint, in order to demonstrate that they do/do not exceed the predicted noise levels set out within the supporting Environmental Statement, and where excessive noise is recorded, suitable mitigation measures can be undertaken.

- (17.) No development shall commence until a detailed Access Management and Recreation Plan of public access across the site (as existing, during construction and following completion) has been submitted to, and approved in writing by, the Planning Authority. The plan shall include details showing:
  - i. All existing access points, paths, core paths, tracks, rights of way and other routes (whether on land or inland water), and any areas currently outwith or excluded from statutory access rights under Part One of the Land Reform (Scotland) Act 2003, within and adjacent to the application site;

- ii. Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or effect on curtilage related to proposed buildings or structures;
- iii. All proposed paths, tracks and other routes for use by walkers, riders, cyclists and any other relevant outdoor access enhancement i.e. car park (including construction specifications, signage, information leaflets, proposals for on-going maintenance etc.);
- iv. Any diversion of paths, tracks or other routes (whether on land or inland water), temporary or permanent, proposed as part of the development (including details of mitigation measures, diversion works, duration and signage). The approved Access Management and Recreation Plan, and any associated works, shall be implemented in full prior to the first occupation of the development or as otherwise may be agreed within the approved plan.

**Reason:** To safeguard and maximise the opportunities for continued public access to the countryside during the construction and operation of this wind farm.

(18.) 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 this development.

(19.) No development shall commence until a Compensatory Planting Plan has been submitted to and approved in writing by the Planning Authority.

The Compensatory Planting Plan shall provide for the planting of 222 hectares (gross area), or such figure as may otherwise be agreed in writing by the Planning Authority, that includes a significant element of productive woodland, to be carried out across the sites identified as in the vicinity of;

- a) Land at Strathgarve, Garve 241237, 861619 (NH 41237 61619), and
- b) Land at Pennyland, Thurso 309593, 967871 (ND 09593 67871),

and shall include full details of establishment, fencing, a programme for ongoing maintenance as well as the supervision of works both during and following completion by a suitably qualified forestry consultant.

The agreed Compensatory Planting Plan shall be implemented in full within one year of the first operation of the development and maintained thereafter for a period of not less than 10 years to the satisfaction of the Planning Authority.

**Reason:** To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

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(20.) For the avoidance of doubt, the crane hard standing required to service Turbine 10 shall not be constructed using the 'peat displacement method' proposed unless otherwise agreed in writing by the Planning Authority, in consultation with SEPA, following sufficient assurance that Ground Water Dependant Eco-systems will not be adversely affected.

**Reason:** In the interest of protecting Ground Water Dependant Eco-systems

(21.) Unless otherwise agreed in writing by the Planning Authority, in consultation with MoD, the cardinal turbines shall be fitted with infra-red or 25cd red lighting at the highest practical point.

Reason: In order to ensure the safety of low flying military aircraft.

(22.) Access to the site by heavy goods vehicles and any noisy construction activity (e.g. piling, blasting, rock-breaking) shall be restricted to 07.00 to 19.00 on Mondays to Fridays and from 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.

(23.) Visibility splays shall be provided and maintained on each side of the new access to the satisfaction of the local Planning Authority. These splays are the triangles of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

**Reason:** To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road.

(24.) The Wind Turbine Noise Levels, including the application of any tonal penalty specified in ETSU-R-97 at pages 99-109, shall not exceed the values specified for the locations listed in Tables 1 and 2 below.

For Noise-Sensitive Premises not listed in Tables 1 and 2, but on the date of this planning permission lawfully exist or are yet to exist but benefit from extant planning permission, noise limits shall be taken from the listed location that is closest matching in terms of background noise.

This condition shall apply at wind speeds not exceeding 12m/s, as calculated at a height of 10m above ground level in accordance with the methods described in the IOA Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise.

	Noise le	Noise levels (dB LA90) at standardised 10 meter height wind speeds (m/s).								
Location	4	5	6	7	8	9	10	11	>=12	
Mybster	21.5	27.5	32.5	35.5	36.5	36.5	36.5	36.5	36.5	
Corner Cottage	25.0	25.0	25.0	26.5	28.6	30.6	32.3	33.8	34.8	
Tacher	25.6	27.6	29.6	31.4	33.1	34.8	36.3	37.6	38.8	
Shielton	20.0	26.0	31.0	34.0	35.0	35.0	35.0	35.0	35.0	

Table 1 - Daytime Noise Limits

	Noise levels (dB LA90) at standardised 10 meter height wind speeds (m/s).								
Location	4	5	6	7	8	9	10	11	>=12
Mybster	21.5	27.5	32.5	35.5	36.5	36.5	36.5	36.5	36.5
Corner Cottage	28.0	28.0	28.0	28.0	28.0	28.9	30.0	30.9	31.7
Tacher	28.0	28.0	28.4	29.5	30.5	31.5	32.5	33.7	35.2
Shielton	20.0	26.0	31.0	34.0	35.0	35.0	35.0	35.0	35.0

Table 2 - Night Time Noise Limits

**Reason:** To ensure that the noise impact of the built turbines does not exceed the predicted noise levels in the interest of amenity.

(25.) The Wind Farm Operator shall, beginning with the first day upon which the wind farm becomes operational, log wind speed and wind direction data continually and shall retain the data for a period of at least 12 months from the date that it was logged. The data shall include the average wind speed, measured in metres per second, over 10 minute measuring periods. These measuring periods shall be set to commence on the hour and at 10 minute consecutive increments thereafter. Measurements shall be calculated at 10m above ground level using the methods described in IOA Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise. All wind speed data shall be made available to the Planning Authority on request in Microsoft Excel compatible electronic spreadsheet format.

**Reason:** To ensure that the noise impact of the built turbines can be assessed, if necessary following a complaint, in order to demonstrate that they do/do not exceed the predicted noise levels set out within the supporting Environmental Statement.

(26.) At the reasonable request of the Planning Authority, the Wind Farm Operator shall assess, at its own expense and using a suitably qualified consultant(s) not involved in the original noise assessment, the level of noise emissions from the Wind Turbines.

Assessment shall be carried out in accordance with the Noise Measurement and Mitigation Scheme approved under this planning permission and a report of assessment shall be submitted to the Planning Authority within two months of a request under this condition, unless an alternative timescale is otherwise agreed in writing by the Planning Authority.

If noise emissions are found to exceed limits prescribed under this planning permission, then the Wind Farm Operator shall implement mitigation measures in full accordance with the approved Noise Mitigation Scheme, or alternative equal or better mitigation measures as may first be approved in writing by the Planning Authority, in order to reduce noise levels to comply with prescribed limits. The time period for implementing mitigation measures shall be as outlined in the approved Noise Mitigation Scheme or as otherwise may be specified writing by the Planning Authority.

**Reason:** To ensure that, following a complaint, noise levels can be measured to assess whether or not the predicted noise levels set out within the supporting Environmental Statement have been breached, and where excessive noise is recorded, suitable mitigation measures are undertaken.

- (27.) No work to form the construction compound area shall commence until the following details in respect of Halsary Farmstead (identified as Site 6 within the ES) have been submitted to, and approved in writing by, the Planning Authority:
  - i. a comprehensive photographic survey of the interior of the building;

## PLANNING PERMISSION

- ii. details of which of the existing fittings will be retained in situ and which will be removed;
- iii. details of all internal fitting out work (incl. any internal signage); and
- iv. details of how the building will be secured while the work is being carried out. Thereafter, development and work shall progress in accordance with these approved details.

**Reason:** In order to record its condition and importance before development affects its setting and/or character.

(28.) Any archaeological features associated with Halsary Farmstead (identified as Site 6 within the ES) including the sheepfold and enclosure adjacent to Turbine 18 shall be preserved in-situ.

Reason: In order to protect the archaeological and historic interest of the site.

(29.) Before the First Export Date, as defined within Condition 2, 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.

(30.) A community liaison group shall be established by the developer prior to development commencing, in collaboration with The Highland Council 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 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 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.

#### **REASON FOR DECISION**

The proposals would comply with the Development Plan and no material considerations indicate otherwise.

#### 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.

#### **Initiation and Completion Notices**

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

- 1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
  - 2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

#### Accordance with Approved Plans & 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.

#### **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.

#### Environmental Impact Assessment

In accordance with Regulation 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011, environmental information, in the form of an Environmental Statement, has been taken into consideration in the determination of this application and the granting of planning permission.

#### **Protected Species - Contractors' Guidance**

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

#### **Protected Species - Contractors' Guidance**

You must ensure that all contractors and other personnel operating within the application site are made aware of the possible presence of protected species. They must also be provided with species-specific information (incl. guidance on identifying their presence) and should be made aware of all applicable legal requirements (incl. responsibilities and penalties for non-compliance).

#### **Protected Species - Tree Felling**

Any mature trees within the application site which are to be felled, lopped or topped must be surveyed for bats prior to the works being carried out. If a bat roost is identified work must stop and further advice sought from SNH's area office. It is an offence to interfere with bats and/or their roosts without a license and strict penalties will be applied through the courts where a license has not been obtained.

#### **Protected Species - Ground Nesting Birds**

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest.

For information please see: <a href="http://www.snh.org.uk/publications/online/wildlife/law/birdsegg">www.snh.org.uk/publications/online/wildlife/law/birdsegg</a>s.asp

#### Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

#### Mud & Debris on Road

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

#### Trunk Roads Authority Consent

You are informed that this consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland. Please contact the Route

Manager via 0141 272 7100 to obtain permission. The Operating Company have responsibility for coordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure that all necessary permissions are obtained.

#### Damage to the Public Road

Please note that the Council, under Section 96 of the Roads (Scotland) Act 1984, reserves the right to recover all costs for repairing any damage to the public road (and/or pavement) which can be attributed to construction works for this development.

#### Tree Felling

You are advised that a condition of this planning permission is that no trees within the application site are cut down, uprooted, topped, lopped (including roots) or wilfully damaged in any way without the prior written consent of the Planning Authority. This condition applies from the date of this consent and any unauthorised works may result in enforcement action and the service of a fixed penalty notice.

#### Definition of Terms Used in this Decision Notice

"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.

#### Variations

None.

## Section 75 Agreement None.

NULLE.

#### **Building Regulations**

Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at Building.Standards@highland.gov.uk or on 01349 886608.

#### NOTIFICATION TO APPLICANT

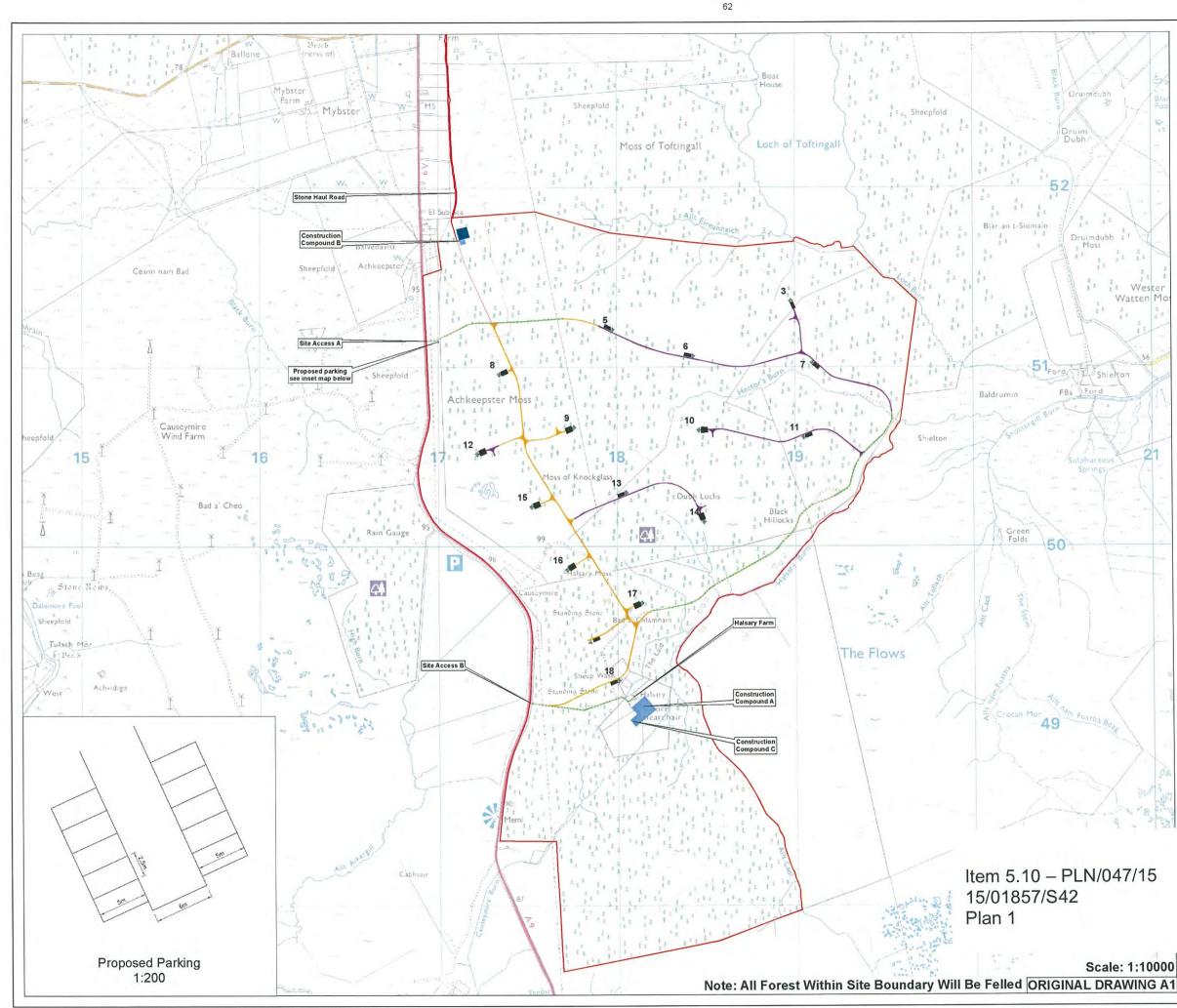
- 1. If the applicant is aggrieved by the decision of the planning authority
  - a. to refuse planning permission for the proposed development;
  - b. to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
  - c. to grant planning permission or any approval, consent or agreement subject to conditions;

The applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of appeal should be addressed to:

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

Appeals can also be lodged online via the ePlanning Portal at <a href="https://eplanning.scotland.gov.uk/WAM/">https://eplanning.scotland.gov.uk/WAM/</a>

2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).



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