



---

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

- Planning appeal reference: PPA-170-2105
- Site address: Larbrax, Leswalt, Stranraer, DG9 0RR
- Appeal by Brookfield Renewable UK Limited against the decision by Dumfries and Galloway Council
- Application for planning permission dated 24 February 2015 refused by notice dated 28 August 2015
- The development proposed: erection of eight wind turbines (maximum height to blade tip of 100 metres) and ancillary infrastructure including transformer kiosks, eight crane pads, control building and substation compound, temporary construction compound, one permanent anemometer mast (maximum height 60 metres), two temporary anemometer masts (maximum height 60 metres), underground cabling, two borrow pits, formation of new vehicular access and construction of site access tracks
- Application drawings: listed in schedule at the end of the notice
- Date of site visit by Reporter: 22 April 2016

Date of appeal decision: 21 October 2016

---

## Decision

I allow the appeal and grant planning permission subject to the 33 conditions listed at the end of this notice. Attention is also drawn to the three advisory notes that are set out there.

## Reasoning

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. Having regard to the provisions of the development plan, the main issue in this appeal is whether the proposal would have acceptable effects on landscape character and visual amenity.
2. The planning application which led to this appeal was accompanied by an environmental statement (ES) dated January 2015. In carrying out my environmental impact assessment of this proposal, I have had regard to all of the environmental information and to the responses to it from consultees and other parties.
3. As part of that process, I have considered direct and indirect effects of the proposed development on human beings, fauna and flora, soil, water, air, climate and the landscape, material assets and cultural heritage. For many of these issues, the planning authority and all statutory consultees are in agreement with the appellant that there would be no



significant effects. Having independently considered those issues, I concur. Therefore, in this decision notice, I identify, describe and address only the areas of dispute amongst the parties.

4. The appeal site is coastal farmland with an area of approximately 558 hectares. It lies nine kilometres west of Stranraer, eight kilometres north of Portpatrick and 5.5 kilometres east of Leswalt. The land slopes gently to the west (towards the sea) and is gently undulating on its eastern side.

5. Each proposed turbine would have a power output of 2.5 megawatts, giving a total power output for the scheme of 20 megawatts. The applicant predicts that the scheme would supply the equivalent electricity demand of 15,500 homes.

6. The key development plan policies are Dumfries and Galloway Local Development Plan (LDP) Policies IN1 Renewable Energy, IN2 Wind Energy, NE2 Regional Scenic Areas and NE9 Undeveloped Coast.

7. The planning authority is dissatisfied with the visual impact of the development from a number of locations including core paths, the Southern Upland Way, minor roads and residential properties. Particular concern is expressed about harm to views from the sea and from Killantringan lighthouse.

8. The appellant's bare-ground zone of theoretical visibility (ZTV) indicates that the gently undulating nature of the landform and its slope towards the sea, are likely to limit visibility of the proposed turbines quite successfully. However, I do not agree with the appellant that views of the proposal, other than from the sea to the west, would be extremely limited. Visualisations from viewpoints 1 to 5 in the appellant's LVIA show that the development would be very prominent within the site and up to 1.5 kilometres from the nearest turbine. That is to be expected of any commercial-scale wind energy development. However, viewpoints 6, 8, 9 and 11 show that there would also be a number of locations within a wider radius of the site – up to five kilometres away, where the development would also be clearly seen.

9. From viewpoints 1 to 5, the ES acknowledges that the proposed turbines would be one of the dominant features in the landscape and would generally have a significant adverse effect on visual amenity. I accept those findings and agree with the planning authority that, because the landform limits the extent of visibility to around five kilometres, the significance of these views of the proposed development is greater than would be the case in a landscape where longer distance views were available. There are several residential properties within a few kilometres of the site. I agree with the ES conclusion that ten would experience significant adverse effects to visual amenity, although none would experience an overbearing effect that would make the property an undesirable place to live.

10. From viewpoint 6, which is at the Agnew Monument, the hubs of all eight of the proposed turbines would be seen on the horizon behind a farmed and relatively small-scale foreground landscape. The nearest machine would be 4.4 kilometres away. Based on an assessment of receptor sensitivity of high to medium (which the appellant applies to users of outdoor recreational facilities that are not of recognised national importance) and a

medium magnitude of change, the appellant predicts a moderate adverse visual effect at this location, which it does not regard as significant.

11. I do not agree that those visiting a recognised rural landmark and viewpoint should be regarded as less than highly sensitive receptors. They would clearly be focussed upon the scenic quality of their surroundings, and the fact that the feature they are visiting and the landscape they are viewing have not been recognised as having national importance would not, in my view, reduce their sensitivity (although it would be relevant when assessing the magnitude of the visual impact they would experience).

12. In assessing the visual impact on this receptor I have taken into account the wide angle of view that is available, the unexceptional quality of the landscape, the absence of any national designations and the visibility of other man-made development including wind farm development, from this location. Such factors reduce the magnitude of visual impact. However, I have also had regard to the relatively small scale of the landscape with its regular trees and hedgerows and limited view distances. These factors tend to increase the potential for the proposal to have a more significant visual effect. My conclusion overall is that the development would have a medium to high visual impact

13. Based on my assessment of high receptor sensitivity and a medium to high level of visual impact, I conclude that the adverse visual effect at viewpoint 6 would be of moderate to major significance.

14. Viewpoint 8 at Slewdown Hill is on a minor access road approximately 2.7 kilometres from the nearest turbine. I accept the applicant's assignment of medium receptor sensitivity as there is no reason to suspect that the route is regularly used by those with a particular focus on their surroundings. I also accept its conclusion that the magnitude of visual impact would be high, as the hubs of all eight turbines would form a prominent focal point on the horizon at a distance of less than three kilometres and the presence of smaller buildings and trees in the middle distance would tend to emphasise the scale of the more distant development. Consequently I agree that the adverse visual effect would be of major / moderate significance.

15. Viewpoint 9 at Aucheneel is from the B738, approximately 3.1 kilometres to the north. As it represents the view from residential properties as well that experienced by road users, I would assign a high level of receptor sensitivity. I agree with the appellant that due to the prominence of all eight turbines on the horizon and the visual conflict with two domestic-scale machines in the foreground, the magnitude of visual impact would be high. Consequently I conclude that there would be an adverse visual effect at this viewpoint of major significance. I am satisfied however, that in relation to the residential receptors, the separation distance is sufficient to ensure the turbines would not dominate the properties to the extent that they became undesirable places to live.

16. Viewpoint 11 is from approximately 5.1 kilometres to the south of the nearest turbine, at a small car park at Killantringan lighthouse. There are several benches at this location and when I visited on a weekday afternoon in late spring, all of these were occupied by visitors enjoying views of the sea and of the rocky coastline to the north. The viewpoint is on the Southern Upland Way at the point where it turns inland and I note that objectors to

the proposal have stressed the popularity of the half-day walk from Portpatrick to Killantringan. Receptor sensitivity is accepted by the appellant to be high.

17. The appellant's visualisation from this viewpoint shows the hubs of all eight turbines clearly visible above the rugged line of cliffs that stretches to the horizon. Despite the separation distance, the proposal would be a prominent and visually harmful feature. This is largely due to the vertical scale of the proposed development in relation to that of the receiving landscape and its eye-catching and incongruous appearance.

18. SNH's view, with which I concur, is that this viewpoint is particularly important because it is one of very few easily accessible locations on the peninsula where the coastline can be seen. My conclusion is that, although there would be no obstruction of views of the sea or the rocky cliffs, which are the existing focal point, the development would detract from those views by introducing a distracting and prominent man-made element into the view. There is already a large house visible in this view, which reduces any sense of wildness or remoteness. However, that is a static feature that is in keeping with its surroundings and does not materially reduce the sensitivity of this location to the form of development that is now proposed. When seen from this location therefore, I conclude (and the appellant accepts) that there would be significant adverse visual effects.

19. Further from the site, the appellant's viewpoint visualisations show that the proposal would have much more limited visual effects, being wholly or partially screened by topography and / or vegetation or being far enough away not to intrude significantly into the view. I have no concerns over the proposal's visual effects at any of these locations.

20. The authority and SNH are also dissatisfied with the proposal's effect on views from the sea. The Cairnryan to Belfast ferry, which would provide the opportunity for the greatest number of maritime receptors to experience the effect of the proposed development, is represented in the visualisation provided for viewpoint 16. This viewpoint is 7.6 kilometres from the nearest turbine, at which range the rugged coastline is difficult to discern and the landscape of the peninsula appears low-lying, gently undulating and unexceptional. From this range, the turbines would be noticeable but not prominent. The absence of other significant man-made structures means they would be out of keeping with their surroundings. However, I agree with the appellant that, at this distance, this would not introduce a significant visual effect.

21. SNH has referred to the possibility that other sea users, such as recreational sailors, might experience the turbines at closer range. The appellant believes that other marine receptors would be few in number and that viewpoint 16 is representative of the majority.

22. I conclude that there would be some individuals who would see the proposed development from closer to the shore and who would experience significant adverse visual effects. However, there is no evidence to suggest that more than a very small number of individuals would experience that effect or that such users would experience such effects for a prolonged duration. I am satisfied therefore that views of the proposed development from the sea should not play a significant role in determining the acceptability of this proposal.

23. Taking all of my findings into account, I conclude that there would be significant adverse visual effects within the site and from a few locations that are up to five kilometres away. However, the proposal would be successfully screened by the landform from many locations, especially from the east of the peninsula. I have taken these factors into account when weighing the positive and negative aspects of the proposal.

24. The planning authority's and SNH's concerns over harm to landscape character relate to effects on the Rhins unit of the Peninsula landscape character type (LCT) and to the Rhins Coast Regional Scenic Area (RSA).

25. The Rhins unit of the Peninsula LCT is described in the Dumfries and Galloway Landscape Wind Farm Capacity Study (DGLWCS) 2011 as having a sheltered interior with the sea present nearby but not always easy to access due to the steepness of the coastal terrain. The diverse rugged landform and wild land character of much of the coast is argued to increase sensitivity to all wind turbine development typologies. The rolling landform of the interior of the peninsula varies in scale and openness. However, there are stated to be very few, if any, more extensive upland areas, which significantly limits scope for larger wind farm typologies. Indeed, the study finds that there are no remaining sites within the peninsula on which to develop a wind farm that have the appropriate landscape attributes (an open, extensive upland plateau) as are found at the site on which the existing North Rhins wind farm was developed. The authority concludes that the development would be out of scale and character with the small-scale landscape of the appeal site and contrary to the DGLWCS.

26. The DGLWCS is a useful indicator of the relative ease with which a particular landscape might accommodate a particular type of wind farm. However, it is no substitute for a site and proposal-specific assessment of landscape and visual effects, as has been carried out by the appellant, or the development-specific analysis that has been carried out in response to this proposal by the planning authority and SNH. The fact that the DGLWCS effectively rules out the possibility of developing a wind farm of the scale proposed anywhere within the Rhins peninsula is a material consideration, but in no way obliges me to dismiss this appeal.

27. My inspection of the site and the surrounding area confirms that, away from the immediate coastline, the landscape has a small scale and a farmed and settled lowland character. The coast itself has a rugged appearance and relatively remote character. As stated in the DGLWCS, all of these landscape characteristics tend to make the locality less capable of accommodating larger-scale wind energy development.

28. The ES accepts that there would be major adverse effects on the landscape character of this LCT within five kilometres of the site, but insignificant effects beyond that distance. That accords with what I saw on site and is consistent with the predicted range within which the proposal would be significantly visible. In quantifying the extent of landscape harm, I have had regard to the fact that, as a proportion of the Rhins unit, this is a small geographical area. However, I have also borne in mind the significant degree of harm that would be caused within the affected area and its particular importance to the landscape of the peninsula.

29. The majority of the site is within the designated Rhins Coast Regional Scenic Area (RSA), one of 10 locally designated areas of special scenic interest, identified in the LDP. I agree with the appellant's assessment that this landscape designation has high sensitivity to change.

30. Within RSAs, LDP Policy NE2 expects the siting and design of development to respect the special qualities of the area. The appellant contends that these special qualities have not been formally defined. The planning authority has not disputed that statement. Therefore, I have based my assessment of this issue on what I saw on site and on the views of parties who have commented on this issue.

31. The responses to the proposal by SNH and the planning authority's landscape architect make specific reference to the appreciation of coastal views, the attractive rocky coastline and the dominant presence of the sea. I agree with the appellant's conclusion that these statements define the "special qualities" of this RSA.

32. The proposed development would be built on the farmland that sits above and inland of the attractive coastal fringe. It would not therefore directly affect the scenic features that appear to be of most value to that designation. I accept the appellant's observation that from the shoreline close to the site, the development would be very well screened by the coastal cliffs. However, from further away, there would be opportunities (albeit limited in number) to view the development and shoreline together, as is exemplified in viewpoint 11. When seen from such locations, the development would fail to respect the special qualities of the RSA.

33. The appellant contends that of the six viewpoints it looked at that are within the RSA, only viewpoints 11 (discussed above) and 1, would experience significant adverse effects. Viewpoint 1 is on a core path to the west of a property known as Meikle Galdenoch, approximately 700 metres from the nearest turbine. The appellant argues that, although users of this core path would experience significant adverse visual effects, there would be little effect on their appreciation of the special qualities of the RSA, as at this point, the sea can only be glimpsed and the coastal cliffs cannot be seen at all. I agree that, from viewpoint 1, the turbines would not be seen in conjunction with those landscape elements that contribute most to the special qualities of the RSA. Consequently, there would be no harm to its special qualities at this location. I also agree that of the appellant's six RSA viewpoints, it is only from viewpoint 11 that significant harm to the special qualities of the RSA would be experienced.

34. Overall therefore, I conclude that there would be a small number of locations where there would be significant harm to the special qualities of the RSA, contrary to Policy NE2, but for the majority of the designated landscape, the proposal would have no significant effect on those qualities.

35. As the proposed development would significantly harm the landscape character and scenic quality of some parts of the RSA, and as it has also not been demonstrated that it could not take place elsewhere, it would not accord with Policy NE2. However, I note that this is a general and not a wind farm-specific policy. It is also necessary to bear in mind that harm to the RSA's special qualities would be localised rather than wide-ranging and that commercial-scale wind farms will almost always lead to some significant adverse

landscape character effects. Therefore, if the policy is not to act as an embargo on such development (which would be inconsistent with national policy, given that the RSA is not a designation of national importance), care must be taken when assessing the weight to be given to this policy conflict.

36. The planning authority and SNH have expressed concern over the potential for there to be cumulative landscape and visual effects with existing farm-scale turbines (of which there are several on the peninsula) and with the North Rhins wind farm, which comprises 11, 100 metre turbines on a site 5.5 kilometres to the south east. The planning authority contends that the proposal would increase the influence of wind turbine development to a level that would become a defining characteristic in the landscape between Cairnbrock and Larbrax.

37. The appellant investigated in the ES, the potential for cumulative effects with existing, consented and application-stage schemes and concluded that, at most, there would be minor (not significant) adverse cumulative effects.

38. Bearing in mind the separation distances between individual wind energy developments and the screening of longer distance views that is provided by the gently undulating topography and pockets of woodland, I am satisfied that opportunities to experience combined cumulative effects would be very limited. The ES acknowledges that successive effects would be likely when travelling through the northern part of the Rhins peninsula. However, I agree with the ES that these would occur infrequently and that when they did, the affected views would make up a modest element of a wider, unaffected panorama. Therefore, I am satisfied that cumulative landscape and visual effects would not be significant.

39. Policy NE9 relates to the undeveloped coast, which comprises all coastal areas outwith the developed coast, as defined in the LDP. In such areas, the policy indicates that development is only likely to be supported if it can demonstrate a requirement for a coastal location that could not be accommodated within the developed coast, where there would be no adverse effect on the landscape interest and where other criteria are satisfied. The proposal is contrary to this policy because it has not been demonstrated that a coastal location is essential or that areas identified in the LDP as developed coast would not be suitable. As explained above, it would have localised adverse effects on the landscape. It would also fail to satisfy all of the other requirements of the policy, specifically the requirement to enhance and improve the integrity of the coastal environment and to involve the redevelopment of brownfield land.

40. In weighing the significance of this policy conflict, I have had regard to the fact that its strict expectations would effectively rule out commercial-scale wind energy development in a coastal location that was not designated as “developed.” As Dumfries and Galloway’s undeveloped coast is a local designation that does not rely upon the presence of landscape or other qualities that are of national importance, such an effect would be contrary to the spatial framework expectations of SPP.

41. Policy IN1 offers support to all renewable energy development that would not have unacceptable adverse effects on a range of considerations including landscape, amenity and areas and routes that are important for tourism or recreational use in the countryside.

For the reasons set out above, I conclude that the proposal would have a range of adverse landscape and visual effects, some of which would involve locations that are used for countryside recreation. In order to determine whether these effects are acceptable, the policy acknowledges that it is necessary to have regard to the benefits of the proposal, including its renewable energy contribution. I do this when drawing together my conclusions, at the end of this notice.

42. Policy IN2 deals specifically with wind energy proposals. In assessing the acceptability of any such proposal it requires (among other things that are not relevant to landscape and visual issues) consideration of the extent to which it would address the guidance set out in the DGLWCS, an assessment of whether the landscape is capable of accommodating the proposal without significant detrimental impact on landscape character or visual amenity and of whether the design and scale of the proposal is appropriate to the scale and character of its setting, respecting the main features of its site and the wider environment.

43. I have concluded that the proposal would not comply with the expectations of the DGLWCS and would result in significant adverse effects (albeit of a relatively localised nature) on landscape character and visual amenity. I have also found that the scale of the proposal is incompatible with the local landscape and is not respectful of the site or its surroundings. The proposal is therefore contrary to Policy IN2, although I have borne in mind that compliance with a strict interpretation of that policy would be difficult for any commercial-scale wind energy proposal, as it expects significant adverse effects to be avoided. I have also had regard to the fact that the proposal only appears out of scale with, and harmful to, the receiving landscape in the relatively few locations where it can be seen. Although some of these are up to five kilometres away, there are also locations that are closer to the site where there would be no significant landscape harm, due to the screening effects of topography and vegetation.

44. The requirements of Policy IN2 are further developed in supplementary guidance entitled *Wind Energy Development: Development Management Considerations* (the SG), which was adopted in March 2015. This sets out a range of assessment criteria, although it stresses that non-compliance with any of these does not necessarily rule out a proposal.

45. The first criterion confirms that when assessing effects on landscape and visual amenity, particular attention will be given to proposals that would affect designated landscapes. As I set out above in the context of Policy NE2, the proposal would cause significant harm to parts of an RSA including to features that are important to its special qualities. It would also cause significant harm to visual amenity, including to residential properties and to facilities that are used for recreation, within a radius of up to five kilometres. The proposal therefore performs poorly when assessed against the first criterion.

46. SG criterion B requires an assessment of cumulative effects. I have concluded that the proposal would have no significant cumulative effects.

47. Criterion C deals with design matters including turbine siting, layout, colour and other matters of detail. In my view, the proposal's significant adverse landscape and visual effects are not a function of detailed aspects of scheme design but are due to the sensitivity



of the landscape within and around the site and the scale of the proposed development. There is therefore no conflict with criterion C.

48. Criterion D deals with effects on local amenity and communities. Although the proposal would cause significant harm to views from a number of local properties, it would not visually dominate any of those properties or cause any of the other issues such as shadow flicker that this criterion seeks to avoid. There is therefore no conflict with criterion D.

49. The remaining criteria deal with issues that have not been raised in objection by the planning authority or any statutory consultee and which I am satisfied are not problematic.

50. National policy is an important material consideration in the determination of this appeal. The planning authority accepts that the achievement of the Scottish Government's ambitious targets for renewable energy generation and for reductions in greenhouse gas emissions are relevant considerations that need to be balanced against the proposal's disbenefits. It also accepts that, in accordance with Scottish Government's *Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments*, the appellant's offer of community shared-ownership of up to 10% of the proposed development is a potential benefit of the scheme, although it argues that insufficient detail has been provided for this to given weight in the planning balance.

51. I have given significant weight to the fact that this proposal would generate in the region of 20 megawatts of renewable energy. As well as having positive environmental consequences, this would improve security in energy supply. It has been calculated that, if it replaced conventional means of electricity generation, it would save 856,859 tonnes of carbon dioxide over the lifetime of the project. Such positive aspects of the proposal can draw support from a wide range of national planning, energy and climate change policies.

52. A further positive factor is the contribution it would make to the local and national economy. Although the ES predicts that local benefits would be insignificant, there is no reliable evidence that there would be any economic disadvantages from the proposal. Consequently, I am satisfied that the proposal's net economic effect, both locally and nationally would be positive. SPP requires this factor to be given due weight in any development management decision.

53. I have given some weight to the appellant's intention to offer shared-ownership, as this is a matter to which the Scottish Government has paid particular attention recently. Its *Good Practice Principles for Shared Ownership of Onshore Renewable Energy Developments* expects developers to provide evidence of a commitment to offer shared ownership. It is not necessary for full details of this to be worked out at the planning application or appeal stage. In this instance, the appellant has taken the shared ownership proposal beyond an initial concept and has had discussions with the community. This is evidence of a commitment to shared-ownership.

54. SPP also reiterates the Scottish Government's commitment to sustainable development and requires there to be a presumption in favour of development that contributes to sustainable development. The development would satisfy most of the guiding principles for sustainable development that are listed in paragraph 29 of SPP.

These are positive factors to which I have given some weight. However, it would not protect, enhance or promote access to natural heritage, including green infrastructure, landscape and the wider environment. Therefore, I am not convinced that there is a presumption in favour of the development.

55. As part of my assessment of the proposal's planning merits, I have taken into account the range of public opinion. There have been many objections to the proposal, but also many submissions in support. I note that the proposal is supported by Kirkholm, Stoneykirk and Cairnryan Community Councils and Leswalt Community Association, who all consider that the potential local economic benefits would outweigh what they regard as limited harm to the landscape. I believe that this polarisation of local opinion reflects the finely balanced nature of this case.

56. I have considered representations made about matters other than landscape and visual effects. However, none of the matters raised alters my conclusions about the main issue on which the acceptability of this proposal turns. Some objectors have raised concern over potential effects on birds and bats. However, these are not shared by the relevant statutory agencies and I am satisfied that the impact on such interests has been adequately assessed in the ES. Fears over noise nuisance are not shared by the council's environmental health team and could be addressed by planning conditions.

57. Taking all matters into consideration, I conclude that the adverse effects on landscape character and visual amenity mean the proposal is contrary to a number of provisions of the development plan. Even when one gives less weight to those policies where, in the consideration of a commercial-scale wind energy proposal, it appears that the policy approach is more restrictive than is expected in national policy, there remains a significant development plan policy conflict.

58. However, the locations where adverse landscape or visual effects would be experienced are limited, and the benefits of the proposal, particularly the contribution it would make to renewable energy targets, are significant. The proposal can also draw considerable support from national planning, energy and climate change policies. I conclude, on balance, that these benefits outweigh the harm the proposal would cause and the consequent conflict with the development plan.

59. In allowing this appeal, I have adopted most of the conditions that were suggested by the planning authority and / or appellant, subject to some minor simplification of some of the wording. I am satisfied that financial provisions for site restoration can be dealt with in a planning condition and do not require a planning obligation.

*David Buylła*

Reporter

## Conditions

1. The development to which this permission relates must be begun within 3 years from the date of this permission.  
(Reason: to define the duration of the planning permission.)

2. The permission hereby granted will last for a period of 25 years from the date when electricity is first exported to the electricity grid network from the first of the wind turbines. Written confirmation of that date shall be provided to the planning authority within one month of it occurring. The permission will expire at the end of the 25 year period unless the planning authority has expressly approved an extension in writing.

(Reason: permission was sought on a temporary period only and requires to be reassessed if it is intended to endure beyond the 25 year period. In the interests of amenity.)

3. Development shall not commence unless and until a decommissioning and restoration strategy has been submitted to and approved in writing by the planning authority. The scheme shall detail measures for the decommissioning of the development and for its restoration and will include, without limitation, proposals for the removal of the above ground elements of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provision.

(Reason: in order to define the terms of this permission, to minimise the level of visual intrusion, and to ensure the satisfactory reinstatement of the site.)

4. No later than three years prior to decommissioning of the development or the expiration of this consent (whichever is the earlier) a detailed decommissioning and restoration plan, based upon the principles of the approved decommissioning and restoration strategy, shall be submitted to and approved in writing by the planning authority. The detailed decommissioning and restoration plan will provide updated and detailed proposals for removal of above ground elements of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning and restoration phases);

b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;

c. a dust management plan;

d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;

e. a pollution prevention and control method statement, including arrangements for the storage of oil and fuel on the site;

f. soil storage and management;

g. sewage disposal and treatment;

h. temporary site illumination;

- i. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- j. details of watercourse crossings;
- k. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.

The development shall be decommissioned and the site restored thereafter in accordance with the approved plan, unless otherwise agreed in writing in advance with the planning authority.

(Reason: in order to define the terms of this permission, to minimise the level of visual intrusion, and to ensure the satisfactory reinstatement of the site.)

5. No work shall start on the site in implementation of this permission until details of the financial provisions to be put in place to cover the full cost of decommissioning and site restoration have been submitted to, and approved in writing by, the planning authority; documentary evidence has been provided that these provisions are in place; and the planning authority has confirmed in writing that these are satisfactory. Thereafter, the provisions must be kept in place until required to complete site decommissioning, restoration and aftercare in accordance with condition 3

(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.)

6. If any wind turbine(s) fails to produce an electricity supply to the grid for a continuous period of 12 months then, unless otherwise agreed in writing by the planning authority, the wind turbine and any associated above ground infrastructure solely required for that turbine(s), together with turbine foundations to a depth of 1 metre below ground level shall be dismantled and removed from the site and the area around the turbine restored in accordance with a scheme to be submitted to and approved in writing by the planning authority. The scheme shall be submitted to the planning authority within three months of the expiry of the 12 month period and shall include a timetable for its implementation.

(Reason: in order to define the terms of this permission, to minimise the level of visual intrusion and to ensure the satisfactory reinstatement of the site.)

7. No development in respect of this planning permission shall take place unless a Construction and Environment Management Plan (CEMP) has been submitted to and approved in writing by the planning authority. The Statement shall integrate 'best practice' methods for the Scottish / UK wind farm industry with the mitigation measures identified in the Environmental Statement. The CEMP shall include the following matters:

- a. a Site Waste Management Plan;
- b. a sustainable drainage system (SuDS) design concept including runoff and sediment control measures; and flood risk management;
- c. details of foul drainage arrangements;

- d. details of proposed temporary site compound for storage of materials, machinery, and designated car parking;
- e. details of pollution prevention and control measures;
- f. details of ecological monitoring over the construction period including all necessary preconstruction surveys as required by the Habitat Management Plan;
- g. details of any tree felling, felling waste and replacement planting;
- h. details of on-site storage of materials, including fuel and other chemicals;
- i. details of on-site storage and off-site disposal of excavated material;
- j. details and timetable for phasing of construction works;
- k. details of turning arrangements for vehicles on site;
- l. cleaning of site entrance, site tracks and the adjacent public road 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 public road;
- m. details of all internal access tracks, including accesses from the public road and hardstanding areas;
- n. details and timetable for post construction restoration and/or reinstatement of the working areas and any other temporary works;
- o. details of the management of noise and vibration during construction;
- p. a Spoil Management Plan, including a Peat Management Plan to deal with all aspects of the management of any peat generated from the site works;
- q. The height and location of all stockpiles of aggregate.

Thereafter, the construction of the development shall be carried out in complete accordance with the approved CEMP, unless otherwise agreed in writing with the planning authority. (Reason: in order to define the terms of this permission and to minimise the adverse impacts as a result of the construction phase of the development.)

8. No development in respect of this planning permission shall take place unless the following borrow pit details have been submitted to and approved in writing by the planning authority:

- a. location, extent and means of working;
- b. proposed volume of material to be extracted;
- c. storage of overburden;

- d. assessment of the potential for air over pressure or ground vibration to disturb nearby buildings as a result of any aspect of use of the borrow pits, with proposals for mitigating any nuisance that might arise;
- e. details of any need for blasting and, if proposed, a scheme for publicising the times and dates of any such blasting; and
- f. a fully detailed restoration scheme with landscaping, planting and timescale information.

Thereafter, the development shall be implemented in accordance with the approved details. Rock crushing will at all times will be confined to inside the borrow pit.

(Reason: in order to define the terms of this permission and to minimise the adverse impacts as a result of the working of borrow pits.)

9. Turbines shall be erected and the site tracks constructed in the positions indicated in Figure 3.3 in the Environmental Statement save for the ability to vary without further recourse to the planning authority, the indicated position of any turbine, track or associated infrastructure by up to 50 metres.

(Reason: in the interests of visual amenity and to define the terms of this permission.)

10. Prior to turbine erection, details of the wind turbine external finish and colour shall be submitted to and approved in writing by the planning authority. Only wind turbines and a meteorological mast with the approved finish and colour shall be installed upon the development site. The development shall be implemented in accordance with the approved details. The height of the turbines hereby granted planning permission shall not exceed 100 metres to tip above ground level.

(Reason: in order to define the terms of this permission.)

11. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on the turbines, other buildings or structures within the site without a grant of express advertisement consent from the planning authority.

(Reason: in order to define the terms of this permission.)

12. The blades on all the turbines hereby approved shall rotate in the same direction.

(Reason: in the interests of visual amenity.)

13. No development in respect of the substation building or any adjacent compound shall take place unless details of the layout of the proposed substation compound and specification of the substation building, any external plant/machinery and boundary treatments have been submitted to and approved in writing by the planning authority. The substation compound and building/s shall not be brought into use unless they have been finished in complete accordance with the approved details.

(Reason: in the interests of visual amenity.)

14. All electricity and control cables between the turbines, substations and control buildings shall be laid underground.

(Reason: in the interests of visual amenity.)

15. Prior to the site being commissioned a full site-specific Environmental Management Plan (EMP) in respect of the operation phase shall be submitted to and approved in writing by the planning authority. The EMP shall be in accordance with the principles for mitigation and pollution prevention set out in the Environmental Statement. Thereafter, the development shall be operated in complete accordance with the EMP unless otherwise agreed in writing with the planning authority.

(Reason: in order to prevent undue damage to the environment within the vicinity.)

16. No development in respect of this planning permission shall take place unless a Habitat Management Plan (HMP) has been submitted to and approved by the planning authority. The HMP shall set out the proposed habitat management of the development site during the period of construction, operation, decommissioning and restoration of the site.

(Reason: in order to define the terms of the permission and in order to prevent undue adverse impacts to wildlife and habitats.)

17. Marking materials to minimise the risk of birds striking any guy wires of the meteorological mast shall be installed at the time of the construction of the approved mast, if required. Any such diverters shall thereafter be retained in situ for the lifetime of the development in an effective operational condition, with inspections undertaken by the mast operator no less than once a year, with any repairs necessary to maintain marking materials in their original effective operational condition undertaken immediately at the time of inspection.

(Reason: in order to prevent unnecessary harm to birdlife.)

18. No development in respect of this planning permission shall take place unless a site-specific waste management plan to ensure all aspects of site waste management are adequately covered has been submitted to and approved in writing by the planning authority. The said plan should identify all waste streams and proposals for their management. Thereafter, the development shall be implemented in complete accordance with the said plan, unless otherwise agreed in writing with the planning authority.

(Reason: to accord with the council's policy on waste management.)

19. No development in respect of this planning permission shall take place unless a Traffic Management Plan has been submitted to and approved in writing by the planning authority. The said Plan shall include details of construction vehicle routing, management of contractors and sub-contractors, vehicle numbers, signing and lining arrangements, arrangements for emergency vehicle access, measures to minimise traffic impacts on existing road users, measures to accommodate pedestrians and cyclists and a nominated road safety person. Thereafter, the development shall be carried out in full accordance with the Plan, unless agreed otherwise in writing with the planning authority.

(Reason: in the interests of road safety.)

20. Development shall not take place unless and until a transport report in respect of abnormal and construction loads has been submitted to and agreed in writing by the planning authority. The said report shall incorporate (a) results of a test run of the abnormal load route, in conjunction with the roads authority and the Police, with a component delivery vehicle in order to identify areas that may require upgrading to accommodate the delivery

vehicles, and (b) details of a programme of off-site accommodation works to include passing places, road widening, verge strengthening, associated works identified (if applicable) and restoration proposals (if applicable). The development shall be carried out in full accordance with the plans as may be approved unless otherwise agreed in writing with the planning authority. Thereafter, any works identified within the said transport report shall be completed to the satisfaction of the planning authority, unless otherwise agreed in writing by the planning authority.

(Reason: in the interests of road safety.)

21. During the delivery period of the wind farm construction materials, any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised traffic management consultant to be approved by the planning authority before delivery commences.

(Reason: to ensure that the transportation will not have any detrimental effect on the road and structures along the route.)

22. No development shall take place unless full details of the proposed access from the B738 public road have been submitted to and approved by the planning authority. Thereafter, the access shall be formed in complete accordance with the details as approved, unless otherwise agreed in writing with the planning authority.

(Reason: in the interests of road safety.)

23. No development shall take place unless the developer has provided written confirmation to the Ministry of Defence and Defence Geographic Centre of the following information:

- a. precise location of development;
- b. date of commencement of construction;
- c. date of completion of construction;
- d. the height above ground level of the tallest structure;
- e. the maximum extension height of any construction equipment;
- f. details of aviation warning lighting fitted to the structure(s).

(Reason: in the interests of defence and aviation safety.)

24. No turbine shall be erected unless a scheme for aviation lighting for the wind farm consisting of Ministry of Defence accredited infra-red aviation lighting has been submitted for the approval of the planning authority. The turbines shall be erected with the approved lighting installed and the lighting shall remain operational throughout the duration of this permission.

(Reason: In the interests of defence and aviation safety.)

25. No development pursuant to this planning permission shall take place unless the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of protection and investigation which has been submitted



to and approved in writing by the planning authority. In addition, the developer shall afford access at all reasonable times to the council archaeologist or a nominated representative and shall allow them to observe work in progress.

(Reason: to protect and record archaeological features.)

26. At wind speeds not exceeding 12 metres per second as measured or calculated at a height of 10 metres above ground level at the wind farm, the wind farm noise immission level at any dwelling existing at the time of this permission shall comply with the following:

(a) During night time hours, as defined in ETSU-R-97 as 23.00 to 07.00 on all days, the cumulative wind farm noise immission level shall not exceed 43 dB LA90, 10 min or the ETSU-R-97 derived “night hours” noise limit based on the measured LA90, 10 min background noise level plus 5dB(A), whichever is the greater.

(b) At all other times, the cumulative wind farm noise immission level shall not exceed 35dB LA90, 10 min or the ETSU-R-97 derived “quiet waking hours” noise limit based on the measured LA90, 10 min background noise level plus 5dB(A), whichever is the greater.

(c) The above noise cumulative immission limits may be increased to 45 dB LA90, 10 min or the relevant ETSU-R-97 derived “quiet waking hours” or “night hours” noise limit based on the measured LA90, 10 min noise level plus 5dB(A), whichever is the greater, when measured at any dwelling owned by persons with financial involvement with the wind farm.

(d) Measured background noise levels referred to in this condition shall be those recorded by the regression lines in the Larbrax Wind Farm Environmental Statement.

(Reason: to ensure the proposal has no significant adverse noise effects.)

27. At the written request of the planning authority, and following a complaint to the planning authority relating to noise immissions arising from the operation of the wind farm, the wind farm operator shall within 28 days, and at the wind farm operator’s expense, employ an independent consultant approved by the planning authority to measure the level of noise immission from the wind farm at the property to which the complaint relates. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97. The wind farm operator shall provide to the planning authority the independent consultant’s assessment and conclusions regarding the said noise complaint, including all calculations, audio recordings and the raw data upon which those assessments and conclusions are based. Such information shall be provided within three months of the date of the written request of the planning authority unless otherwise extended in writing

In relation to the investigation of a suitably justified noise complaint and where the planning authority deems such action necessary, the wind farm operator shall shut down the turbine(s) involved no later than 24 hours after receipt of the request.

(Reason: to ensure the proposal has no significant adverse noise effects.)

28. In evaluating a complaint relating to one of the dwellings named in Table 1 below, noise emission levels shall where appropriate be compared with the relevant ETSU-R-97 derived “quiet waking hours” or “night hours” noise limits derived from the measured background noise levels contained within the Larbrax Wind Farm Environmental Statement

**Table 1**

|           | <b>Property</b>                | <b>ETSU-R-97 Noise Limit Set</b> |
|-----------|--------------------------------|----------------------------------|
| <b>H1</b> | <b>Greenburn</b>               | <b>Standard</b>                  |
| <b>H2</b> | <b>Larbrax</b>                 | <b>Standard</b>                  |
| <b>H3</b> | <b>Meikle Larbrax Cottages</b> | <b>Standard</b>                  |
| <b>H4</b> | <b>Glenvallagh Cottages</b>    | <b>Standard</b>                  |

29. In the event of a complaint from any dwelling (existing at the date of this permission) not named in Table 1 the measured wind farm noise emission level shall be compared to the prevailing background noise level at the property in Table 1 which is most likely to experience background noise levels similar to the complainant's property (the appropriate Table 1 property will be nominated by the developer subject to the agreement of the local planning authority at the time of investigating any complaint).

(Reason: to ensure the proposal has no significant adverse noise effects.)

30. If the tonal noise emitted by the development exceeds the threshold of audibility by 8dB or more, then the noise rating level specified in condition 1 shall be reduced by 5dB, always providing that the definition of audibility for the purposes of this condition shall be described in "The Assessment and Rating of Noise from Windfarms" (ETSU-R-97).

(Reason: to ensure the proposal has no significant adverse noise effects.)

The following definitions apply in Condition 26 to 30:

"ETSU-R-97" refers to ETSU Report Number ETSU-R-97, "The Assessment and Rating of Noise from Windfarms", published in September 1996;

"Wind farm noise emission level" means the rated LA90 noise level due to the combined effect of all wind turbines including any tonal penalty incurred under the methodology described in ETSU-R-97, but exceeding the effect of background noise, as measured and correlated with 10 m height wind speed;

"Background noise level" means the LA90 level of noise already present within the environment in the absence of any noise generated by the development, as measured and correlated with 10 m height wind speed;

"Wind speed" means wind speeds measured or calculated at a height of 10 m above ground level on the wind farm site at a specified Ordinance Survey national grid reference as agreed with the Planning Authority.

31. Prior to commencement of development the developer shall appoint independent ecological clerks of works acceptable to the planning authority. The terms of appointment shall be submitted to and approved in writing by the planning authority, and will cover (a) the periods of wind farm construction, including micro-siting and finalisation of the wind farm layout, as well as subsequent post-construction restoration; and (b) wind farm decommissioning.

In relation to (a) the terms of appointment shall be submitted prior to the commencement of the development and in relation to (b), prior to the commencement of any decommissioning works.

(Reason: in the interests of environmental protection)

32. The ecological clerks of works required under the terms of condition 31 above shall have a duty to:

- a. Carry out pre-construction surveys to comply with the Construction Environmental Management Plan required in terms of Condition 7; and thereafter;
- b. monitor compliance with ecological and hydrological aspects of the Construction Environmental Management Plan required in terms of Condition 7, and the decommissioning plan required in terms of condition 4.

The ecological clerks of works shall have a duty to report promptly to the developer's nominated construction project manager (during the construction period) or decommissioning project manager (during decommissioning) any noncompliance with the hydrological or ecological aspects of the construction method statement and other relevant approved schemes and proposals or the ultimate restoration plan, respectively.

(Reason: in the interests of environmental protection.)

33. No wind turbine shall be erected until a scheme to secure the investigation and alleviation of any electro-magnetic interference to TV reception at residential properties lawfully existing at the date of this permission caused by the operation of the turbines has been submitted to and approved in writing by the planning Authority. The scheme shall be implemented as approved if issues arise.

(Reason: for the protection of amenity of local residents.)

### Advisory notes

1. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Display of notice:** A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013).

### Schedule of drawings

60289428-LARB-ENG-001 - Site Location Plan  
60289428-LARB-ENG-002 - Infrastructure Layout  
60289428-LARB-ENG-003 - Candidate Turbine Model  
60289428-LARB-ENG-004 - Typical Turbine Foundation  
60289428-LARB-ENG-005 - Typical Crane Pad  
60289428-LARB-ENG-006 - Typical Access Track  
60289428-LARB-ENG-007 - Indicative Watercourse Crossing  
60289428-LARB-ENG-008 - Permanent Anemometer Mast  
60289428-LARB-ENG-009 - Typical Const. Compound Design  
60289428-LARB-ENG-010 - Typical Substation Layout  
60289428-LARB-ENG-011 - Outline Drainage Plan  
60289428-LARB-ENG-012 - Typical Access Track (floating)  
60289428-LARB-ENG-013 - Typical Borrow Pit