

DEVELOPMENT MANAGEMENT COMMITTEE

Minute of Meeting of the Development Management Committee held in the Gannochy Suite, Dewars Centre, Perth on Wednesday 18 November 2015 at 10.00am.

Present: Councillors T Gray (Convener), H Anderson, M Barnacle, I Campbell, D Cuthbert, A Gaunt, J Giacobazzi, C Gillies, J Kellas, G Laing (substituting for Councillor B Band), M Lyle, A Munro (substituting for Councillor A Livingstone) and G Walker.

In attendance: N Brian, A Condliffe, S Dunn, N Moran, A Rennie and M Barr (all The Environment Service); G Fogg and Y Oliver (both Corporate and Democratic Services).

Apologies: Councillors B Band and A Livingstone.

Councillor T Gray, Convener, Presiding.

747. WELCOME AND APOLOGIES

The Convener welcomed everyone to the meeting and apologies were noted as above.

748. DECLARATIONS OF INTEREST

There were no Declarations of Interest in terms of the Councillors' Code of Conduct.

749. MINUTE OF PREVIOUS MEETING

The Minute of Meeting of the Development Management Committee of 14 October 2015 (Arts 665-670) was submitted, approved as a correct record and authorised for signature.

750. DEPUTATIONS

In terms of Standing Order 59, the Committee agreed to hear deputations in relation to the following planning applications:

Planning Application No.	Art. No.
15/01561/FLL	751(1)(ii)

751. APPLICATIONS FOR DETERMINATION

(1) Local Applications

- (i) 15/01400/FLL – GLENEAGLES – Modification of permission 10/00351/FLL (erection of dwellinghouse and detached garage with residential annex) change of house and garage type and erection of a garden building on land SE of Arnlarach, Caledonian Crescent, Gleneagles – Report 15/532 - Mr R Sinclair**

Resolved:

Grant, subject to the following conditions:

1. The proposed development must be carried out in accordance with the approved drawings and documents, unless otherwise provided for by conditions imposed on the planning permission.
2. Prior to the new dwelling hereby approved being first occupied a fixed screen shall have been erected along the southern edge of the first floor balcony off Bedroom 6 in accordance with details which previously shall have been submitted to and approved in writing by the local Planning Authority. The approved screen shall remain in place at all times thereafter unless otherwise agreed in writing by the Council as local Planning Authority.
3. Details of the proposed boundary treatments for the site shall be submitted for the approval of the Planning Authority prior to any construction or engineering works on site. Any such scheme as may be approved shall be completed prior to the occupation of the development.
4. All existing trees on the site shall be retained and protected to the satisfaction of the Planning Authority and details of the proposed methods of protection during construction operations shall be submitted for the approval of the Planning Authority prior to the commencement of the development.
5. The unit of residential accommodation within the curtilage buildings hereby approved shall only be used as ancillary facilities to the main house as staff/guest, or family accommodation and shall not be occupied as an independent residential unit and shall be retained within the same ownership as the main dwellinghouse.

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6. Prior to any construction or engineering works on site a detailed landscaping and planting scheme for the site shall be submitted for the further approval of this Planning Authority prior to the commencement of the development and development shall not commence prior to the approval of that scheme. The scheme shall include details of the height and slopes of any mounding or re-contouring of the site, species, height, size and density of trees and shrubs to be planted and the scheme as subsequently approved shall be carried out and completed within 12 months of the occupation of the house; unless otherwise agreed in writing with this Planning Authority and thereafter maintained to the satisfaction of the Planning Authority.
7. Prior to any construction or engineering works on site the location of bat and bird boxes shall be submitted to and approved in writing by the Council as local Planning Authority. The approved boxes shall be sited in accordance with the approved details prior to commencement of works on site and remain in place at all times thereafter unless otherwise agreed in writing by the local Planning Authority.

Justification

The proposal is in accordance with the Development Plan and there are no material reasons which justify departing from the Development Plan.

Informatives

1. This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
2. Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development.

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3. As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.
4. No work shall be commenced until an application for building warrant has been submitted and approved.
5. Please consult the Street Naming and Numbering Officer, The Environment Service, Perth and Kinross Council, Pullar House, 35 Kinnoull Street, Perth, PH1 5GD.

(ii) 15/01561/FLL – ALYTH – Modification of permission 12/01423/FLL (formation of wind farm with associated access track and ancillary works) change of turbine on land at Tullymurdoch Wind Farm, Alyth – Report 15/533 – Mr S McAleese

Mr S McAleese, on behalf of the applicant and Ms H Douglas and Dr J Chapman-Campbell, on behalf of objectors to the application, addressed the Committee, and, following their respective representations, withdrew to the public benches.

**Motion (Councillors J Kellas and J Giacomazzi),
Grant, subject to the following conditions and informatives:**

- 1 Permission for operation of the development is limited to a period of twenty-five years from the commissioning of the development. Decommissioning shall be completed no later than whichever is the earlier of the following dates:**
 - a) two years from the end of the twenty-five year period mentioned in this condition; or**
 - b) two years from the date on which the development ceases to supply electricity on a commercial basis to the National Grid.**
- 2 Within one month of the commissioning of the development written confirmation of the date of the commissioning shall be submitted to the Planning Authority and within one month of the final commissioning of the development written confirmation of the date of the final commissioning of the development shall be submitted to the Planning Authority.**

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Note i) the 'commissioning of the development' means the date on which the first wind turbine generator forming part of the development first supplies electricity on a commercial basis.

Note ii) the 'final commissioning of the development' means the date on which the last wind turbine generator forming part of the development first supplies electricity on a commercial basis.

3 The turbines and associated crane pads shall be erected in the positions indicated in drawing number 15/01561/2, save for the ability to vary the indicated position of any turbine and associated crane pads by up to 25 metres, with any variation in Above Ordnance Datum from the approved position of the turbine being limited to + or -5 metres, under the supervision of the Ecological Clerk of Works appointed under Condition 18 below. Variation in the position of any turbines and associated crane pads between 25 metres and 50 metres shall only be permitted with the prior written approval of the Planning Authority. For the avoidance of doubt, this condition does not allow for any movement of the position of the turbines greater than 50 metres.

4 Before the commencement of the development, the colours and finish of the wind turbine generators and the above-ground elements, including the anemometry mast, shall be submitted to and approved in writing by the Planning Authority. All wind turbine generators shall be of a three bladed design and shall rotate in the same direction. Each turbine shall be supplied by the same manufacturer, have the same design of tower and nacelle, and be of the same colour and finish. The use of logos on turbine blades, towers or nacelles is prohibited, unless otherwise agreed in writing by the Planning Authority.

Ministry of Defence requirements

5.a) Prior to the commencement of the development the developer shall notify the Ministry of Defence of the following details:

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- b) On being notified of a claim that the development is causing television picture loss or other interference with television or radio reception at a house, office, shop or other building existing at the date of the grant of the planning permission the wind farm operator shall immediately commission an investigation by and report from an independent qualified engineer. Within one month of being notified of a claim in terms of this part of this condition the wind farm operator shall submit to the Planning Authority a copy of the ensuing engineer's report.
- c) Should any impairment of the television or radio reception be attributable to and caused solely by the wind farm the wind farm operator shall, within two months of being notified of a claim in terms of part (b) of this condition, remedy such impairment so that the standard of reception at the house, office, shop or other building existing at the date of the grant of the planning permission is restored to the standard identified in the baseline television and radio reception survey.
- d) This condition applies only to claims made within 12 months of the commissioning of the development.
- 8 No development shall take place until a scheme detailing the protocol for the assessment of any complaints of shadow flicker resulting from the development on residential properties existing at the date of the grant of planning permission, including remedial measures, has been submitted to and approved in writing by the Planning Authority. Operation of the turbines shall take place in accordance with the approved protocol.
- 9 No development shall take place within the development site as outlined in red on the approved plan(s) until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of archaeological investigation which has been submitted by the applicant, agreed by Perth & Kinross Heritage Trust, and approved by the Planning Authority. Thereafter, the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the reasonable satisfaction of the Planning Authority in agreement with Perth & Kinross Heritage Trust.
- 10.a) No part of the development hereby authorised shall be commenced until a decommissioning, restoration and aftercare scheme (the scheme) for the site has been submitted by the developer and approved by the Planning Authority.

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- b) The scheme must include the following, at least in principle:**
- i. Provision for removal of all above-ground elements of the development, including wind turbines, foundation and crane pads, to 1 metre below ground level, and all buildings and ancillary development, apart from the access tracks;**
 - ii. Particulars of subsoil, topsoil and peat replacement and re-seeding, as appropriate, with details of depths of replaced materials and finished ground levels to return the site to as near as reasonably possible to its original condition;**
 - iii. Such other measures as are necessary to return the site as nearly as reasonably possible to its original condition, including any necessary aftercare to ensure the restoration works are established;**
 - iv. A programme showing the dates each part of the scheme is intended to be implemented; and**
 - v. Details of all seed mixes proposed to be used for re-instatement of surface vegetation. The seed mixes shall be sourced locally.**
- c) If restoration does not commence within 10 years of the agreement of this scheme then the Planning Authority may request the preparation of a revised scheme for approval by the Planning Authority prior to restoration commencing.**
- d) Two years before the site is due to be restored, the full details of the scheme, which shall accord with the principles earlier approved unless otherwise agreed, shall be submitted for the approval of the Planning Authority in consultation with such other parties as the Planning Authority deems appropriate.**
- e) Thereafter the site shall be restored in accordance with the approved scheme.**
- f) Within one month of completion of the approved scheme the Planning Authority shall be notified in writing that decommissioning and restoration are complete.**
- 11. a) The development shall not begin until the following details have been submitted to and approved by the Planning Authority and documentary evidence has been provided that the bond or other financial instrument is in place:**

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- 13 All temporary contractors' site compounds shall be removed and the land reinstated to its former profile and condition no later than 3 months following the final commissioning of the development or by the end of the first available seeding/planting season after the final commissioning of the development, whichever is the later.**
- 14 No electricity or control cable shall be installed above ground within the site. Cables shall be laid underground alongside the approved tracks unless otherwise agreed in writing by the Planning Authority.**
- 15. a) Prior to the commencement of the development, precise details of the location, extent, depth, means of working, means of draining and method and timing of restoration of any proposed borrow pits and associated areas for rock crushing shall be submitted to, and approved in writing by, the Planning Authority.**
- b) Any borrow pit approved under this condition shall be exploited to serve the development only.**
- c) Unless otherwise approved by the planning authority, rock crushing activities shall be confined to the approved borrow pits and immediately adjacent areas.**
- 16 Prior to the commencement of development a Construction and Environmental Management Plan will be submitted to and be approved in writing by the Planning Authority, in consultation with SEPA and SNH, at least one month prior to the commencement of development. The Construction and Environmental Management Plan will identify from the environmental statement appropriate mitigation strategies and consolidate these, clearly outlining what shall be implemented, when and by whom. It will incorporate:**
- a construction method statement;**
 - a site waste management plan;**
 - a pollution prevention plan;**
 - ecology protection measures, if any; and**
 - a water management plan**
- And include:**
- a) track construction details;**
- b) a peat and soil stripping management plan including the mineral and slope stability of the site and outlining the storage and proposed use and replacement of peat, topsoil and subsoil. The scheme shall have regard to the drainage implications of soil movement and storage;**
- c) details of the height and location of all stockpiles of road stone;**
- d) oil spill contingencies and foul drainage arrangements;**
- e) details of all concrete batching and handling facilities;**

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- f) a dust and mud management plan which incorporates wheel washing facilities shall be provided at the exits from the site, with all soiled vehicles leaving the site being required to use these facilities before using public roads;**
 - g) details of any water abstraction;**
 - h) a detailed survey which identifies any spring, borehole or other private water supply potentially affected by the development. The private water action plan must include details regarding all water monitoring and reporting, pollution incident reporting and mitigation measures to address a temporary or permanent material change in either the quality or quantity of an existing private water supply;**
 - i) a surface and groundwater management plan which must include specific details regarding the monitoring of any watercourses, springs or boreholes affected by the development prior to and during the construction phase, details of drainage from all access tracks, construction areas, laydown areas, turbine pads, crane pads and borrow pits at all stages of their formation and use including means of protecting groundwater, diverting surface water runoff and allowing for recharging of peat areas, details of pollution prevention and control measures and foul drainage arrangements, details of any necessary mitigation measures and maintenance of the quantity and quality of water supplied from any spring or borehole which serves residential property or farm in the area around the development site;**
 - j) details of bird surveys to be carried out before the commencement of development;**
 - k) the procedures for access for wind farm staff for turbine, track and other infrastructure maintenance and operational requirements, during the bird breeding season and in proximity to potential nesting sites for breeding birds. The operational protocol must also address interpretation and visitor management to encourage responsible public access during the bird breeding season. The approved protocol must be implemented in full to the satisfaction of the as Planning Authority;**
 - l) measures for the protection of or beneficial to European and other protected species, formation of any required protected species protection plans and implementation measures for any such plans;**
 - m) restoration of habitat and the provision of foraging areas;**
 - n) construction of artificial otter holts and methods of construction to prevent harm to otters;**
 - o) monitoring of habitats and a programme for implementation;**
- and
- p) landscaping details in relation to borrow pits, road verges, turbine bases and temporary site compounds.**

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All work shall be carried out in accordance with the approved Construction Environmental Management Plan and all mitigation measures proposed within the environmental statement shall be undertaken within the approved timescales, unless as otherwise agreed in writing with the Planning Authority.

- 17.a) Unless otherwise agreed in writing by the Local Planning Authority, within a minimum of two months prior to the commencement of the development, an independent and suitably qualified ecologist shall be appointed as the Ecological Clerk of Works (ECoW) for the site, by the wind farm operator and at the operator's expense. This appointment shall be subject to the prior written approval of the Planning Authority.**
- b) The ECoW shall oversee, on behalf of the planning authority, in consultation with SNH, the implementation of all ecology related planning conditions throughout the construction of the wind farm. The ECoW shall undertake a watching brief throughout the construction of all roads, cable tracks compounds, turbine bases and hard standings.**
- c) The scope of works for the ECoW shall include the following:**
- i. Monitoring compliance with the mitigation works related to the development.**
 - ii. Advising the developer on adequate protection of nature conservation interest on the site, including altering construction practices if existing practices are having an adverse impact on the natural heritage of the site.**
 - iii. Advising on the acceptability of micro-siting any turbines and development infrastructure tracks.**
- d) If any protected species are found on site, the ECoW will ensure that work is suspended at that location and that a protected species protection plan is implemented. The ECoW shall inform the planning authority of the precise details of the suspension, reasons and measures to mitigate.**
- 18.a) Prior to the commencing of any blasting on site, precise details of the methods to minimise air overpressure and ground vibration as a result of blasting operations shall be submitted to the planning authority. No blasting shall be carried out within the site until such time as the details have been approved in writing by the planning authority. The approved details shall be implemented in full, to the satisfaction of the Planning Authority.**

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- b) The frequency of blasting shall be limited to a maximum of two blasting periods per week. No blasting shall be carried out on the site outwith the blasting periods of 10:00 am to noon and 2:00 pm to 4:00 pm on Mondays to Fridays and 10:00 am to noon on Saturdays. There shall be no blasting or drilling operations on Sundays, Bank Holidays or national holidays (the dates of which shall be agreed with the Planning Authority before the start of development on site). The aforementioned shall not apply in cases of emergency if it is considered necessary to carry out blasting operations in the interests of safety. The Planning Authority shall be notified in writing immediately of any such event.
- 19 Any lighting rigs associated with the development shall be sufficiently screened and aligned so as to ensure that there is no direct illumination of neighbouring land and that light spillage beyond the boundaries of the site is minimised.
- 20 Prior to the commencement of construction the developer shall agree with Perth & Kinross Council the following details:
- a) the access routes to be used by construction traffic. These routes shall be improved by means of passing places/strip widening and junction improvements at locations to be agreed with the council prior to the commencement of works on site and thereafter where deemed necessary over the duration of the contract.
- b) a traffic management scheme for abnormal loads in accordance with the Roads Traffic Act 1982, the Road Vehicles (Authorisations of Special Types)(General) Order 2003 and the Council's procedure for Abnormal Loads Routing.

All works shall be carried out to the standard and specification required by the council and the traffic management scheme shall be implemented as approved during the construction period.

- 21 Prior to the commencement of construction the applicant shall enter into a maintenance agreement in respect of the agreed haul routes. The required maintenance shall be carried out in accordance with the agreement at the end of the construction period.
- 22 Prior to the commencement of development, the applicant shall submit for the written approval of the planning authority a construction traffic management scheme which shall include the following details:

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- a) **restriction of construction traffic to approved routes and the measures to be put in place to avoid other routes being used;**
- b) **timing of construction traffic to minimise impact on local communities particularly at school start and finishing times, on days when refuse collection is undertaken, on Sundays and during local events;**
- c) **a code of conduct for HGV drivers to allow for queuing traffic to pass;**
- d) **arrangements for liaison with the council regarding winter maintenance;**
- e) **emergency arrangements detailing communication and contingency arrangements in the event of vehicle breakdown;**
- f) **arrangements for the cleaning of wheels and chassis of vehicles to prevent material from construction sites associated with the development being deposited on the road;**
- g) **arrangements for cleaning of roads affected by material deposited from construction sites associated with the development;**
- h) **arrangements for signage at site accesses and crossovers and on roads to be used by construction traffic in order to provide safe access for pedestrians, cyclists and equestrians;**
- i) **details of information signs to inform other road users of construction traffic;**
- j) **arrangements to ensure that access for emergency service vehicles is not impeded;**
- k) **co-ordination with other major commercial users known to use roads affected by construction traffic;**
- l) **traffic arrangements in the immediate vicinity of temporary construction compounds;**
- m) **the provision and installation of traffic counters at the applicant's expense at locations to be agreed prior to the commencement of construction;**
- n) **monitoring, reporting and implementation arrangements; and**
- o) **arrangements for dealing with non-compliance.**

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The approved Construction Traffic Management Scheme must be implemented in full during the course of the construction phase of the development and also the removal and restoration periods. At the reasonable request of the Planning Authority, the developer shall amend the approved construction traffic management scheme to ensure its continued effectiveness.

- 23 The clearance of snow from access tracks within the site shall be by mechanical means only. For the avoidance of doubt, the use of salt or any other chemical is strictly prohibited.
- 24 The access tracks shall be constructed in the positions indicated in drawing number 09016-PL-03 Rev A – Site Layout, save for the ability to vary the indicated position by up to 10 metres of the approved track under the supervision of the ECOW appointed under condition 18 above. Variation of between 10 metres and 50 metres in the position of any track shall only be permitted with the prior written approval of the Planning Authority.
- 25 Construction works within the site which is audible from the boundary of any noise sensitive dwelling shall only take place between 7:00 am and 7:00 pm on Mondays to Fridays inclusive, and between 7:00 am and 1:00 pm on Saturdays. There shall be no such activity at any time on Sundays or on local or national public holidays (the dates of which shall be agreed with the Planning Authority before the start of development on site). Outwith the hours specified, development within the site shall be limited to turbine erection, maintenance, emergency works, dust suppression and the testing of plant and equipment; and construction work that is not audible from the boundary of any noise sensitive dwelling. Receipt by track of any materials or equipment to the site for the construction of the development shall not take place outwith the hours specified, unless otherwise approved by the Planning Authority having been given a minimum of two working days notice of the occurrence of the proposed event.
- 26 The rating level of noise emissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out for those properties identified in the Tables 1 & 2 attached to these conditions.

At Craighead only, the rating level of noise immissions from the combined effects of the wind turbines hereby permitted, operating in conjunction with the consented and operational turbines of the Drumderg Wind Farm (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes shall not exceed the values for the relevant integer wind speed set out in Tables 3 and 4 attached to these conditions.

Following complaint, in the event that the level of noise emissions (including the application of any tonal penalty) exceeds the values in Tables 3 and 4, the operator of Tullymurdoch Wind Farm shall undertake

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appropriate mitigation to reduce turbine noise emissions such that the limits in Tables 3 and 4 are met, or such that noise from the turbines hereby permitted (including the application of any tonal penalty) meets the levels set out in Tables 5 and 6.

Prior to the first export date, the wind farm operator shall submit to the planning authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

- (A) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant approved by the planning authority to assess the level of noise emissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Planning Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the planning authority made under this paragraph (A), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (G) to the Planning Authority in the format set out in Guidance Note 1(E).
- (B) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The rating level of noise emissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's dwelling.
- (C) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise

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limits set out in the Tables attached to these conditions or approved by the Planning Authority pursuant to paragraph (B) of this condition shall be undertaken at the measurement location approved in writing by the Planning Authority.

(D) Prior to the commencement of the independent consultant's assessment of the rating level of noise emissions pursuant to paragraph (E) of this condition, the wind farm operator shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:

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

The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the Planning Authority under paragraph (A), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise emissions shall be undertaken in accordance with the assessment protocol approved in writing by the Planning Authority and the attached Guidance Notes.

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

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

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(G) The wind farm operator shall continuously log wind speed, wind direction at the permanent meteorological mast erected in accordance with this consent and shall continuously log power production and nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine and the permanent meteorological mast shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) of the attached Guidance Notes to the Planning Authority on its request within 14 days of receipt in writing of such a request.

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

Table 1 - Between 07:00 and 23:00 - Noise level dB LA₉₀, 10-minute

Location (easting, northing grid co-ordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	LA ₉₀ Decibel Levels											
Nether Drumhead Cottage (321864, 755021)	38	38	38	38	38	38	38	40	43	46	48	50
Nether Drumhead Farm (321688, 755012)	38	38	38	38	38	38	38	40	43	46	48	50
Over Drumhead (321812, 755302)	38	38	38	38	38	38	38	40	43	46	48	50
Tullymurdoch (319857, 752520)	45	45	45	45	45	45	45	45	45	45	45	45
Derryhill (321727, 754168)	38	38	38	38	38	38	38	41	46	50	54	58
Cottertown (322761, 754401)	38	38	38	38	38	38	38	39	42	46	48	50

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Table 2 - Between 23:00 and 07:00 - Noise level dB LA90, 10-minute

Location (easting, northing grid co-ordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	LA90 Decibel Levels											
Nether Drumhead Cottage (321864, 755021)	43	43	43	43	43	43	43	43	43	44	46	49
Nether Drumhead Farm (321688, 755012)	43	43	43	43	43	43	43	43	43	44	46	49
Over Drumhead (321812, 755302)	43	43	43	43	43	43	43	43	43	44	46	49
Tullymurdoch (319857, 752520)	45	45	45	45	45	45	45	45	45	45	45	45
Derryhill (321727, 754168)	42	42	42	42	42	42	42	42	44	49	53	57
Cottertown (322761, 754401)	42	42	42	42	42	42	42	42	42	43	46	49

Note iv (to Tables 1 and 2): the limits set in condition 27 for the property known as Derryhill shall only apply for the purposes of this condition in the event that the property is lawfully occupied as a dwelling and at all other times there shall be no noise limits applying to this property, which shall not be regarded as a noise sensitive property.

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Table 3 - Between 07:00 and 23:00 - Noise level dB LA₉₀, 10-minute

Location (easting, northing grid co- ordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	LA₉₀ Decibel Levels											
Craighead (319660, 754070)	40	40	40	40	40	40	40	43	43	43	43	43

Table 4 - Between 23:00 and 07:00 - Noise level dB LA₉₀, 10-minute

Location (easting, northing grid co- ordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	LA₉₀ Decibel Levels											
Craighead (319660, 754070)	43	43	43	43	43	43	43	43	43	43	43	43

Table 5 - Between 07:00 and 23:00 - Noise level dB LA₉₀, 10-minute

Location (easting, northing grid co- ordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	LA₉₀ Decibel Levels											
Craighead (319660, 754070)	30	30	30	30	30	30	30	33	33	33	33	33

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Table 6- Between 23:00 and 07:00 - Noise level dB LA90, 10-minute

Location (easting, northing grid co- ordinates	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	LA90 Decibel Levels											
Craighead (319660, 754070)	33	33	33	33	33	33	33	33	33	33	33	33

Guidance Notes for Noise Condition 27

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise emissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Note 1

- (a) Values of the LA_{90,10-minute} noise statistic should be measured at the complainant’s property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a calibrator meeting IEC 60945:2003 “Electroacoustics – sound calibrators” Class 1 with PTB Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (b) The sound level meter shall be located in a free field location outside the complainants dwelling, in accordance with recommendations in the Institute of Acoustics Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Farm Noise (IOA May 2013). In

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the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location

- (c) The LA_{90,10-minute} measurements should be synchronised with measurements of the 10- minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).**
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s), arithmetic mean wind direction in metres from north and rainfall data in each successive 10-minutes period at the permanent meteorological mast erected in accordance with the planning permission on the site. The mean hub height wind speed shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minutes period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.**
- (e) Data provided to the Planning Authority in accordance with paragraphs (E) (F) and (G) of the noise condition shall be provided in in electronic format as comma separated values, or in the case of aAudio recordings as 16bit WAV files.**
- (f) A data logging rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent consultant undertaking an assessment of the level of noise emissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).**

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Note 2

- (a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).**
- (b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Planning Authority under paragraph (D) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f).**

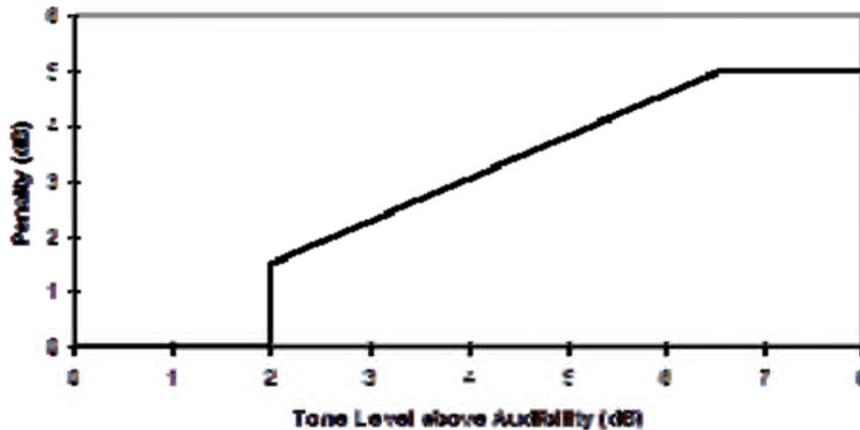
Values of the LA_{90,10}-minute noise measurements and corresponding values of the 10- minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y- axis and wind speed on the X-axis. A least squares, “best fit” curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

- (a) Where, in accordance with the approved assessment protocol under paragraph (D) of the noise condition, noise emissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty shall be calculated and applied using the following rating procedure.**
- (b) For each 10-minute interval for which LA_{90,10}-minute data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise emissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure shall be reported.**
- (c) For each of the 2-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R- 97.**
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2- minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.**
- (e) A least squares “best fit” linear regression shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line fitted to values. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.**

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- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



Note 4

- (a) If a tonal penalty is to be applied in accordance with Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol under paragraph (D) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Note 2.
- (c) If the rating level at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the planning authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then no further action is necessary. In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (B) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise emission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range set out in the approved noise assessment

protocol under paragraph (D) of this condition.

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

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

- iii. The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Planning Authority for a complainant's dwelling in accordance with paragraph (B) of the noise condition then the development fails to comply with the conditions.

Justification

The proposal is considered to comply with the over-riding thrust of the Development Plan and there are no material reasons which justify departing from the development plan.

Informatives

- 1 This planning permission will last only for three years from the date of this decision notice, unless the development has been started within that period. (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended).
- 2 Under Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) the person undertaking the development is required to give the Planning Authority prior written notification of the date on which it is intended to commence the development. A failure to comply with this statutory requirement would constitute a breach of planning control under Section 123(1) of that Act, which may result in enforcement action being taken.
- 3 As soon as practicable after the development is complete, the person who completes the development is obliged by Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to give the Planning Authority written notice of that position.

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Amendment (Councillors C Gillies and D Cuthbert), Defer, for the following reasons:

- (i) Updated information be provided to the Planning Officer on the issue of noise and the acceptability of the amplified modulation on the residential amenity of the occupiers of neighbouring properties and the amenity of this area generally;
- (ii) A copy of the report prepared by Dr J Chapman-Campbell be submitted to Scottish Natural Heritage with a request for comment to Perth and Kinross Council as Planning Authority on the contents therein;
- (iii) Further evidence be provided by the applicant that there will be no further bird collision risk resulting from the revised turbine size.

In accordance with Standing Order 44, a roll call vote was taken.

6 members voted for the Amendment as follows:

Councillors G Laing, M Barnacle, D Cuthbert, A Gaunt, C Gillies and A Munro.

6 Members voted for the Motion as follows:

Councillors T Gray, H Anderson, I Campbell, J Giacomazzi, J Kellas and G Walker.

In accordance with Standing Order 45, the Convener exercised a casting vote in accordance with the Motion.

Resolved:

In accordance with the Motion.

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