

## **Appendix 1.1**

# **Consented Development Decision Notice (2016)**

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Your Ref:

Our Ref: 15/P/3/0279

Date: 24 November 2016

Mr Stuart Winter  
7 Exchange Crescent  
Conference Square  
Edinburgh  
EH3 8LL

**Dumfries & Galloway Council**  
**Economy, Environment & Infrastructure**  
Development Management  
Kirkbank  
English Street  
Dumfries  
DG1 2HS

Any enquiries please contact  
**Case Officer:** Robert Duncan  
**Direct Line:** 01387 260834  
**Mobile:** 07921 038720  
**Email:** robert.duncan@dumgal.gov.uk  
**Website:** [www.dumgal.gov.uk/planning](http://www.dumgal.gov.uk/planning)

**Town and Country Planning (Scotland) Act 1997**  
**Town and Country Planning (Development Management Procedure) (Scotland)**  
**Regulations 2013**

**Application for Planning Permission**

**PROPOSAL:** ERECTION OF 24 WIND TURBINES (MAXIMUM HEIGHT 125M TO BLADE TIP) AND METEOROLOGICAL MAST, FORMATION OF NEW ACCESS TO A76 AND IMPROVED ACCESS TO C125N, ACCESS TRACKS, WATER CROSSINGS AND HARDSTANDING, INSTALLATION OF TEMPORARY CONSTRUCTION COMPOUNDS, SITE SUBSTATION AND ASSOCIATED WORKS

**LOCATION:** Sandy Knowe Wind Farm, Kirkconnel

Dear Mr Winter

I have pleasure in enclosing formal notice of approval.

Please take careful note of the terms of any conditions attached to this permission and especially the need to comply with any suspensive conditions before either commencing work and / or occupying the development. **Failure to comply with such conditions may invalidate your permission.** In addition to any conditions, please note the advice given in the Appendix which may be attached to the approval. This may include a requirement to formally notify the Council as planning authority of initiation and completion of development. The relevant Notice forms and guidance notes will be enclosed where appropriate.

It should also be noted that before works commence, where applicable, all necessary consents should be obtained under the Building (Scotland) Act 2003. If you require any further information in this respect, please contact the relevant Building Standards Surveyor.

Yours sincerely,

*Steve Rogers*

Steve Rogers  
Head of Planning & Regulatory Services

## GRANT OF PLANNING PERMISSION

**Town and Country Planning (Scotland) Act 1997**  
**Town and Country Planning (Development Management Procedure) (Scotland)**  
**Regulations 2013**  
**Application for Planning Permission**

To:  
Stuart Winter  
7 Exchange Crescent  
Conference Square  
Edinburgh  
EH3 8LL

Dumfries & Galloway Council, having considered the application dated 9 July 2015  
reference 15/P/3/0279, hereby **grants Planning Permission**

for:

**PROPOSAL:**           **ERECTION OF 24 WIND TURBINES (MAXIMUM HEIGHT 125M TO  
BLADE TIP) AND METEOROLOGICAL MAST, FORMATION OF  
NEW ACCESS TO A76 AND IMPROVED ACCESS TO C125N,  
ACCESS TRACKS, WATER CROSSINGS AND HARDSTANDING,  
INSTALLATION OF TEMPORARY CONSTRUCTION  
COMPOUNDS, SITE SUBSTATION AND ASSOCIATED WORKS**

**LOCATION:**           **Sandy Knowe Wind Farm, Kirkconnel**

in accordance with the details and plans accompanying the application.

This approval is also subject to compliance with the conditions below, which may  
override details shown on the approved plans. Reasons for these conditions are also  
listed below.

### **Condition(s):**

01. That notwithstanding Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended) the Commencement of the Development shall be no later than 5 years from the date of this permission.
02. That the development shall be implemented in full and strict accordance with the plans and the details included within the Environmental Statement, and

supplementary documents, unless otherwise agreed in writing with the Council as planning authority or unless otherwise required or agreed in relation to conditions attached to this permission.

03. No development in respect of this planning permission shall take place unless and until the developer has appointed an independent and suitably qualified Environmental Clerk of Works ("ECoW") in writing as being acceptable to the Planning Authority (in consultation with SNH and SEPA). The developer shall entirely fund the employment and necessary expenses of the ECoW. The ECoW shall be appointed for the period of construction until the Habitat Improvements are completed immediately post-construction.
04. Operation of the turbines shall cease no longer than 28 years after the date of final commissioning. Written confirmation of the first export date and the export date once all wind turbines are operational shall be provided to the Council as planning authority within one calendar month of the first export date and final commissioning respectively.
05. No later than 2 years prior to decommissioning, and in any event no later than 2 years prior to the end of the period of permission as set out in Condition 4 above, a written scheme for the decommissioning of the wind farm and restoration of the site shall be submitted in writing to the planning authority for its approval, based on the decommissioning commitments set out in Chapter 3 of the ES and specifically providing for:
  - all above ground components of the wind farm including turbines, substation, and anemometers to be deconstructed and removed from the site;
  - turbine and building foundations to be excavated to 1m below ground level, soiled and reseeded; and
  - access tracks, construction compounds, crane pads and other hard surfaced areas to be soiled and reseeded.

The written scheme shall incorporate an accurate scaled plan of the site, and include a specification of all land reinstatement including a traffic management plan for the decommissioning period, and a timetable for implementation. Decommissioning in accordance with the approved scheme shall be completed within 12 months of the end of the period of this planning permission or any alternative timescale agreed with the planning authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development. The approved plan and Decommissioning Method Statement shall be implemented and overseen by an Environmental Clerk of Works funded as per Condition 3 above.

06. If any wind turbine fails to produce an electricity supply to the local grid for a continuous period of 12 months then, unless otherwise agreed in writing by the planning authority, that wind turbine and any associated above ground infrastructure solely required for that turbine, together with the above ground elements of the turbine foundation, shall be dismantled and removed from the area around the turbine that shall be 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 3 months of the expiry of the 12 month period and shall include a timetable for its implementation.

07. With the exception of any enabling works agreed in writing with the planning authority, no development in respect of this planning permission shall take place unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the planning authority (in consultation with SNH, SEPA, Nith District Salmon Fisheries Board, the roads authorities, flood risk management authority and the Council's Environmental Health Officer as required). The CEMP shall integrate 'best practice' methods for the Scottish / UK windfarm industry and include the mitigation measures identified in the Environmental Statement. The CEMP shall include plans to a suitable scale showing the location of any site compound or contractor's laydown area or area where any fuel, oil, lubricant, paint or solvent is stored on site temporarily in connection with the construction of the development. The CEMP shall incorporate the following matters:-
- a. a Traffic Management Plan (TMP);
  - b. a Site Waste Management Plan;
  - c. a Peat Management Plan (PMP);
  - d. construction and post-construction fish surveys;
  - e. a sustainable drainage system (SuDS) design concept including surface water run-off and sediment control measures;
  - f. details of foul drainage arrangements;
  - g. details of proposed temporary site compounds for storage of materials, machinery, and designated car parking;
  - h. details of pollution prevention and control measures;
  - i. a Habitat Management Plan (HMP) and details of ecological monitoring over the construction period including all necessary pre-construction surveys as required by this Habitat Management Plan;
  - j. details of any tree felling, felling waste and replacement planting;
  - k. details of on-site storage of materials, including fuel and other chemicals;
  - l. details of on-site storage and off-site disposal of excavated material;
  - m. details and timetable for phasing of construction works;
  - n. details of turning arrangements for vehicles on site;
  - o. plans for the 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,
  - p. details of all internal access tracks and hardstanding areas, including full details of measures to reduce the impacts on groundwater dependent terrestrial ecosystems;
  - q. details and timetable for post-construction restoration and / or reinstatement of the working areas or as agreed with the ECoW;
  - r. details of the management of noise and vibration during construction, including that caused by construction traffic and works on site; and
  - s. a hydrological assessment of all culverts and bridges implemented as part of the development to ensure no increase to the risk of potential flood risk event capacity issues.

Thereafter, the construction of the development shall be carried out in accordance with the approved CEMP (including all associated and agreed details under a - s above) unless otherwise agreed in writing with the planning authority.

08. No development in respect of this planning permission shall take place unless a scheme of compensatory mitigation measures including details of compensatory tree planting, felling plans, and restocking proposals has been submitted to and approved in writing by the planning authority, in consultation with Forestry Commission (Scotland) and based on the Forestry Management Plan within the ES. This scheme shall include a timetable with regard to implementation. Following written approval by the Council as planning authority, the scheme shall be implemented in accordance with the approved details and timetable unless otherwise agreed in writing.
09. No development in respect of this planning permission shall take place unless precise details (including where relevant the size, type, external finish / colour, power rating, sound levels and position) of the proposed turbines have been submitted to and approved in writing by the planning authority. For the avoidance of doubt, the height of the proposed turbines shall not exceed 125 metres to tip above ground level.
10. 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.
11. The wind turbine blades on all the turbines hereby granted planning permission shall rotate in the same direction.
12. No development in respect of this planning permission shall take place unless and until the developer has provided written confirmation to the Ministry of Defence and Defence Geographic Centre of the anticipated date of commencement and completion of construction; the maximum height above ground level of the construction equipment and the position of each wind turbine in latitude and longitude. At the same time, the developer shall confirm to the planning authority that this has been undertaken.
13. That no development pursuant to this planning permission with the exception of tree felling shall take place unless the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the planning authority (in consultation with the Council Archaeologist). 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.
14. That no development pursuant to this planning permission with the exception of tree felling shall take place unless the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of



investigation which has been submitted to and approved in writing by the planning authority (in consultation with the Council Archaeologist). 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.

15. No development shall commence unless and until such time as the Council as Planning Authority receives confirmation from Glasgow Prestwick Airport (regarding the airport radar) and NATS en Route plc (regarding the operation of Lowther Hill) that: (a) a Radar Mitigation Scheme has been identified; and (b) the Radar Mitigation Scheme can be implemented and maintained for the lifetime of the development .
16. No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with testing protocol, unless and until such time as the Planning Authority receives confirmation from Glasgow Prestwick Airport and NATS en Route plc that: (a) all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented or will be implemented at an appropriate point in time; and (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator that the Radar Mitigation Scheme is acceptable mitigation for the development and has been satisfactorily implemented or that acceptable alternative measures have been agreed.
17. No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme unless otherwise agreed by the planning authority.
18. Development of the substation building or any associated compound shall not take place until details of the layout of the proposed substation compound and specification of the substation building (including external finishing materials), 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 accordance with the approved details.
19. All electricity and control cables between the turbines, substations and control buildings shall be laid out underground.19. All electricity and control cables between the turbines, substations and control buildings shall be laid out underground.
20. Within 12 months of final commissioning a full site specific Environmental Management Plan (EMP) in respect of the operational phase shall be submitted to the planning authority. The EMP shall be in accordance with the principles for mitigation and pollution prevention set out in the ES. Thereafter, the development shall be operated in accordance with the EMP unless otherwise agreed in writing with the planning authority.
21. Visibility splays shall be provided and maintained on each side of the access to the A76, to the satisfaction of the local Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. These splays are the triangles

of ground bounded on 2 sides by the first 4.5 metres of the centreline of the access driveway (the set back dimension) and the nearside trunk road carriageway measured 215 metres (the y dimension) in both directions from the intersection of the access with the trunk road, unless otherwise agreed in writing with the Planning Authority. In a vertical plane, nothing shall obscure visibility measured from a driver's eye height of between 1.05 metres and 2.00 metres positioned at the set back dimension to an object height of between 0.26 metres and 1.05 metres anywhere along the y dimension.

22. The gradient of the access road from the A76 shall not exceed 1 in 40 for a distance of 15 metres from the nearside edge of the trunk road carriageway, and the first 20 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road. The access road shall be maintained as such during the construction period.
23. Wheel washing facilities shall be provided at an appropriate point within the site adjacent to the access from the A76 so as to prevent vehicles depositing debris on the trunk road.
24. Prior to the development commencing, a trial run for the delivery of turbine components on a route extent to be agreed (but including the route through the settlement of Sanquhar) shall be undertaken to the satisfaction of Dumfries and Galloway Council in consultation with Transport Scotland. The trial run shall be undertaken in accordance with details to be agreed in writing with the Planning Authority unless the route or need for the trial run is otherwise agreed. The Development shall then only commence upon satisfactory completion of the trial run, should the trial run be required.
25. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.
26. Prior to any works commencing on site with the exception of tree felling, the Applicant shall gain approval of the final details of the proposed accesses to the public road in terms of geometry, gradient, drainage arrangements and surfacing materials. The accesses shall then be constructed as agreed.
27. That, at wind speeds not exceeding 12 m/s as measured or calculated at a height of 10m 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 with regards only to the cumulative contributions from all wind farms that are either operational or consented on or before the date of this permission and operating within their agreed limits:
  - (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 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 cumulative noise 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 ES and associated appendices.

28. 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 at any of the properties set out in table 1 below, the wind farm operator shall within 28 days, and at the wind farm operator's expense, employ an independent consultant (approved by Dumfries and Galloway Council's Environmental Health Officer) to measure the level of noise immission from the wind farm at the property to which the complaint relates and determine whether there are exceedances. If exceedances can be attributed to Sandy Knowe Wind farm, having regard to the cumulative baseline of wind farms that are either operational and consented at the date of this permission and operating within agreed limits, the wind farm operator shall submit a scheme of mitigation to the planning authority to reduce noise immissions to a level not exceeding the levels set out in condition 27 and shall then implement the scheme that is agreed to the satisfaction of the planning authority. The mitigation scheme shall then be maintained accordingly until decommissioning of the wind farm.

Table 1

Noise Sensitive Receptor	Financially Involved	Grid Coordinates (X and Y values)
Corserig	No	272070, 610477
Crockroy Cottage	Yes	270443, 611937
High Cairn	No	268734, 612355
Hillend	Yes	268210, 608908
Nether Cairn	Yes	269654, 612345
Polneul Farm	No	270080, 612366
Rigg Farm	Yes	271205, 612202

29. No development in respect of this planning permission shall take place unless details of a nominated representative for the development to act as a point of contact for local residents, together with the arrangements for notifying and approving any subsequent change in the nominated representative, have been submitted to and agreed in writing by the planning authority. The nominated representative shall have responsibility for liaison with the planning authority in connection with any noise complaints made during the construction, operation and decommissioning of the wind farm.
30. 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 immission 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 planning authority at the time of investigating any complaint).
31. 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 26 above 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)".
32. A construction method statement for the construction phase of the project shall be prepared, submitted and agreed in writing with the planning authority prior to development commencing. It shall include an assessment of significant noise emitting operations and outline the noise mitigation measures proposed, including a programme and phase for each stage of work, complying with the following:-
  - a. The permitted core working hours for construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 0700 - 1900 on Monday to Friday inclusive, 0800 - 1800 on Saturdays and Sundays or local or national public holiday.
  - b. Outwith core working hours, development at the site shall be limited to turbine erection, maintenance, emergency works, dust suppression and the testing of plant and equipment, or construction work that could potentially affect the amenity of any occupier of a noise sensitive receptor outwith the site. The receipt of any materials or equipment for the construction of the site, by track, other than turbine blades, nacelles and towers, is not allowed outwith the said hours, unless otherwise agreed by the planning authority having been given a minimum of two working days' notice of the occurrence of the proposed event.
  - c. Deliveries to site (excluding abnormal loads) during construction will be limited to 08:00 - 18:00 Monday to Friday and 09:00 - 13:00 Saturday.
  - d. At the written request of the planning authority, and following a complaint to the planning authority relating to noise emissions arising from the construction of the wind farm, the Wind Farm Operator shall within 28 days, and at the Wind Farm Operators expense, employ an Independent Consultant approved by Dumfries and Galloway Council's Environmental Health Officer to measure the level of noise emission from the wind farm at the property to which the complaint relates.

- e. 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 3 months of the date of the written request of Dumfries and Galloway Council unless otherwise extended in writing by Dumfries and Galloway Council as planning authority.
  - f. Fixed and mobile plant used within the site during the construction period shall not incorporate bleeping type warning devices that are audible outwith the site boundary unless required for health and safety reasons.
  - g. The Contractors shall be required to select the quietest type of suitable plant available for all site operations. The work programme on site will also be phased to reduce the combined impacts arising from several noisy operations.
  - h. Where practicable, noise from fixed plant and equipment will be contained within suitable acoustic enclosures or behind acoustic screens.
  - i. The Site Contractors shall publicise the programme for the commencement and duration of operations, provide details of the project programme, and provide named contacts for daytime and out of hours.
  - j. The Site Contractors shall conduct all site operations in accordance with accredited documented procedures. This shall include a complaint investigation procedure.
  - k. All Sub-Contractors appointed by the Main Contractor shall be formally required, through contract, to comply with all environmental noise conditions.
  - l. Any plant and equipment required for operation at night (23:00 - 07:00) shall be mains electric powered where practicable. Any night-time lighting rigs, pumps or other equipment shall be powered using mains electricity or suitably silenced and shielded to ensure compliance with WHO night-time noise criteria, assuming open windows.
  - m. A programme of noise monitoring during construction shall be conducted in accordance with a protocol agreed with Dumfries and Galloway Council.
33. That any proposed access gates at the access to the site from the public road shall be located not less than 10 metres behind the public road carriageway and shall open into the site only.
34. That no development in respect of this permission shall take place unless and until a scheme for infra-red aviation lighting for the wind turbines (with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration) has been submitted to and approved in writing by the planning authority, in consultation with the MoD. The turbines shall not be brought into use unless they have been erected with the approved lighting installed and the lighting shall thereafter remain operational as such throughout the lifetime of the development.
35. No works to the development shall commence until a baseline electro-fishing and water quality survey has been carried out at such locations as are agreed in writing with the planning authority in consultation with SNH to determine the presence of any migratory fish and the water quality of watercourses. Electro-fishing check surveys shall be undertaken at those same locations throughout the construction and operation stages, at intervals to be agreed in writing by the

planning authority, in consultation with SNH. The results of the surveys shall be submitted to the planning authority. Should migratory fish or water quality be likely to be adversely affected by the proposed works, measures to avoid those adverse impacts shall be submitted for the written approval of the planning authority, in consultation with SNH and the Nith District Salmon Fisheries Board. Thereafter, those measures shall be implemented within a timescale to be approved in writing by the planning authority.

36. No development shall commence until robust fencing has been erected around the areas agreed with, and to a design approved by, the Council's Archaeologist on behalf of the Local Planning Authority in writing. This will be carried out under archaeological supervision. No works shall take place within the areas enclosed by the fencing unless approved in writing by the Council Archaeologist on behalf of the Local Planning Authority. The fence will remain in place until all development is completed to the satisfaction of the Local Planning Authority.
37. Prior to the commencement of any works on site the developer will (a) submit detailed plans identifying all off-site accommodation works (to include verge strengthening/carrage-way widening and associated works, all supported by swept path analysis) to be approved in writing by the Council as planning authority, in consultation with the Council and Transport Scotland as roads authority. Works on site shall not commence until such time as the Council as planning authority has approved all relevant detailed plans. All necessary works identified in approved relevant detailed plans shall be completed prior to the commencement of any deliveries to the application site.
38. Prior to the commencement of any works on site the developer will submit details of a water quality monitoring programme during the constructional stage of the development, this water quality monitoring programme to be agreed in writing with the Council as planning authority following consultation with SEPA. Following written agreement, the developer shall undertake to follow the agreed water quality monitoring programme for the lifetime of the development.
39. That no turbine shall be erected unless and until the developer has provided written confirmation to the Ministry of Defence and the Defence Infrastructure Organisation Safeguarding of the anticipated date of commencement of and completion of construction; the maximum height above ground level of the construction equipment and the position of each wind turbine in latitude and longitude. At the same time, the developer shall confirm to the planning authority that this has been undertaken.

**Reasons:**

01. In order to define the terms of this planning permission.
02. In order to define the terms of this planning permission.

03. In order to define the terms of this planning permission and to ensure appropriate monitoring of the development takes place.
04. In order to define the duration of this planning permission.
05. In order to define the terms of this planning permission, to minimise the level of visual intrusion, and to ensure the satisfactory reinstatement of the site.
06. In order to define the terms of the permission, to minimise the level of visual intrusion, and to ensure the satisfactory reinstatement of the site.
07. In order to define the terms of the planning permission, to minimise the level of visual intrusion, and to minimise any adverse impacts as a result of the construction phase of the development.
08. In the interests of visual amenity and biodiversity and to ensure compliance with the Scottish Government's Policy on the Control of Woodland Removal and the UK Forestry Standard.
09. In the interests of visual amenity and in order to define the terms of this planning permission.
10. In the interests of visual amenity.
11. In the interests of visual amenity.
12. In the interests of aviation safety.
13. To enable the opportunity to identify and examine any items of archaeological interest which may be found on the site, and to allow any action required for the protection, preservation or recording of such remains.
14. In order to define the terms of this planning permission and in the interests of visual amenity.
15. In the interests of aviation safety.
16. In the interests of aviation safety.
17. In the interests of aviation safety.
18. In order to define the terms of this planning permission and in the interests of visual amenity.
19. In order to define the terms of this planning permission and in the interests of visual amenity.

20. In order to define the terms of the planning permission, to minimise the level of visual intrusion, and to minimise any adverse impacts as a result of the operational phase of the development.
21. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the A76 trunk road is not diminished.
22. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the A76 trunk road is not diminished. Further, to ensure that water run-off from the site does not enter the trunk road.
23. To ensure that material from the site is not deposited on the trunk road to the detriment of road safety.
24. To maintain safety for both the trunk road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network.
25. To minimise interference with the safety and free flow of the traffic on the trunk road.
26. To ensure that no works commence on site until a suitable access is provided, and to ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.
27. In the interests of residential amenity.
28. In the interests of residential amenity.
29. In the interests of residential amenity.
30. In the interests of residential amenity.
31. In the interests of residential amenity.
32. In the interests of residential amenity.
33. In the interests of road safety.
34. In the interests of aviation safety.
35. To safeguard and maintain the fish populations of local watercourses.



36. To protect and record archaeological features, in accordance with Local Development Plan policy, Scottish Historic Environment Policy, and the requirements of Scottish Planning Policy (SPP).
37. In order to ensure that all off-site accommodation works are identified and considered fit for purpose, in the interests of road safety, prior to the commencement of any works on site.
38. In order to ensure adequate monitoring of watercourse and groundwater quality.
39. In the interests of aviation safety.

It must be understood that this document does not imply or comprise any permission, consent or approval necessary for the legitimate undertaking of this proposal under any other legislation.

Signed: *Steve Rogers*

Dated: 24 November 2016

Steve Rogers  
Head of Planning & Regulatory Services  
on behalf of the Council

15/P/3/0279  
(BW Ref. )

Hierarchy Type: Major  
Decision Level: Planning Applications Committee

Relevant Drawing Numbers:

Environmental Statement Volume 2 Figure 1.1 – Site Location Plan

Environmental Statement Volume 2 Figure 1.2 – Site Layout Plan

Environmental Statement Volume 2 Figure 1.3 – Aerial Site Layout Plan

Environmental Statement Volume 2 Figure 2.3 – On-site Environmental Constraints of the Proposed Development

Environmental Statement Volume 2 Figure 3.3 – Turbine Elevation

Environmental Statement Volume 2 Figure 3.4 – Turbine Foundation

Environmental Statement Volume 2 Figure 3.5 – Example Access Track Design

Environmental Statement Volume 2 Figure 3.7 – Indicative section drawing of bottomless culvert

**REASON FOR DECISION:**

As per the minute of the Council's Planning Applications Committee meeting of 22 March 2016, Members were minded to approve application 15/P/3/0279 as an exception to policy on the grounds of the potential socio-economic benefits of the development, subject to the successful completion of a Section 75 Planning Obligation within 6 months of the Committee decision (or such other reasonable time period as agreed with the appointed officer) to address restoration, a Habitat Management Plan, repair of damage to public roads, TV and radio interference, and the provision of a Planning Monitoring Officer & Ecological Clerk of Works, and the appropriate planning conditions.

**APPENDIX:**

15/P/3/0279

This appendix constitutes advice only. However, you should take careful note of the content of the comments below as it may affect the proposals.

Where applicable, copies of the relevant application forms are enclosed.

1. Please note that there is now a formal requirement for the developer to notify the Council as planning authority of Initiation of Development and Completion of Development. The relevant forms are enclosed for your use. Additional forms can be collected from planning offices or downloaded from [www.dumgal.gov.uk/planning](http://www.dumgal.gov.uk/planning).
2. Please note that there is now a formal requirement for the developers of national or major developments or developments specified in Schedule 3 of the Development Management Procedure (Scotland) Regulations 2013 to display a notice regarding the development in progress in a prominent place at or in the vicinity of the site of the development. As the proposed development falls into this category, the relevant guidance on the required notice is enclosed. Additional copies can be collected from planning offices or downloaded from [www.dumgal.gov.uk/planning](http://www.dumgal.gov.uk/planning).  
Please note that failure to display such a notice constitutes a breach of control.
3. The Council's Flood Risk Management Team has provided the following advice relative to the proposal:-
  - The developer needs to manage surface run-off from the site during and after construction. Run-off should mimic that of existing conditions and not be increased as detailed in Section 4.1.3 of the Drainage Strategy;
  - The developer should consider the rate of run-off into the watercourses which are located within the site. Any significant increase may increase the flood risk downstream; and
  - All culverts and bridges that form part of the development are to be hydrologically assessed to ensure that there will be no capacity issues in extreme weather events (i.e. 1 in 200 year design peak flow).
4. The developer must contact the Development Team Leader (Nithsdale) prior to the commencement of works on site for information and specification details on:-
  1. Traffic Management Plan;
  2. Accommodation works.
5. The operator will be held responsible for the immediate execution of any repairs which may be required on public roads arising from the operation of haulage vehicles to and from the site.
6. Persons in charge of vehicles will be held responsible for the prompt removal of all mud, silt or loose material collecting on public roads arising from the operation of haulage vehicles to and from the site (Section 95, Roads (Scotland) Act 1984).
7. During the construction period the applicant will be required to meet the cost of above average maintenance expenditure within the public road boundary and at the end of the period to make good any outstanding damage resulting from the concentration of heavy traffic associated with the construction works to the satisfaction of the

Development Team Leader (Nithsdale) (Section 96, Roads (Scotland) Act 1984). The applicant should contact the Development Team Leader (Nithsdale) to agree the maintenance basis for assessment of liability, prior to commencement of works.

8. The Development Team Leader (Nithsdale) can be contacted at DGFirst, Wayside Depot, Annan Road, Dumfries, DG1 3JX (Tel: 01387 271 171).

9. SNH has advised that in relation to the CEMP required under Condition 7 above, mitigations to protect the Polnote and Polneul Burns SSSI should be included in this plan alongside measures to protect peat, water quality, and aquatic habitats and species, including Atlantic Salmon.

10. Transport Scotland has advised that the granting of planning consent does not carry with it the right to carry out works within the trunk round boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

11. Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

12. Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation. The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

13. Scottish Water has advised that the developer should ensure the effective use of temporary protection to spread the weight on the water mains and sewers to within safe working limits. The location of the assets can be established and marked out on site by the local Scottish Water Network Service Operator. The Developer should contact Scottish Water on 0845 600 8855, prior to any activities commencing on site to request this.

# Notice of Initiation of Development

Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006  
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 - Regulation 37  
*(Please read and follow the accompanying Notes for Guidance below when completing this Notice)*

**Notice is hereby given to the planning authority in respect of :**

Planning application reference number: **15/P/3/0279** Date of decision: **24 November 2016**

Address for location of development:

.....

Date development is expected to commence                      Day:                      Month:                      Year:

Full name, address and **email address** of the person intending to carry out the development

.....  
.....

Full name, address and **email address** of the owner of the land if different from above

.....  
.....

Full name and contact details including **email address** of any person appointed to oversee the carrying out of the development

.....  
.....

## Notes for Guidance

A person who intends to implement a planning permission must inform the planning authority of the date work will commence. This form, which is issued with the planning permission concerned, must be used for that purpose. The Notice may be submitted at any point right up until work commences.

If the person in receipt of the application Decision Notice is not the person who will initiate the development please inform them of this requirement and pass the Notice on.

Please note that before works commence any pre-start suspensive conditions (requiring details to be submitted and approved first) need to be discharged. Non-compliance with such conditions will not be sufficient to implement planning permission. Should you not wish to comply with the said conditions, the correct procedure is the submission of a planning application to remove or vary the condition(s) or an appeal/review against such condition(s). You cannot simply choose to ignore them, to do so will result in unauthorised development.

Please also note that failure to submit a Notice of Initiation of Development before start of work is a breach of planning control under Section 123 of the Act. It is not a breach of planning control where a developer does not commence work on the exact date specified in the Notice but at some point afterward.

Please send the completed form to the appropriate Planning Service office. Contact details are available on the Council website - [www.dumgal.gov.uk/planning](http://www.dumgal.gov.uk/planning). It is advisable to keep a copy of the completed form and attach it to the Decision Notice.

# Notice of Completion of Development

Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006  
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008  
*(Please read and follow the accompanying Notes for Guidance below when completing this Notice)*

**Notice is hereby given to the planning authority in respect of:**

Planning application reference number: **15/P/3/0279**

Address for location of development:

Date on which the development was completed: Day: Month: Year:

Full name, address and **email address** of the person completing the development

.....  
.....

Full name, address and **email address** of the owner of the land if different from above

.....  
.....

Signature of Applicant\* / Agent\* ..... Date:

.....

\*delete as appropriate

## Notes for Guidance

A person who completes a development for which planning permission has been granted must by the submission of this form, as soon as practicable after the date on which the development was completed, give Notice of completion to the planning authority. This form is issued with the planning permission concerned.

Where planning permission is granted for a phased development then the permission will be subject to a condition requiring that as soon as practicable after each phase, other than the last, is completed the person carrying out the development shall give notice of that completion to the planning authority.

Please note that the planning authority may take enforcement action if such notice is not given. Furthermore, the completion of the development to which this notice relates in breach of any associated planning conditions, or departures from the approved drawings, will result in a breach of planning control and, in some instances, the potential for remedial enforcement action to be taken by the planning authority.

Please send the completed form to the appropriate Planning Services office. Contact details are available on the Council website - [www.dumgal.gov.uk/planning](http://www.dumgal.gov.uk/planning). It is advisable to keep a copy of the completed form and attach it to the Decision Notice.