

07/01102/FUL
1st June 2007

Install a 750kw wind turbine with a hub height of 50 m and blade diameter of 48 m at Myreton Crossroads Keith Moray AB55 6NJ for Mr Clive Streeter

Comments:

- MEMBERS WILL HAVE VISITED THE SITE.
- Competent written objections received from more than 5 separate households or other premises.
- Not advertised.
- Amended plans received.

Procedure:

- None.

Recommendation: **Permit - Subject To The Following:-**

1. The development to which this permission relates must be begun not later than the expiration of five years beginning with the date on which this permission is granted.
2. Unless otherwise agreed with the Council, as Planning Authority, the development hereby approved shall be carried out strictly in accordance with the approved plans and conditions.
3. That prior to commencement of construction, the method of transporting the constituent parts to the site shall be discussed with the Transportation Manager, and any necessary amendments to the road infrastructure to accommodate the loads involved shall be completed to the Moray Council specification at the applicant's expense.
4. Prior to delivery to the site, full details of the wind turbine including the make, model, design, power rating and sound levels of wind turbine to be used on site shall be submitted to and require the approval of the Council as Planning Authority.
5. The wind turbine operator shall log wind speed and wind direction and shall retain the data which has been obtained for a period of no less than the previous 12 months. The data shall include the average wind speed in metres per second for each 10 minute period. The wind speed and wind direction data shall be made available to the Planning Authority on request.
6. Noise arising from the wind turbine shall not exceed an LA90, 10 min of 35dB at the nearest noise sensitive premises. This condition shall apply at wind speeds not exceeding 10ms-1, as measured at a height of 10 metres above ground level at the wind turbine and shall apply only to dwellings (vacant or occupied) existing at the date of this planning permission. Should these noise levels be exceeded, the wind turbine operator shall take steps to ensure that noise emissions from the wind turbine are reduced to the aforementioned levels or less.

7. At the reasonable request of the Planning Authority, following a complaint to The Moray Council relating to noise emissions from the wind turbine, the wind turbine operator shall measure at its own expense the level of noise emissions from the wind turbine (inclusive of existing background noise) using an LA90 index over a minimum of 20 periods each of 10 minutes duration. At least 10 of the periods of measurement shall be made at wind speeds between a wind specified by the Council. At least 10 measurements shall be made at wind speeds between the wind speed specified by the Council and a wind speed not less than 2 metres per second below that specified by the Council. Measurements of noise emissions shall, as far as is practically possible, be made in consecutive 10 minute periods provided that they fall within the wind speed range defined in this condition.

Where considered appropriate by the Planning Authority, the wind turbine operator will be required to carry out an assessment for tonal noise in accordance with the procedure recommended in Chapter 6 of the document "The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)" i.e. the procedure based on the Joint Nordic method.

Where the tone level above audibility is greater than 2dB a tonal penalty shall be applied to permitted noise levels, in accordance with Figure 16 of the document; so that the permitted levels specified in Condition 6 above will be reduced by the tonal penalty.

8. Measurements made in accordance with the provisions of conditions in order to demonstrate compliance with the requirements of condition 6 shall be correlated with wind speeds. The locations of monitoring shall be determined by or agreed with the Planning Authority.
9. That in the event of the wind turbine hereby approved becoming redundant, it shall be removed and the site fully restored.
10. That prior to the commencement of construction, a full and detailed Construction Method Statement shall be submitted for the consideration and approval of this Council as Planning Authority in consultation with Scottish Natural Heritage.

Reasons:

1. The time limit condition is imposed in order to comply with the requirements of Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that there are no unauthorised departures from the approved plans which could adversely affect the development or character and amenity of the surrounding properties and area.
3. In the interests of road safety.
4. In the interests of amenity, public health and effective planning control.
5. In the interests of amenity, public health and effective planning control.
6. In the interests of amenity, public health and effective planning control.

7. In the interests of amenity, public health and effective planning control.
8. In the interests of amenity, public health and effective planning control.
9. In the interests of amenity and effective planning control.
10. In the interests of amenity and effective planning control.

List of Informatives:

THE CONTAMINATED LAND SECTION has commented that:-

Your property has been identified as being in the vicinity of the following potential source of contamination:

- Marshlands on site as indicated on map group E, D and B.

Map Group A 1868 - 1897 Ordnance Survey Maps
Map Group B 1898 - 1906 Ordnance Survey Maps
Map Group C 1930 - 1938 Ordnance Survey Maps
Map Group D 1959 - 1971 Ordnance Survey Maps
Map Group E 1969 - 1992 Ordnance Survey Maps
Map Group F Present Day Ordnance Survey Maps

The Moray Council does not have information to confirm whether or not the ground has been contaminated, however it is recommended that you investigate this matter prior to proceeding with the proposed works. Should contamination be identified you should contact the Environmental Health section immediately and carry out agreed remediation works. For advice on researching/investigating a site, please visit the Council" website at www.moray.gov.uk/ContaminatedLand. Alternatively you can contact the Environmental Health Section on 01343 563345 or by email to contaminated.land@moray.gov.uk