

13/00615/EIA  
16th April 2013

**Erection of eight wind turbines (Rotor diameter 80m) and associated infrastructure at Kellas House Kellas Elgin Moray for Renewable Energy Ventures Ltd**

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**Comments:**

- A SITE VISIT HAS BEEN CARRIED OUT
- Application amended – reduced from eight to 4 turbines
- The appointed officer considers the matter raises matters of wider community interests and/or planning significance by virtue of the scale or height of the turbines, which exceed 40m (to blade tip)
- Advertised as a departure from the development plan
- Advertised under the EIA Regulations
- Advertised for neighbour notification purposes
- Representations received both against (9) and in support (28) of the development

**Procedure:**

Hearing not required

**Recommendation: Grant Planning Permission subject to the following conditions:-**

1. Notwithstanding the stated description, the development hereby granted shall be for 4 wind turbines only and sited in accordance with the amended Site Plan APP-001 Rev B as received from the applicant's agent.
2. The permission as hereby granted is for a period of 25 years from the date when electricity is first exported from any wind turbine within the development to the electricity grid (First Export Date) and written confirmation of this First Export Date shall be provided to the Council, as planning authority within one month thereof.
3. Within 12 months of the expiry of this permission the wind turbines and all ancillary infrastructure and equipment (including all buildings, structures, hardstandings, and tracks, etc) shall be dismantled to ground level and removed from the site, and the site and immediate surroundings shall be restored in accordance with a final site decommissioning, restoration and aftercare scheme which shall previously have been submitted to and agreed in writing by the Council as planning authority not later than six months prior to the expiry of the permission.
4. Prior to the development commencing, details shall be submitted to and approved in writing by the Council as planning authority regarding evidence of a bond or other

similar financial provision put in place to cover all decommissioning and site restoration costs on the expiry of the permission. The required bond or equivalent shall:

- a) be based on a decommissioning method statement or similar (to include the decommissioning, restoration and aftercare of the site including removal of the development infrastructure, treatment of ground surface, environmental management and timing of works, etc.); and
- b) include documentary evidence to demonstrate that the amount of the bond or financial provision is sufficient to meet the full estimated cost of decommissioning, including dismantling, removal, disposal, site restoration, remediation and all other incidental works and professional costs; and
- c) include details to ensure that the proposed financial arrangements will be maintained and be subject to periodic review throughout the lifetime of the development. The review period shall be not less than 5 yearly intervals from commencement of the development, or such other period as may be agreed in writing with the Council as planning authority, and the findings of the review shall be submitted to and approved by the Council as planning authority.

Thereafter, the development shall not commence until written evidence has been provided to the council as planning authority to confirm that the agreed bond or financial provision has been put in place.

5. Except where otherwise provided for, or required by the terms of this permission, the permission relates strictly to the dimensions and specifications of the turbine infrastructure as provided for in the application (including the make, model, design, power rating and sound power level of turbine to be used) and to all mitigation measures as identified in the Environmental Statement, and any amendment thereof shall be subject to the express prior written approval of the Council as planning authority.
6. The blades of all turbines shall rotate in the same direction and no symbols, signs or logos or similar, other than those required for health and safety reasons, shall be displayed on any part of the turbines or other buildings or structures without the prior written consent of the Council as planning authority.
7. No development shall commence until details have been submitted to and approved by the Council as planning authority in consultation with SEPA, the Forestry Commission Scotland, Scottish Water and other consultees as appropriate regarding:
  - a) the site layout arrangements for the sub-station compound together with the design including the external elevational appearance and material finishes (wall and roof) of the sub-station control building and any other additional buildings/structures to be erected thereon;
  - b) the location and design specifications including material finishes for the proposed bridge crossing (to replace an existing ford) over the River Lossie, together with details of all engineering and other operations to be undertaken to the banks of the river as part of the accommodation works required in connection with the provision of the new bridge;
  - c) the external colour and finish of the proposed turbines;

- d) for borrow pit 1, details to confirm the extent of the proposed borrow pit operation including the means of access to/from the pit and to demonstrate that the extent of the borrow pit working is contained within the existing borrow pit area and that no additional tree felling will occur as part of the proposed working;
- e) details regarding the (re)design of the tracks within the site to maintain the hydrological conditions of the site and permit the diffuse movement of water through the track without the inclusion of trackside drainage;
- f) details regarding the locations of the turbines and all associated infrastructure relative to all water courses located within the Glenlatterach reservoir catchment together with all required or proposed measures to mitigate the effects of the development and monitoring arrangements including a water quality sampling programme to demonstrate that the proposal will not have an adverse effect on the public drinking water supply.

Thereafter, the development shall be implemented in accordance with that approved plan.

8. Prior to the commencement of any works, details shall be submitted to and approved by the Council as planning authority in consultation with SEPA and other agencies such as SNH, where appropriate regarding a site-specific Construction Environmental Management Plan (CEMP). The CEMP shall incorporate details of environmental management, pollution prevention, mitigation and waste management measures for all construction elements capable of giving rise to pollution during all phases of construction, reinstatement after construction and final site decommissioning and should include sections detailing the following:
- a) borrow pit management plan (including methodology of excavation and requirements for managing dewatering during excavation)
  - b) peat management and restoration plan;
  - c) drainage management plan;
  - d) waste management plan;
  - e) wet weather working plan;
  - f) spill action plan;
  - g) habitat management plan;
  - h) details of groundwater abstraction and anticipated timescales.

Thereafter, the development shall be implemented in accordance with that approved plan.

9. Prior to the commencement of development details shall be submitted to and approved by the Council as planning authority for the site restoration and aftercare of each of the borrow pits utilized during the construction process. The details shall include:
- (i) details of re-grading and levelling works to re-integrate the areas into the surrounding landscape;
  - (ii) details of topsoil to be used to reinstate the area as a natural habitat;
  - (iii) planting to be used, including native tree species;
  - (iv) the timing for implementation of the restoration arrangements.

Thereafter, the development shall be implemented in accordance with that approved plan.

10. No development shall commence until details have been submitted to and approved in writing by the Council as planning authority in consultation with the Moray Access Manager regarding a detailed plan of public access across the site (both existing arrangements and also all required and/or proposed arrangements during all stages of the development, including the construction stage). The plan shall show:
  - a) all existing paths, tracks and rights of way and any areas currently outwith or excluded from statutory access rights (under Part 1 of the Land Reform (Scotland) Act 2003);
  - b) any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;
  - c) all paths and tracks proposed for construction, for use by walkers, riders, cyclists, and all ability users; and
  - d) any diversions or paths - temporary or permanent - proposed for the purposes of the development.

In particular the Public Access Plan shall address and provide for the following (including information regarding location, design specifications and time-scales for provision):

- i) the development of connecting paths between the vehicle track ends, to allow for circular routes for access users;
- ii) during construction where general access rights can be suspended, the arrangements for the construction site to be clearly identified on the ground together with appropriate displays (signage) to be erected to advise the public of reasons, duration and alternative options in relation to the suspension of access rights.

Thereafter, the development shall be implemented in accordance with those approved details.

11. Prior to any works commencing, the developer shall secure and undertake the implementation of an archaeological survey of the extant structures, to be carried out by an archaeological organisation acceptable to the Council as planning authority in consultation with Aberdeenshire Council Archaeology Services. The scope of the archaeological survey shall be set by the Aberdeenshire Council Archaeology Service on behalf of the Council as planning authority. The name of the archaeological organisation retained by the developer shall be given to the Council as planning authority and to the Aberdeenshire Archaeology Service in writing not less than 14 days before the survey commences. Copies of the resulting survey shall be deposited in the National Monuments Record for Scotland and in the local Sites and Monuments Record upon completion.
12. Construction works, including access to the site shall take place on site only between 07:00 and 19:00 hours, Mondays to Saturdays, with no working on Sundays or public holidays. Any required works outwith the stated times shall not be permitted except

with the prior written consent of the Council as planning authority in consultation with the Environmental Health Manager.

13. Prior to the commencement of the construction details shall be submitted to and approved by the Council as planning authority in consultation with the Environmental Health Manager regarding a Construction Phase Noise Assessment, to identify all sources of noise emissions associated with the construction of the development together with details of all measures to mitigate the effects of noise occurring within the site. Thereafter, the development shall be implemented in accordance with the approved plan.
14. Prior to the delivery to the site full details of the wind turbines including the make, model, design, power rating and sound power level of turbine to be used on site shall be submitted to and approved by the Council as planning authority in consultation with the Environmental Health Manager.
15. The applicant shall secure a warranty from the turbine supplier and/or manufacturer for the absence of tonality of the turbines, as determined in accordance with a recognised standard. A copy of the standard detailing the assessment method shall be submitted for approval by the Council as planning authority in consultation with the Environmental Health Manager. In the absence of such warranty a tonal penalty of 5dB will be assumed and noise levels specified in the following condition will be reduced by 5dB.
16. Taking into account the noise contribution from existing consented wind turbines (at the Rothes wind farm (both phases)), at wind speeds not exceeding 12m/s (as measured, or calculated, at a height of 10m above ground level, at the location of one of the turbines), the Wind Turbine Noise Level, when measured at any dwelling, shall not exceed:-
  - a) During Night Hours, 38dB LA90,10min or the Night Hours LA90,10min Background Noise Level plus 5dB(A), whichever is the greater.
  - b) During Daytime Hours, 38dB LA90,10min or the Daytime Hours LA90,10min Background Noise Level plus 5dB(A), whichever is the greater.

(For interpretation purposes, the "Background Noise Level" in this condition means the level determined at each property at the time of the Background Noise Level survey submitted with this application. The condition shall only apply to dwellings vacant, or occupied and existing at the date of this Planning Permission. These noise limits shall also not apply to occupiers of properties having a direct financial involvement in the wind farm development, as described in page 66 of ETSU-R-97).

17. The Wind Turbine Operator shall log wind speed and wind direction data continuously and shall retain the data, which has been obtained for the average wind speed in metres per second for each 10 minute period. The measuring periods shall be set to commence on the hour and in 10 increments thereafter. The wind speed data shall be made available to the Council as planning authority in consultation with the Environmental Health Manager on request. The data shall be provided on a Microsoft Excel spreadsheet in electronic format or other format agreed with the Council as planning authority in consultation with the Environmental Health Manager. The wind speed shall

be derived and normalised to 10m height in a method approved in writing by the Council as planning authority in consultation with the Environmental Health Manager.

18. Within the first twelve months of the development becoming operational the Wind Turbine Operator shall measure, at its own expense, the level of noise emissions from the wind turbines for a period of four weeks. Subject to these findings, the Wind Turbine Operator shall ensure a suitable monitoring programme shall thereafter be undertaken and agreed in writing with the Council as planning authority in consultation with the Environmental Health Manager. The results of any measurement exercise shall be forwarded to the Council as planning authority in consultation with the Environmental Health Manager as soon as is practicable.
19. At the reasonable request of the Council as planning authority in consultation with the Environmental Health Manager, following a complaint to Moray Council relating to noise emissions from the wind turbine generators the Wind Turbine Operator shall measure at its own expense the level of noise emissions from the Wind Turbines, (inclusive of existing background noise). The LA90, 10min noise level from the combined effect of the wind turbines (inclusive of existing background noise) shall be correlated with wind speed and derived using a Best Fit Curve and, where appropriate, allowing for a correction for the influence of the background noise level as described on page 88 of the ETSU-R-97 document, which will necessitate measurement of the background noise level in the absence of the turbines operating. Measured wind turbine noise levels and background noise levels shall be referenced to derived 10 metre height wind speeds. The locations of monitoring shall be determined by, or agreed with, the Council as planning authority in consultation with the Environmental Health Manager.
20. Where considered appropriate by the Council as planning authority in consultation with the Environmental Health Manager, the Wind Turbine Operator will be required to carry out an assessment for tonal noise in accordance with the procedure recommended in Section 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 these conditions will be reduced by the tonal penalty.
21. Should the noise levels referred to in these conditions be exceeded, the Wind Turbine Operator shall take steps forthwith to ensure that noise emissions from the wind farm are reduced to the prescribed noise levels or below.
22. At the reasonable request of the Council as planning authority in consultation with the Environmental Health Manager, following a complaint the Wind Turbine Operator shall investigate and instigate appropriate mitigation measures to minimise the effects of shadow flicker.
23. Where interference to domestic television reception is caused as a result of the development hereby approved, the developer shall take steps to make good the reception, either by eliminating the cause of the interference or by providing an alternative means by which television signals may be received. Within two weeks of being notified by the Council as planning authority of the existence of such interference

(or within a longer period as the planning authority may allow) the developer shall submit to the authority for its approval proposals to make good the reception, including a programme showing the time within which the proposals will be completed. The proposals shall be carried out in accordance with the terms on which they are approved.

24. Where interference to fixed link frequency bands is caused as a result of the development hereby approved, the developer that take steps to make good the reception, either by eliminating the cause of the interference or by providing an alternative means by which fixed link frequency band signals may be received. Within two weeks of being notified by the Council as planning authority of the existence of such interference (or within such longer period as the planning authority may allow) the developer shall submit to the authority for its approval proposals to make good the reception, including a programme showing the time within which the proposal shall be completed. The proposals shall be carried out in accordance with the terms on which they are approved by the Council.
25. Prior to the commencement of deliveries to the site, details shall be submitted to and be approved in writing by the Council as planning authority in consultation with Transport Scotland, as trunk roads authority and/or its operating company regarding a Route Access Report including swept path analysis to demonstrate that exceptional loads can be transported through the trunk road network safely. The report shall detail all required or proposed accommodation measures including the temporary removal of street furniture, junction widening, and traffic management, etc and show that the transportation will not have any detrimental effect on structures within the route path. Thereafter, the development shall be implemented in accordance with those approved details.
26. During the delivery period of the wind turbine construction materials, any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed shall be undertaken by a recognised (QA) traffic management consultant, with the name of the consultant to be provided to the Council as planning authority in consultation with Transport Scotland, as trunk roads authority and/or its operating company before any construction commences.
27. Prior to the commencement of development the following shall be agreed in writing with the Council as Planning Authority in consultation with Transportation Manager (and Transport Scotland where appropriate):
  - a) Swept path analysis of abnormal load delivery vehicles for the full length of the B9010 Pluscarden Road from the Dr Grays Roundabout to the development access. Where the deliveries cannot negotiate the route within the existing carriageway and avoid street furniture, and where local widening is required, the detailed proposals shall include all required or proposed measures to resolve these issues and confirm that any required third party land agreements can be achieved where work may be required outwith the road verge.
  - b) A detailed survey of the chosen route for delivery to determine the locations of structures (e.g. bridges) and street furniture affected by any construction and abnormal load vehicle movements, narrow road widths and existing areas of over-running together with details of any required or proposed roads

improvements/strengthening required as a result of the survey prior to any movements of any construction and abnormal load traffic.

- c) A Traffic Management Plan, where the scope and content of the required Plan has been previously submitted for approval by the Council as planning authority in consultation with the Transportation Manager. The Traffic Management Plan shall cover the duration of the development, methods of dealing with large delivery vehicles, methods of marshalling and manoeuvring at junctions on the public road network and any temporary traffic waiting restriction requirements and all modifications to the road network and traffic management arrangements
- d) Details (1:200 scale drawing) of the proposed access junction onto the B9010 Pluscarden Road. The width of the vehicular access shall be a minimum of 7.3m and have a maximum gradient of 1:20 measured for the first 25 from the edge of the public carriageway (B9010). The first 25 metres of the access shall be to the Moray Council specification and surfaced with hot rolled asphalt. The access radii shall accommodate the abnormal load vehicle movements as determined in the Traffic Management Plan and shall be kerbed using 254 x 127mm splayed/half battered precast concrete kerbs to the Moray Council specification. Any existing ditch, watercourse or drain under the site access shall be piped using a 300mm minimum diameter of pipe. The pipe shall be laid to a self-cleansing gradient.
- e) A detailed drawing (scale 1:500 or 1:1000 which shall also include details to demonstrate control of the land) showing the visibility splay 4.5 metres by 215 metres and a schedule of maintenance for the splay area shall be submitted to and approved by the Council, as planning authority in consultation with the Transportation Manager.
- f) In order to monitor and assess the impact of construction and delivery traffic on the road network, an assessment of the network and a programme for monitoring during construction. The assessment shall include provision for before and after condition survey to be carried out jointly with the Council's Transportation Section, traffic counters on the B9010 east and west of the site access in advance of any construction traffic, either permanently or on a scheduled basis (to be agreed with Council, as Roads Authority) throughout the construction period and for a period after works are completed; and

Thereafter, all modifications to the road network and traffic management arrangements shall be implemented in accordance with the approved details and all required works to the public road network shall be completed prior to the delivery of any materials to the development site.

28. Prior to the commencement of construction and of deliveries to the site:

- a) Abnormal load trial run(s) must be undertaken after mitigation works have been undertaken to confirm the works are acceptable and to identify any other restrictions not previously addressed and the frequency and location of abnormal load passing places/oncoming vehicle holding areas; and representatives from Moray Council, Transportation (Traffic), the Trunk Road Authority and Police must be invited to the trial run.
- b) Any road widening/alterations/verge hardening as identified in Condition 27 including the site access onto the B9010 and any dropped kerbs required to allow overrunning of hardened verge shall be provided in accordance with the approved plans to the Moray Council standards and specification. Any works undertaken

shall be permanent for the duration of the operation of the development unless otherwise agreed in writing with the Council as Planning Authority in consultation with Transportation Manager.

- c) A 50 metre section of new 40mm thick Hot Rolled Asphalt shall be provided on the B9010 Pluscarden Road (25 metres either side of the centreline of the access, over the entire width of the road), unless otherwise agreed in writing by the Council as Planning Authority in consultation with Transportation Manager.
- d) The visibility splay of 4.5 x 215m (Condition 27 refers) shall be provided and thereafter the visibility splay shall be maintained at all times free from any obstruction exceeding 1.0m about the level of the carriageway in accordance with the agreed schedule of maintenance.

29. Prior to the commencement of development the following shall be submitted to and approved by the Council as planning authority in consultation with SNH:

- a) details (which may include a Construction Method Statement or similar for the proposal) of all required or proposed measures to address and mitigate the impacts of the development on all ecology interests throughout all phases of the proposal, covering (but not limited to) road works off-site, track works, cable trenching, construction of the sub-station and control building, construction of bridge, removal of material from borrow pits, clearance of vegetation and erection of turbines etc. The required details shall include measures to address the impact on all species of breeding birds during and outwith the bird breeding season including pre-commencement surveys to confirm the presence/absence of protected species and the timing of work(s) to avoid disturbance to breeding birds, and pre-construction surveys to clarify the presence and extent of use of the site by herring gulls and common gulls and where present, measures to mitigate the impact of the development upon such species, etc.
- b) details of all bio security measures to be implemented throughout the construction, operation and decommissioning phases of the development in order to ensure that there is no further spread of invasive non-native species including giant hogweed and skunk cabbage;
- c) a Habitat Management Plan setting out all measures to mitigate the impact of the development infrastructure on all habitats and species together with the development of management practices to enhance bio-diversity to off-set habitat loss/damage arising from the development (see also requirement for Plan details as part of Condition 8 above).

Thereafter, the development shall be implemented in accordance with the approved details.

30. No development shall commence unless and until an Air Traffic Control Radar Mitigation Scheme to address the impact of the wind turbine upon air safety has been submitted to and approved in writing by the Council as Planning Authority in consultation with the Ministry of Defence (Defence Infrastructure Organisation).

The Air Traffic Control Radar Mitigation Scheme is a scheme designed to mitigate the impact of the development upon the operation of the Primary Surveillance Radar at RAF Lossiemouth ("the Radar") and the air traffic control operations of the Ministry of Defence (MOD) which is reliant upon the Radar. The Air Traffic Control Radar

Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar and shall be in place for the operational life of the development provided the Radar remains in operation.

No turbines shall become operational unless and until all those measures required by the approved Air Traffic Control Radar Mitigation Scheme to be implemented prior to the operation of the turbines have been implemented and the Council as Planning Authority in consultation with the Ministry of Defence (Defence Infrastructure Organisation) has confirmed this in writing. The development shall thereafter be operated fully in accordance with the approved Air Traffic Control Radar Mitigation Scheme.

31. MOD-accredited 25 candela omni-directional aviation lighting OR infra-red warning lighting shall be installed with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point on all the turbines and confirmation of the proposed lighting arrangements to be installed shall be submitted to and be approved in writing by the Council as planning authority and the Ministry of Defence, Defence Infrastructure Organisation Safeguarding Officer prior to any light installation. The turbines shall be erected with this lighting installed and the lighting shall remain operational throughout the duration of this consent.

**Reasons:**

1. To ensure an acceptable form of development in landscape and visual impact terms and where all four turbines as now proposed are located within an Area of Search.
2. To define the duration of the consent period.
3. To ensure the re-instatement of the site in a timeous manner, in the interests of the amenity and appearance of the site.
4. To ensure that there are sufficient funds available for the full costs of decommissioning and site re-instatement and restoration.
5. To ensure the development is carried out in accordance with the submitted application particulars.
6. To minimise the visual impact arising from the appearance of the development.
7. Full details of the matters specified are lacking from the submitted particulars and to ensure an acceptable form of development in the interests of the amenities and appearance of the development, to safeguard channel morphology and address the impact on wetlands, to protect an ancient semi-natural woodland resource and to safeguard the impact upon the public drinking water catchment.
8. To control pollution of air, land and water.
9. In order to ensure appropriate restoration of any borrow pit used in the development in the interest of the amenities and appearance of the surrounding area.

10. To mitigate the effects of the development and maintain and improve public access both within, and to and from the site.
11. To record features of the historic environment of the area.
12. In order to minimise the impact of construction works on the amenity of local residents.
13. In order to minimise the impact of noise associated with construction on the amenity of local residents.
14. Full details of the matters specified as lacking from the submission and to ensure an acceptable form of development.
15. In order to protect residential amenity.
16. In order to protect residential amenity.
17. In order to protect residential amenity.
18. In order to protect residential amenity.
19. In order to protect residential amenity.
20. In order to protect residential amenity.
21. In order to protect residential amenity.
22. In order to redress and mitigate any identified impacts and safeguard the amenity of local residents.
23. In accordance with the applicant's submitted particulars and in order to ensure that an alternative means of obtaining television reception can be achieved and/or mitigated in the event of interference to domestic television reception.
24. In order to ensure that an alternative means of maintaining fixed link telecommunications infrastructure can be achieved and fixed promptly in the event of interference to existing fixed links occurring.
25. To minimise interference and maintain the safety and free flow of traffic on the trunk road as a result of the traffic moving to and from the development, and to ensure that the transportation of turbine components will not have a detrimental effect on structures within the path route.
26. To minimise interference and maintain the safety and free flow of traffic on the trunk road and to ensure that the transportation of turbine components will not have a detrimental effect on structures within the path route.
27. To ensure an acceptable development including the provision of additional information currently lacking from the submission and to ensure acceptable infrastructure is

provided along the proposed delivery/construction route to the site access in the interests of road safety.

28. To ensure an acceptable development including the provision of additional information currently lacking from the submission and to ensure acceptable infrastructure is provided along the proposed delivery/construction route to the site access in the interests of road safety.
29. Full details of the matters specified are lacking from the submission and to ensure an acceptable form of development in the interests of bird species, and adoption of measures to reduce the risk of contamination including the spread of invasive species.
30. In the interests of military aviation safety.
31. In the interests of military aviation safety.

### **Reason(s) for Decision**

The Council's reason(s) for making this decision are:-

With the number of proposed turbines reduced from 8 to 4 turbines together with adjustment in their siting/location, the amended proposal - for 4 turbines - is no longer considered to result in unacceptable landscape and visual effects and would integrate more sensitively within the surrounding area. Individually and cumulatively, and in all other respects, and subject to conditions where recommended, the proposal would accord with the development plan and there are no material considerations which indicate otherwise.

### **List of Informatives:**

THE ENVIRONMENTAL HEALTH MANAGER, DEVELOPMENT SERVICES, has commented that:-

For the purposes of noise measurement procedures and data interpretation:

"Wind Turbine Noise Level" means the rated noise level due to the combined effect to all the Wind Turbines at this and surrounding wind turbine development, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R-97.

"Background Noise Level" means the noise level in the absence of noise generated by the Development, as measured and correlated with Wind Speeds and determined from the regression analysis polynomials stated in Volume 1 Chapter 8 of the Environmental Statement supporting document by Green Cat Renewables Ltd for Renewable Energy Ventures Ltd.

"Wind Speeds" means wind speeds calculated at a height of 10 metres above ground level.

"Night Hours" means 23:00 - 07:00 hours on all days.

"Daytime Hours" means 07:00 - 23:00 hours on all days.

Measurements shall be made using a measurement system of Type 1, or better, (as defined in BS EN 69651), using a fast time weighted response incorporating a windshield using a ½ inch diameter microphone, at a height of between 1.2m and 1.5m above ground level and at least 10m from any wall, hedge or reflective surface.

THE SCOTTISH ENVIRONMENT PROTECTION AGENCY has commented that:-

See consultation responses dated 18 June 2013, 20 November 2013 and 12 August 2014 (all as previously made available to the applicant/agent direct from SEPA) regarding detailed and regulatory advice for the applicant including the expected content of the Construction Environmental Management Plan advice.

SEPA recommend that the Construction Environmental Management Plan be submitted at least two months prior to the proposed commencement of development to allow adequate time for consultation of the document and any amendments to be made if required.

THE TRANSPORTATION MANAGER, DIRECT SERVICES has commented that:-

In relation to the site access including the provision of the hot rolled asphalt, a Road Opening Permit must be obtained from the Moray Council before carrying out this work).

It is not acceptable to overrun central refuge/splitter islands, they are not constructed to take vehicle loadings particularly when combined with heavy turning between the A96 / B9010. Proposals submitted must show how this will be managed during deliveries. It is also not appropriate to remove signing for the duration of the abnormal loads (indicated at 4 weeks); therefore confirmation of how signs will be managed during the delivery phase needs to be agreed.

Prior to the commencement of deliveries or construction work a Section 96 Agreement under the Roads (Scotland) Act 1984 will be required to be approved between the developer and the roads Authority. This is to ensure that the costs to repair any damage to the public roads as a result of the construction work traffic are met by the applicant.

Transport Scotland must be consulted with respect to all deliveries proposed via the A96 (Trunk Road). The neighbouring Local Authorities, through which the delivery route may pass, Highland/Aberdeenshire/Aberdeen City, must also be consulted.

Planning consent does not carry with it the right to construct a new road or any part of a road. In accordance with Section 21 of the Roads (Scotland) Act 1984 Construction Consent for new roads (includes passing places, modified junctions and footpaths) that will form part of the public road will be required. Advice on this matter can be obtained by emailing [transport.develop@moray.gov.uk](mailto:transport.develop@moray.gov.uk) and reference to the following pages on the Council web site

Checklist: <http://www.moray.gov.uk/downloads/file68812.pdf>

RCC: [http://www.moray.gov.uk/moray\\_standard/page\\_65638.html](http://www.moray.gov.uk/moray_standard/page_65638.html)

Specification: <http://www.moray.gov.uk/downloads/file68813.pdf>

The applicant is obliged to apply for a road opening permit in accordance with Section 85 of the Roads (Scotland) Act 1984. Advice on this matter can be obtained by emailing [roads.permits@moray.gov.uk](mailto:roads.permits@moray.gov.uk) and reference to the following page on the Council web site:

Road Opening: [http://www.moray.gov.uk/moray\\_standard/page\\_79860.html](http://www.moray.gov.uk/moray_standard/page_79860.html)

Public utility apparatus may be affected by this proposal. Contact the appropriate utility service in respect of any necessary utility service alterations which have to be carried out at the expense of the developer.

If required, street furniture will need to be repositioned at the expense of the developer. In addition any existing roadside ditch may require a pipe or culvert. Advice on these matters can be obtained by emailing [road.maint@moray.gov.uk](mailto:road.maint@moray.gov.uk)

The applicants shall be responsible for any necessary diversion of any utilities or drainage present at the locations where works are to be undertaken.

The applicants shall meet all costs of improvements to the road infrastructure, which are required as a result of the development.

The applicants shall meet all costs of removal and re-erection of road signage, which are required as a result of the delivery of the abnormal loads.

The applicants shall meet all costs of diverting any footpath or cycleway during the construction period, including signage.

The applicant shall be responsible for ensuring that surface/ground water does not run from the public road into his property.

The applicants shall free and relieve the Roads Authority from any claims arising out of his operations on the road or extension to the road.

No retaining structures or embankments shall be constructed along the edge of the road, whether retaining the public road or ground adjoining the public road without prior consultation and agreement of the Roads Authority.

Bridges and Structures - The developer must contact Neil Fotheringham, Senior Engineer Moray Council Consultancy at Academy Street, Elgin - Tel (01343) 562542 to discuss the proposals.

Traffic Management Plan - The developer must contact Andy Duff, Senior Engineer Traffic Section at Academy Street, Elgin - Tel (01343) 562537 to discuss the proposals.

Roads Drainage - The developer must contact the Roads Authority Roads Maintenance Manager (East) at Ashgrove Depot, Elgin - Tel (01343) 557300, Ext 7325 to discuss the proposals.

HIGHLAND AND ISLAND AIRPORT LIMITED has commented that:

The proposed development should be notified to the CAA through: Off Route Airspace  
5 Directorate of Airspace Policy Civil Aviation Authority, CAA House, 45-59  
Kingsway, London, WC2B 6TE Email [marks.smailes@caa.co.uk](mailto:marks.smailes@caa.co.uk)

SCOTTISH NATURAL HERITAGE has commented that:-

The developer is encouraged to implement measures to minimise impacts on habitats and species and develop management practices which would enhance biodiversity, offsetting unavoidable habitat loss/damage as a consequence of the development, including taking measures to maintain or restore natural habitats listed on the Annexes to the Directive - wet heath and blanket bog in this case.

SCOTTISH WATER has commented that:-

See consultation response dated 24 October 2014 (as copied to the applicant/agent) regarding the information requirements to be provided to address potential adverse effects of the development upon the Glenlatterach Reservoir catchment, together with precautionary advice and good practice recommendations to be observed including that for refuelling/storage of fuel and hazardous material together with requirements for the assessment and continuous monitoring of raw water colour and dissolved organic carbon impacts on drinking water quality.