

## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



Decision by M J Culshaw, a Reporter appointed by the Scottish Ministers

- Planning Appeal reference: P/PPA/380/359
- Site Address: Lochhead Farm, Carlisle Road, Stonehouse ML9 3PP
- Appeal by A7 Lochhead Ltd against the failure of South Lanarkshire Council to give notice of their decision within the prescribed period.
- Application for planning permission HM/06/0899 15 December 2006.
- The development proposed: erection of 3 wind turbines and associated infrastructure (amendment to HM/05/0147)
- Date of site visit by Reporter: 24 July 2007

Date of appeal decision: 29 October 2007

### Decision

I allow the appeal and grant planning permission subject to the conditions listed below.

### Reasoning

1. Planning permission was granted on appeal in 2006 ref P/PPA/380/316 for 3 wind turbines. The appeal proposal involves the amendment of that proposal, which has not been implemented. Although the appeal documents describe the consented height in that case as 90m, the reporter's decision gives the blade tip height as 91m. The appeal proposal would increase the height to 100m. The appellants indicate that the larger proposal would generate 25% more energy per year through the use of more efficient technology. The southernmost turbine would also be moved 15m to the west to improve the site layout.

2. The reporter who determined the earlier appeal, after considering all the issues before him, concluded that the proposal was consistent with the relevant provisions of the development plan, the Council's associated supplementary policies, the emerging development plan and national planning policies, and granted permission subject to 45 conditions.

3. Having considered that decision and the proposal before me, and having inspected the site and its surroundings, I consider that the main issue in this appeal is whether in the light of the provisions of the development plan the changes which are contained in this proposal together with any other changes in circumstances since the earlier decision alter the acceptability of the development in terms of impacts on the environment or other interests.



INVESTOR IN PEOPLE



4. No changes in the development plan have been drawn to my attention. Policies 7-10 of the Glasgow and Clyde Valley Joint Structure Plan aim, in broad terms, to protect and enhance strategic environmental resources including the landscape character of the green belt, within which the appeal site lies. The appeal site does not lie within the preferred areas for windfarm developments identified in the plan, but outwith such areas proposals are not ruled out provided the development would safeguard and enhance the strategic resource. The adopted Hamilton Local Plan contains no policies relevant to the consideration of renewable energy proposals, but Policy SLP4 of the Council's supplementary policies contains a number of criteria for the consideration of renewable energy development or apparatus.

5. A Finalised Local Plan is currently the subject of a local plan inquiry. Policy ENV 37 of that draft plan contains similar criteria to SLP4, with the addition of references to views from key tourist routes and effects on radar performance and other air safety considerations.

6. The matters identified by the Council in their appeal statement as relevant to this consideration are those of noise; landscape and visual impact; and impact on internationally and nationally protected species. I deal with each of these in turn.

### **Noise**

7. The appellants in their appeal submission in this case stated that the wind turbines would generate the same amount of noise when running at full capacity as those permitted in the earlier appeal. In support they submitted evidence comparing the noise effects of various turbine types. This is derived from a report produced in respect of another wind cluster in North Lanarkshire at Greendykeside. This indicates that at lower wind speeds the new MM82 turbines proposed in this case would be slightly noisier than those permitted, but that in the medium range noise would be slightly lower, and at higher speeds the impact would be very similar. The Council have not challenged these estimates, which indicate to me that overall the noise impact for local people would not be significantly increased.

8. In summarising the case put by South Lanarkshire Council in relation to the previous appeal the Reporter indicated that their view was that subject to appropriate conditions the amenity of local residents would not be unduly affected by noise. The conditions he imposed were suggested by the Council to achieve this. Conditions 20-27 imposed on the earlier permission require the submission of a method statement for addressing noise received at any nearby sensitive receptor; control construction works and prevent works at unsocial hours; provide for the appointment of an independent noise consultant in the event of complaints; control the use of mobile plant and vehicles during the construction period and limit the hours of blasting; and importantly, set absolute limits to noise from the wind turbines. Bearing in mind that the site is only some 200-300 metres from the M74 motorway, the noise from which must be a significant feature in the background day and night, and bearing in mind the similarity between the noise assessments for the different turbines, I consider that conditions similar to those imposed on the earlier proposal would be effective in preventing unacceptable levels of noise for local people both in the construction phase and when the turbines were operational.

### **Landscape and visual impact**

9. The previous reporter concluded that while the appeal proposal would introduce a noticeable change to the site and its immediate surroundings, it would lie within a far from pristine rural landscape which has already absorbed development along the motorway corridor. The development would be seen that context, and would not cause a significant

change to the plateau farmlands landscape character zone within which it lies. It would not have a significant effect on the nearby incised river valley landscape character area.

10. The appeal site is excluded from the nearby Area of Great Landscape Value, and is not within the Regional Scenic Area. When viewed from the west it is seen from some points against the distant backcloth of the much larger wind farm on a high ridge at Black Law.

11. Guidance from Scottish Natural Heritage is that in assessing the landscape and visual impact of wind turbines of 86-100m in height a Zone of Visual Influence of 30km should be used, while the emerging local plan refers to a 35km radius. The evidence submitted to the previous appeal used a ZVI of 20km, and the Reporter satisfied himself from his site inspection that this was sufficient to assess the visibility of the turbines from the furthest distances from which they were predicted to be visible. A 20km ZVI has also been used by the appellants in their current submission, and I have adopted the same approach as the earlier Reporter, touring a number of distant potential viewpoints both accompanied by the main parties and on an unaccompanied basis on a clear day with good visibility.

12. The wireframes submitted in support of this appeal provide comparison between the visual impacts of the permitted turbines and those now proposed. I am satisfied that from distant viewpoints the perceived differences would be marginal and that the impact of the proposed increase in height on the landscape and on visual amenity would be acceptable.

13. I am also satisfied that while a starting point of a ZVI of 30km might have been preferable to ensure consistency with the assessment of other proposals elsewhere, that the practical effect on this assessment would have been little different. The impact of the increase in height on any viewpoints which might occur between the 20km and 30km distances and which have not previously been considered would be so small as to be insignificant in the local context.

14. I also viewed the appeal site from nearer viewpoints, including those which the earlier Reporter considered most important, notably from the motorway itself and from the B7078, as well as assessing the impact on those local residents closest to the proposal. There is no doubt that from nearby the turbines, whether at the permitted height or at that now proposed, would be a significant and prominent feature in their surroundings. They would become a new feature in the landscape, and would no doubt attract interest and comment both from local residents and from those travelling on the road system including tourist routes. However, bearing in mind that permission already exists for turbines with a total height of 91m, I am satisfied that the additional height of those now proposed, while adding to the impact more significantly from nearby viewing positions, would nevertheless be within acceptable limits.

### **Protected species**

15. Condition 42 of the earlier permission required that no development should be begun until surveys of badger, bat and otter had been submitted to the planning authority, and their results used to inform the micro-siting of the turbines in order to minimise damage disturbance and displacement of mammal populations. It required these surveys to be carried out within six months prior to construction works being undertaken within any particular area of the site. The appellant considers this condition not to be capable of being complied with because it would take more than 12 months to commence construction of certain parts of the turbines. I have therefore re-considered the information submitted and

the requirement for these conditions in the light of the obligations imposed by the Habitats Directive and the Conservation (Natural Habitats etc) Regulations 1994. It is therefore necessary to determine whether internationally or nationally protected species are present on the appeal site and if so whether the proposal has implications for those species.

16. Dealing first with otters, section 6.2 of the ecology report submitted with the appeal indicates that as part of an Extended Phase 1 Habitat Survey watercourses were searched for signs of otter, and none were found. The survey mapped habitats within the site and boundaries and target notes were made of any features of nature conservation interest. Such a survey assesses habitats and features of potential ecological value to important species rather than the presence of those species themselves. Nevertheless while I note the concern of SNH at the lack of detailed information on the methodology employed, I am satisfied that as part of the survey, if any evidence of the presence of otters had emerged, this would have been included in the target notes associated with the survey. While it is conceivable that traces may have been removed by heavy rainfall or other conditions, on the available evidence it is reasonable to conclude that no otters were present.

17. Similarly no significant potential impact on bats was reported by the survey. It indicated that no potential bat roosts were identified near to the proposed turbine locations and the site was unlikely to be important for foraging as it was generally open with no intact or species rich hedgerows. I noted at my site visit that although there are hedgerows on the field boundaries, many are thin and gappy, and so are less likely to give potential for foraging. SNH has referred to the presence of two trees close to the application boundary, one of which they consider might be impacted by works through damage to its roots. A more detailed examination shows that these two trees, even if they were potential roosts, would be more than 10 metres away from the connecting road, and some 100m away from the turbines, and would be unlikely to be harmed by the development.

18. In my view the conclusion of the appellants' survey that the likelihood of the surroundings of the site supporting bat roosts is low is a reasonable one, and I have concluded that while the presence of bats in the surrounding neighbourhood cannot be ruled out this species would not be adversely impacted by the development because neither their potential roosts nor their potential foraging areas would be significantly affected by the proposed development. Condition 40 of the earlier permission required a Method Statement to be prepared which among other things would assess any potential impacts of operations on sensitive habitats and species which arose from the detailed works plans, together with mitigation measures to avoid or limit those effects. A similar condition would appear to me to be appropriate in this case, and would ensure that satisfactory mitigation could be devised for any less significant impacts which cannot be assessed at this stage but which might emerge as development progressed.

19. While I note the reservations expressed by SNH over the methodology employed and their view that further work should be undertaken before permission is granted, I am satisfied that the survey results produced by the appellants indicate that the appeal proposals would not have any adverse impact on otter or bat populations, which are European Protected Species.

20. With reference to badgers, no setts have been discovered on the appeal site, and although the area would provide a suitable habitat for foraging, the relatively passive nature of the use of the land resulting from the completed development would have little or no impact on the ability of badgers to continue to forage the land. Although SNH would have

preferred a more detailed examination of the areas outwith the application site which would be disturbed by construction works, they are content, given the nature of the area, that the avoidance of harm to these species through such works can be dealt with satisfactorily through conditions.

21. The ecology report recognised that although no water voles were found during the survey there is the potential for them to be found near water courses such as the Mill Burn. Condition 41 of the earlier permission required a suitably protected 20m exclusion zone to be maintained around the burn to avoid impacts on water voles, and I am satisfied that such a condition would be appropriate in this case.

22. Condition 43 of the earlier permission required a full bird survey to be submitted before development commenced, including assessment of the species supported by the adjacent SSI together with summer bird usage of the site. However the survey undertaken by the appellants concluded that significant adverse effects on breeding and foraging birds were unlikely as a result of land-take; that birds likely to nest within or near the site would be affected only negligibly, and were of low nature conservation status; and that the risk of collision damage with a wind farm comprising only three turbines, in an area likely to be subject only to random bird movements and not on a flight path, was low, and in any event involved no birds which were target species. The land take for this proposal would be relatively small, and so the permanent loss of nesting or foraging habitat would also be small. The fields within which the appeal site lies were at the time of my inspection used for the growing of turf for landscaping purposes, offering no nesting opportunities for the passerines which the survey indicates are likely to predominate. The survey produced evidence that none of the species likely to be present in this type of habitat are known to be sensitive to disturbance by windfarms. The evidence produced by the appellant in these respects has not been challenged, and there has been no repeat of the request for a bird survey. I conclude that no adverse impact on bird populations is likely as a result of the proposed development, and find no need to impose a similar condition.

## Conclusions

23. Drawing my findings together, I have concluded that the impacts of this proposal when compared with those of the wind cluster permitted on appeal are at an acceptable level, and further that there would be no adverse impacts on internationally or nationally protected species. In my view the proposal, suitably controlled by conditions, would comply with the relevant provisions of the development plan as well as the Council's supplementary policies and the emerging local plan.

24. In terms of national policy, Scottish Planning Policy 6 has been published since the earlier decision, and has been endorsed by the incoming Scottish Government. This guidance recognises the potential of Scotland to accommodate wind power technology in the landscape, and expects planning authorities to make provision for renewable energy developments while meeting international and national obligations to protect designated areas, species and habitats and ensuring impacts on local communities are satisfactorily addressed. In this case, while the contribution of three turbines would in itself be relatively small in national terms, the potential of the proposal the subject of this appeal to increase the contribution of wind powered energy by 25% over that previously permitted whilst maintaining acceptable impacts in all respects reinforces the support which national policy gives to such proposals.

25. I have reviewed the conditions imposed by the earlier reporter and with the exception of former conditions 42 and 43 referred to above I find them to be necessary and appropriate to this planning decision, though I have removed a potential source of ambiguity between the first two conditions and condition 36 and made some small adjustments in the interests of clarity. My reasons for imposing each condition are set out.

*This is the version issued to parties on 29 October 2007*

M J Culshaw  
Deputy Chief Reporter

### Conditions

1. The development hereby permitted shall be started within five years of the date of this permission. *Reason: to accord with the provisions of the Town and Country Planning (Scotland) Act 1997.*
2. Permission is granted for a period of 25 years from the date of commissioning of the development. Written confirmation of the date of the commissioning of the development shall be supplied in writing to the planning authority. *Reason: to ensure that the site is satisfactorily decommissioned at the end of the temporary period.*
3. The site working area, including plant movements, shall be identified on a suitably scaled plan prior to the commencement of development, and agreed with the planning authority in consultation with SNH. All unnecessary disturbance or encroachment onto sensitive habitats shall be avoided. The site working area shall be clearly communicated to all site personnel prior to their commencement of work on the site, and demarcated by a temporary fence or barrier for the duration of the work, unless otherwise agreed in writing with the planning authority. *Reason: to ensure that there is no potentially harmful encroachment beyond the site working area.*
4. At least one month prior to the commencement of the development, the applicant shall provide to the council details of the bond or other financial provision which it proposes to put in place to cover all site restoration costs on the expiry of this consent. No work shall commence on the site until the applicant has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the council that the proposed bond or other financial provision is satisfactory. The applicant shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent and the bond shall be subject to a five yearly review, to be conducted by the applicant, the landowners and the planning authority, from the commencement of the development. *Reason: to ensure that adequate arrangements are made for the restoration of this site on the expiry of the permission.*
5. In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of six months, unless otherwise agreed with the planning authority, the turbine(s) shall be replaced (in the case

of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and access roads shall be reinstated within three months of the end of the six month period of non generation in accordance with the agreed scheme under condition 37 of this permission, all to the satisfaction of the planning authority. *Reason: to ensure that adequate arrangements are made for the restoration of this site if elements become redundant.*

### The Turbines

6. Prior to the commencement of development on site, a monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor the environmental effects of the development during the construction phase and the operational phase. The plan shall make specific reference to habitat creation, biodiversity impact, ground water, surface water, noise and dust. Thereafter, the plan shall be implemented to the satisfaction of the planning authority. The methodology of such monitoring, including locations, frequency and gathering of information on background levels shall be agreed with the planning authority for approval prior to the commencement of works on site. Results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request. *Reason: to ensure that any environmental effects are adequately monitored.*

7. The blades of the turbines shall rotate in the same direction. *Reason: in the interests of visual amenity.*

8. Prior to any turbine being erected on site, the colour of the turbines and blades shall be approved in writing by the planning authority and the completed development shall conform to that approval. *Reason: to ensure a satisfactory appearance of the development.*

### Development within the site

9. Each turbine shall be erected in the position indicated on the approved plan. A variation of the indicated position of any turbine on the said plan by less than 50m shall only be permitted following the written approval of the planning authority. *Reason: to ensure that the development is completed in accordance with its permission.*

10. Prior to the commencement of the development, a scheme showing the details of soil stripping at the site and the storage and proposed use and replacement of soil and subsoil shall be submitted to the planning authority. The scheme shall have regard to the drainage implications of soil movement and storage. All soil stored on site shall be stored in accordance with BS 3882. Thereafter, all soil stripping, storage and replacement operations shall accord with the approved details as approved by the planning authority. In particular the scheme shall incorporate a method statement setting out the measures to protect, store and replace soil and any necessary mitigation measures. *Reason: to ensure that these operations are carried out to a satisfactory standard in the interests of visual amenity.*

11. Prior to the commencement of any works on site, details of any transformers and associated equipment shall be submitted to and approved by the council as planning authority. *Reason: In the interests of visual amenity, since these details are not included in the application.*

12. Prior to the commencement of any works on site, details of all road widening and associated works on the access road leading to the site shall be submitted to and

approved by the council as planning authority. *Reason: In the interests of visual amenity, since these details are not included in the application.*

### The construction of the Development

13. Prior to the commencement of any works on site, a plan to a scale of 1:500 shall be submitted to the planning authority showing the location of any contractor's site compound or contractor's laydown area required temporarily in connection with the construction of the development. Each plan shall indicate the location of the buildings, car parking, material stockpiles, oil storage, lighting columns and boundary fencing. The plans shall detail the surfacing of the site compound, the means of drainage and dust suppression within the compound and shall set out the activities that will take place within the compound. Thereafter any temporary site compound at the site shall be implemented in accordance with the approved plans. *Reason: to ensure that these temporary works are of a satisfactory standard to protect the amenity of neighbouring occupiers.*

14. All temporary contractors' site compounds shall be removed and the land reinstated to its former profile and condition no later than 1 month following the completion of development. *Reason: In the interests of visual amenity, as these structures would not be acceptable on a permanent basis.*

15. Prior to the commencement of the development a Desk Study of the whole site shall be submitted to confirm whether there has been any previous contaminating use of land. If any such previous usage is confirmed then a Phase 2 intrusive investigation and risk assessment is required. This shall detail any methods of proposed remediation required and a timetable for their completion. This shall be submitted to the planning authority and approved by them prior to work commencing and any necessary remediation shall be carried out in accordance with the approved scheme. *Reason: to ensure that any land contamination is properly remediated.*

16. Any imported material that is required to be brought onto site shall be accompanied by certification from a suitably U.K.A.S. accredited laboratory to confirm that it is free from any contamination. *Reason: to prevent contamination.*

17. The site access road from B7078 shall be maintained clear of any mineral or mineral derived material, including soils, during the construction of the development, to the satisfaction of the council as planning authority. *Reason: in the interests of road safety.*

18. All site access tracks from the wheel wash facility to the public road shall be maintained clear of any mineral derived material, including soils, during the construction of the development. *Reason: in the interests of visual amenity and road safety.*

19. Steps shall be taken to ensure that all vehicles leaving the site are in such a condition as not to emit dust or deposit mud, slurry or other deleterious material on the adjoining public road. In particular, but without prejudice to the foregoing, efficient means shall be installed, maintained and employed for the cleaning of wheels and chassis of all vehicles leaving the site. Such means shall include suitable and sufficient wheel wash facilities that operate on a closed cycle basis with no discharge into any water course if so required by the planning authority, said wheel washes being in a location to be agreed in writing with the planning authority. The applicant or subsequent developer(s)/operator shall at all times be responsible for the removal of mud or other material deposited on any public highway adjacent to the site by vehicles entering or

leaving the site. Any waste from any wheelwash facilities shall be disposed of to the satisfaction of the planning authority in consultation with the Scottish Environment Protection Agency. *Reason: in the interests of visual amenity and road safety.*

### Noise

20. Prior to the commencement of the development on site, the developer shall submit to the planning authority a method statement for addressing noise received at any sensitive receptor in the vicinity of the site and surrounding area. Specifically the method statement shall set out the cumulative effects of concurrent construction, operation of the substation and operation of the development and thereafter predict the likely noise impacts from such events both singularly and cumulatively. The method statement shall include the means to ensure that noise generated by the wind farm complies with the guidance set out in the publication 'The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)' as well as the advice contained within Planning Advice Note 56 (PAN 56) 'Planning and Noise'. *Reason: to protect the amenity of neighbouring residents from noise and disturbance.*

21. No audible construction works or deliveries of materials to and from the development site shall take place outwith the hours of 0730-1900 Monday to Friday and 0730-1300 Saturday with no working on Sunday or local or national public holiday without the prior written approval of the planning authority. Such audible construction activity includes tree felling associated with the development. *Reason: to protect the amenity of neighbouring residents from noise and disturbance.*

22. Construction work associated with this development shall conform to the terms laid down in BS 5228 1997 – Noise and Vibration Control on Construction & Open Sites. *Reason: to protect the amenity of neighbouring residents from noise and disturbance.*

23. At the reasonable request of the planning authority and following a complaint to the planning authority relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the planning authority, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97. *Reason: to protect the amenity of neighbouring residents from noise and disturbance.*

24. Noise from the wind turbines shall not exceed 35dB LA90(10min) or background LA90(10min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 9 metres per second as measured within the site. *Reason: to protect the amenity of neighbouring residents from noise and disturbance.*

25. If the tonal noise emitted by the development exceeds the threshold of audibility by 6.5dB or more, then the acceptable noise specified in condition 24 shall be reduced by 5dB, always providing that the definition of audibility for the purposes of this condition shall be as described in 'The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)'. *Reason: to protect the amenity of neighbouring residents from noise and disturbance.*

26. Fixed and mobile plant and vehicles used within the site during the construction period shall not incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Details of alternative warning devices shall be submitted to and approved in writing by the council as planning authority prior to development starting on site. *Reason: to protect the amenity of neighbouring residents from noise and disturbance.*

27. No blasting shall take place outwith the hours of 10.00hrs to 12.00hrs mid-day Monday to Saturdays and 14.00hrs to 16.00hrs Monday to Friday and all blasting shall be controlled such that the maximum peak particle velocity in any plane shall not exceed 6mm per second at all sensitive receptors. *Reason: to protect the amenity of neighbouring residents from noise and disturbance.*

### Dust

28. All stockpiles of materials to be used in road construction shall be formed in such a manner that they are capable of facilitating spraying during periods of dry weather. *Reason: to protect the amenity of neighbouring residents from dust.*

29. Prior to the commencement of construction at the site, the developer shall submit to the planning authority a management plan for minimising the emission of dust from the construction and operation of the development hereby authorised. The dust management plan shall specify the following matters and, after its approval it shall be implemented prior to the commencement of and during the construction of the development:-

- a. the water spraying of all internal roads and unvegetated soil mounds to suppress dust in periods of prolonged dry weather;
- b. the means to ensure that an adequate water supply is available at all times for dust suppression purposes;
- c. the steps to be taken to improve efficiency of dust suppression measures in the event of the failure of the regime to prevent the emission of wind borne matter falling out on the adjacent land;
- d. the site shall be so operated to ensure that adequate steps are taken at all times to minimise dust propagation from unsurfaced access tracks within the site.

*Reason: to protect the amenity of neighbouring residents from dust.*

30. The applicant/developer shall provide and utilise water bowser facilities to control dust emissions from the site from access tracks and mineral stockpiles. *Reason: to protect the amenity of neighbouring residents from dust.*

31. The applicant/developer shall ensure that vehicles used for the movement of materials within the site do not have downward pointing exhaust pipes. *Reason: to protect the amenity of neighbouring residents from dust.*

### Drainage and Groundwater

32. Prior to the commencement of development, details shall be submitted to the planning authority of groundwater management, water treatment and the means of drainage from all hard surfaces and structures within the site. For the purposes of this condition, 'hard surfaces' include internal access tracks, construction and laydown areas,

turbine pads and crane pads. The details to be submitted shall indicate the means of protecting groundwater and diverting surface water run-off. Thereafter the approved measures shall be implemented. *Reason: to ensure that satisfactory drainage is incorporated in the development and protect groundwater and surface water.*

33. Prior to and during development (including tree felling operations) monitoring of the surface waters shall be undertaken where they enter and leave the site. Confirmation shall be provided that the surface water quality is not being compromised by any on site activities. *Reason: to protect these waters from potential contamination.*

34. Any fuel, oil, lubricant, paint or solvent stored on site shall be contained within bunds or double skin tanks which must be locked and capable of containing at least 110% of the largest capacity vessel stored therein and any spillage of any oil shall be dealt with immediately. *Reason: to avoid potential contamination.*

35. The means of foul drainage from sanitary facilities shall be submitted for the approval of the planning authority in consultation with the Scottish Environment Protection Agency and shall conform with those approved details. *Reason: to ensure satisfactory drainage of the site,*

#### Restoration and Aftercare of the Site

36. Within 12 months of the end of the period of this consent (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the restoration and aftercare scheme referred to in Conditions 37 and 38. For the purposes of this condition 'restored' means the removal of all wind turbines, turbine pads, initial layer of foundation and all buildings and ancillary development. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the planning authority, in consultation with SNH, shall review the retention of pads, foundations, cable/ducts and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement. *Reason: in the interests of visual amenity, and to ensure the satisfactory restoration of the site at the end of the permission period.*

37. Prior to the entire development or any section of the development hereby authorised becoming operational, a plan for the restoration of the site shall be submitted to and approved by the planning authority. The restoration plan shall set out the means of reinstating the site following the removal of the components of the development as specified in Condition 36 above. The completed restoration shall conform to the approved plan *Reason: in the interests of visual amenity, and to ensure the satisfactory restoration of the site at the end of the permission period.*

38. Prior to the decommissioning of any turbine, an aftercare scheme for the restored site shall be submitted to and approved in writing by the planning authority and thereafter implemented. *Reason: in the interests of visual amenity, and to ensure the satisfactory restoration of the site at the end of the permission period.*

39. Without prejudice to the generality of Condition 37 above, prior to the development becoming operational, the restoration plan shall include details of phased decommissioning, the land use prevailing after decommissioning has taken place, the means of disposal of all waste materials and road metal, the dismantling methodologies for each turbine setting out the extent of recovery or of recycling of all metals and other

recyclable parts, the means of removing the turbine bases and crane pads and the removal of cabling and ducts within the site. *Reason: in the interests of visual amenity, and to ensure the satisfactory restoration of the site at the end of the permission period.*

40. No development shall commence on site until a Method Statement (or Method Statements) detailing all on-site preparatory, construction, drainage, forest operations and restoration/re-instatement works has been submitted in writing to, and agreed by the planning authority, in consultation with SNH. Details of timing and phasing of all operations across the year shall be included. Any potential impacts of operations on sensitive habitats and species, together with mitigation measures to avoid or limit the effects, shall be assessed and evaluated. The Method Statement(s) shall integrate 'best practice' methods from the Scottish/UK wind farm industry with the mitigation measures identified in the environmental report supporting the application. *Reason: in the interests of visual amenity, and to ensure the satisfactory restoration of the site at the end of the permission period.*

41. All roads, crane hard standings, and site compounds shall be capped with an appropriate load-bearing rock material (preferably igneous or metamorphic in origin rather than sedimentary rock). Materials shall preferably be won on-site, should local sources be of an appropriate type. *Reason: in the interests of visual amenity, and to ensure the satisfactory restoration of the site at the end of the permission period.*

42. No work shall take place, nor materials stored, within 20m of the Mill Burn to avoid potential impacts on water voles. This 20m 'buffer' shall be suitably protected prior to the start of construction. *Reason: to avoid potential impacts on these mammals.*

#### Other

43. No work shall commence on site until the applicant has provided the Ministry of Defence with the following detailed information:-

- a. date of commencement of each phase of construction
- b. date of completion of each phase of construction
- c. the height above ground level of the tallest structure
- d. the maximum extension height of any construction equipment
- e. the position of the masts in latitude and longitude, and
- f. site lighting if appropriate.

*Reason: to ensure that these details are available to the Ministry of Defence at the appropriate time.*