

ABERDEENSHIRE COUNCIL**MARR AREA COMMITTEE****BRAEMAR VILLAGE HALL, BRAEMAR, 16 JUNE, 2015**

Present: Councillors M F Ingleby (Chair), G Blackett, K L Clark, L Clark, K A Farquhar, J J Latham, and J Webster.

Apologies: Councillors P J Argyle, D A Ross and J J Strathdee.

Officers: J Clark, Area Manager (Marr), J Joss, Senior Solicitor, R Singleton, Principal Roads Engineer, N Mair, Senior Planner, J Wheeler, Senior Planner and K Macleod, Area Committee Officer (Marr).

1. DECLARATION OF MEMBERS' INTERESTS

The Chair asked Members if they had any interests to declare in terms of the Councillors' Code of Conduct and the following declarations were intimated –

- (a) Councillor Ingleby on item 8A as a close neighbour of the development site and left the meeting during consideration and determination of that item; and
- (b) Councillor Farquhar on item 8B in relation to comments made on the application and left the meeting during consideration and determination of that item.

2. EQUALITIES

In making decisions on the following items of business, the Committee **agreed**, in terms of Section 149 of the Equality Act, 2010:-

- (1) to have due regard to the need to:-
 - (a) eliminate discrimination, harassment and victimisation;
 - (b) advance equality of opportunity between those who share a protected characteristic and persons who do not share it; and
 - (c) foster good relations between those who share a protected characteristic and persons who do not share it.
- (2) where an Equality Impact Assessment was provided, to consider its contents and take those into account when reaching a decision.

3. MINUTE OF MEETING OF MARR AREA COMMITTEE OF 26 MAY, 2015

The Committee had before them and **approved** as a correct record the Minute of Meeting of the Committee of 26 May, 2015.

4. EDUCATION, LEARNING AND LEISURE SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING JANUARY – MARCH 2015 (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 20 May, 2015, by the Director of Education and Children's Services, which advised the Committee on how the Service had performed against key performance measures and associated targets as set out in the Education, Learning and Leisure Service Plan over the period January to March, 2015.

After due consideration, the Committee **agreed**:-

- (1) to acknowledge the performance achieved from January to March, 2015;
- (2) to acknowledge those measures where performance was below expectations from January to March, 2015;
- (3) to note the publication of the complete January to March, 2015 performance report on Ward Pages;
- (4) to request further information as follows:-
 - (a) information on the position of Banchory Academy in terms of roll as a percentage of official capacity;
 - (b) action being taken in respect of Aboyne Academy's school roll being over 100% of official capacity;
 - (c) a progress report on Banchory Museum;
 - (d) an update on the Banchory Sports Village project; and
 - (e) a bulletin report on GIRFEC in Marr and Aberdeenshire,
- (5) that the Director of Education and Children's Services continue to report, by exception, to Committee quarterly on performance measures against Service objectives, and on a six monthly basis on progress in delivering all aspects of the Service Plan.

5. PROPOSED PERMANENT CLOSURE TO VEHICULAR TRAFFIC – GREYSTONE ROAD, ALFORD

With reference to the Minute of Meeting of Marr Area Committee of 16 December, 2015 (Item 7, page 1287), when the Committee had agreed (1) to the commencement of the statutory procedure for the making of The Aberdeenshire Council (Greystone Road) (Prohibition of Driving) Order 2015 and (2) to instruct the submission of a further report to Committee in the event that any valid objections received were not withdrawn, there had been circulated a report dated 4 June, 2015, by the Director of Infrastructure Services, which (1) outlined consultations undertaken, together with objections received, and (2) sought agreement to overrule the outstanding objections and authorise the making of The Aberdeenshire Council (Greystone Road) (Prohibition of Driving) Order 2015.

The Principal Roads Engineer then responded to questions from members on the response received from Donside Community Council, including approaches to dealing with parents stopping to drop off and collect pupils.

After due consideration, the Committee **agreed**:-

- (1) to note the outstanding objections received during the consultation process; and
- (2) to overrule the outstanding objections and authorise the making of The Aberdeenshire Council (Greystone Road) (Prohibition of Driving) Order 2015.

6. COMMUNITIES SERVICE QUARTERLY PERFORMANCE EXCEPTION REPORTING JANUARY – MARCH 2015 (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 4 June, 2015, by the Director of Communities, which advised the Committee on how the Service had performed against key performance measures and associated targets as set out in the Communities Service Plan 2014-17 over the period January to March 2015.

Following discussion on fuel poverty, unpaid work placements for offenders, and progress with use of electronic records management principles, the Committee **agreed**:-

- (1) to acknowledge the positive performance achieved from January to March, 2015;
- (2) to acknowledge the exceptional performance achieved from January to March, 2015;
- (3) to note those measures where performance was below expectations from January to March, 2015;
- (4) to note the publication of the complete January to March, 2015 performance report on Ward Pages; and
- (5) that the Director of Communities continue to report, by exception, to Committee quarterly on performance measures against Service objectives and six monthly on progress in delivering all aspects of the Service Plan.

7. AREA COMMITTEE BUDGET APPLICATIONS

There had been circulated a report dated 28 May, 2015, by the Director of Communities, which sought consideration of applications for Area Committee Budget funding from (1) Monymusk Play Park Improvement Group for a contribution towards the cost of a play park improvement project including the installation of new equipment, facilities and signposting; and (2) South West Aberdeenshire Citizens Advice Bureau towards the cost of equipment for a new office in Scott Skinner Square, Banchory.

Having heard that £1000 of funding had been claimed by Monymusk Play Park Improvement Group from the Marr Initiative Grant Scheme, the Committee **agreed**:-

- (1) to approve an award of up to £4000 to Monymusk Play Park Improvement Group towards the cost of a play park improvement project including the installation of new equipment, facilities and signposting; and
- (2) to approve an award of up to £3000 to the South West Aberdeenshire Citizens Advice Bureau towards the cost of equipment for a new office in Scott Skinner Square, Banchory.

8. PLANNING APPLICATIONS

The following planning applications were considered along with any objections and representations received in each case and were dealt with as recorded in the **Appendix** to this minute.

Reference Number	Address
(A) APP/2015/0095	Full Planning Permission for Erection of 1 No. 2.5MW Wind Turbine (60m to Hub Height, 100m to Blade Tip) and Associated Infrastructure at Land at Cairnborrow, Huntly

Reference Number	Address
(B) APP/2015/0973	Full Planning Permission for Erection of Dwellinghouse at Land at Upper Tillylair, Lumphanan, Banchory
(C) APP/2015/1040	Full Planning Permission for Erection of a 250kW Ground Mounted Solar Array and Associated Cabling at Douneside House, Tarland
(D) APP/2015/1128	Full Planning Permission for Erection of Dwellinghouse and Detached Garage at Plot 1, Site North of Carriers Croft, Alford
(E) APP/2015/1129	Full Planning Permission for Erection of Dwellinghouse at Plot 2, Land to the South of West Lodge, Breda Park, Alford
(F) APP/2015/1130	Full Planning Permission for Erection of Dwellinghouse at Plot 4, Site to West of Wright's Croft, Breda Park, Alford
(G) APP/2015/1135	Full Planning Permission for Erection of Dwellinghouse and Detached Garage at Plot 3, Land to the West of Westbrig, Alford

APPENDIX

PLANNING APPLICATIONS

- (A) **Reference No: APP/2015/0095– Full Planning Permission For Erection of 1 No. 2.5MW Wind Turbine (60m to Hub Height, 100m to Blade Tip) and Associated Infrastructure at Land At Cairnborrow, Huntly, Aberdeenshire**

Applicant: Cairnborrow Wind Energy Ltd, Mynydd Awel, Mold Business Park, Maes Gwern, Mold, Flintshire, CH7 1XN
Agent: West Coast Energy Ltd, Mynydd Awel, Mold Business Park, Maes Gwern, Mold, Flintshire, CH7 1XN

Having previously declared an interest in the item, the Chair left the meeting during consideration and determination and Councillor Webster took the Chair.

With reference to the Minute of Meeting of the Committee of 26 May, 2015 (Item 8A), when consideration of the application had been deferred pending a site visit, there had been circulated a further report by the Director of Infrastructure Services which indicated that a site visit had taken place on 9 June, 2015 and recommended that the application be approved subject to the conditions detailed in the report.

The Senior Planner confirmed that the anemometer mast associated with the development had been erected in the correct location as specified in the planning consent.

The Senior Planner then responded to questions from members on relevant planning history and confirmed that condition 25 would protect residents' private water supplies.

After due consideration, the Committee **agreed:-**

- (1) to grant Full Planning Permission subject to the following conditions:-
- (i) The development hereby approved is consented for a period from the date of this consent until the date occurring 25 years after the date of the Final Commissioning of the Development. Written confirmation of the date of Final Commissioning of the Development shall be provided to the Planning Authority no later than 1 calendar month after that event.
- Reason: To define the duration of the consent.
- (ii) 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 planning authority. For avoidance of doubt the turbines proposed shall:
- not exceed 100m in height to blade tip.
 - be finished in a non-reflective pale grey semi-matt finish to be agreed in writing with the Planning Authority prior to erection of the wind turbines.

- not display any advertising on any part of the turbines other than those required for health and safety reasons unless otherwise agreed in writing with the Planning Authority.
- all turbine blades shall rotate in the same direction.

Reason: To ensure the development is carried out in accordance with the submitted and in the interests of the visual appearance of the development.

- (iii) Unless otherwise agreed in writing with the Planning Authority within two years of the commissioning of the wind turbines (when energy is produced and sold from the development), a fully detailed decommissioning, restoration and aftercare scheme for the ultimate reinstatement of the site shall be submitted to, and require the approval of, the Planning Authority. Such plan shall be subject to review in the light of monitoring and at minimum 6 months prior to the expiry of this permission.

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 the immediate surroundings shall be restored all in accordance with the decommissioning, restoration and aftercare scheme referred to above.

Reason: In the interests of the restoration of the site after the operational lifetime of the development in the interests of visual amenity and landscape protection.

- (iv) Prior to the commencement of development, 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 an outline 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 bond or financial provision is sufficient to meet the full estimated cost of decommissioning, dismantling, removal, disposal, site restoration, remediation and all other incidental work and professional costs; and
 - c) include details to ensure that the proposed finance arrangements will be maintained and subject to periodic review throughout the lifetime of the development.

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.

Reason: To ensure that there are sufficient funds available for the full costs of de-commissioning and site re-instatement and restoration.

- (v) No development shall commence until details have been submitted to and approved in writing by the planning authority regarding:

- a) the design, external appearance and material finishes and colour of all buildings and structures to be erected, including the control building; and
- b) the site layout arrangements for the temporary construction compound.

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

Reason: To safeguard the visual amenity of the site and surrounding area.

- (vi) Prior to commencement of the development, details of the method of site reinstatement and its timing, including seed mixes to be used, shall be submitted for the approval of the Planning Authority. For the avoidance of doubt, unless otherwise agreed in writing by the Planning Authority all the wind turbine bases shall be fully buried to allow existing land management to continue below the wind turbines.

Reason: In the interests of visual amenity and landscape protection.

- (vii) The burying of cables shall be carried out so that areas concerned are fully reinstated to specifications, which will allow all on site activities to continue unimpeded. The specifications and details of the road-building package shall include details of cable burying operations.

Reason: In the interests of visual amenity and landscape protection.

- (viii) Unless otherwise agreed in writing by the Planning Authority, wind turbines and wind monitoring masts shall be sited in accordance with the figure 2.2 (Site Layout and Application Boundary) of volume 3 of the Environmental Statement.

Reason: To protect householder amenity, the natural habitat and built heritage of the site and to enable the Planning Authority to re-assess the potential landscape and visual impacts.

- (ix) Within 6 months of the complete wind farm becoming operational, all the temporary compounds shall be removed and the site reinstated to the satisfaction of the Planning Authority unless otherwise agreed by the Planning Authority.

Reason: In the interests of visual amenity and landscape protection.

- (x) Prior to commencement of the development, a detailed specification and working plan for the access tracks to serve the wind farm shall be submitted for the consideration and further approval of the Planning Authority. Such specifications and working plan shall include a methodology statement incorporating proposed covering topsoil management and vegetation reinstatement together with management provision for drainage, materials to be used, and proposals for the on-going maintenance of the tracks. Illustrative cross-sections of the tracks shall be included within the further details to be submitted.

Reason: In the interests of visual amenity and landscape protection.

- (xi) In the event that any wind turbine fails to produce electricity supplied to a local grid for a continuous period of 6 months, as demonstrated by the submission

of operating records and accounts, it will be deemed to have ceased to be required and unless it has been demonstrated that such cessation is due to the wind turbine being under repair or otherwise as may be agreed in writing by the Planning Authority, the wind turbine and its ancillary equipment including cables and foundations shall be dismantled and removed from the site, and the ground fully reinstated to the specification of the Planning Authority, all in accordance with the approved re-instatement plan as specified in condition 7 above.

Reason: In the interests of safety, amenity and environmental protection of the plant become redundant during or at the end of its lifespan.

- (xii) The developer shall secure the implementation of an archaeological watching brief, to be carried out by an archaeological organisation acceptable to the Aberdeenshire Council Archaeology Service on behalf of the Planning Authority, during any ground-breaking and development work in areas to be agreed with Aberdeenshire Council Archaeology Service prior to commencement of the development. The retained archaeological organisation shall be afforded access at all reasonable times and allowed to record and recover items of interest and finds. Terms of Reference for the watching brief will be supplied by the Aberdeenshire Council Archaeology Service. The name of the archaeological organisation retained by the developer shall be given to the Planning Authority and to the Aberdeenshire Council Archaeology Service in writing not less than 14 days before development commences.

Reason: To record items of archaeological interest and finds.

- (xiii) In the event of a complaint of adverse effects during the construction period on any private water supply which is hydraulically connected to the wind farm catchment area and which can be directly attributed to the approved development, immediate temporary supplies must be provided by the Wind Turbine Operator to those affected until permanent mitigation and replacement measures are in place. These works shall be implemented within one month of the erection of any mast or other works affecting the supply, as identified in the assessment, to the satisfaction of the Planning Authority in consultation with the Environmental Health Service.

Reason: In the interests of health and public safety.

- (xiv) Unless otherwise agreed in writing by the Planning Authority in consultation with Environmental Health access to the site by heavy goods vehicles shall be restricted to between 7.00am to 7.00pm on Mondays to Fridays and from between 7.00am to 12 noon on Saturdays with no such access on Sundays. Any construction activity involving audible noise from cutting, hammering or welding shall be subject to the foregoing hours, unless specific exceptions have received the prior approval of the Planning Authority in writing.

Reason: To protect the amenity of local residents.

- (xv) At the reasonable request of the Planning Authority following a complaint the Wind Turbine Operator shall investigate and instigate appropriate mitigation measures to minimise the effects of shadow flicker and submit full details of such including the associated timescales to the Planning Authority.

Reason: To protect the amenity of local residents.

- (xvi) The Wind Turbine Operator shall provide details of an ice detection system. The details shall include the operational procedure, including all the measures for automatic or manual shut down and ice removal and protection of personnel including agricultural operators and any members of the public in the vicinity.

Reason: In the interests of health and public safety.

- (xvii) The site access shall be located and constructed as shown as approved under planning permission reference APP/2013/3282.

Reason: In the interests of road and public safety.

- (xviii) Prior to commencement of development a plan showing temporary works access signage shall be produced and agreed by the Planning Authority in consultation with the Roads Authority (Roads Development). Following approval of the signing plan the signs shall be provided and erected by the applicant and maintained in good order during the construction phase of the development.

Reason: In the interests of road and public safety.

- (xix) Prior to commencement of development the applicant/developer shall, at his own cost, measure traffic flows and speeds on the A920 at the site access and if considered appropriate, shall promote and provide signage for a temporary speed limit on the A920 in consultation with Aberdeenshire Council Roads Authority.

Reason: In the interests of road and public safety.

- (xx) Prior to commencement of the development, a Construction Traffic Management Plan (CTMP) during construction works shall be drawn up by the developer for the consideration and further approval of the Planning Authority in consultation with Aberdeenshire Council Roads Authority. Thereafter, the development shall be implemented to the satisfaction of the Planning Authority in accordance with the approved CTMP which shall include details of:

- The construction of the site access and the creation, positioning and maintenance of associated visibility splays;
- Access gates to be hung to open away from the public road no less than 10m from the carriageway edge and to incorporate appropriate visibility splays;
- The proposed accommodation works and where necessary a programme for their subsequent re-instatement and the re-instatement of street furniture and verge, where required along the route;
- The pre-construction road condition established by a detailed survey for accommodation works within the road boundary to be conducted with a representative of Aberdeenshire Council Roads Authority;
- Details of road improvement, construction specification, strengthening, maintenance and repair commitments if necessary as a consequence of the development;

- Details of the proposed crossings of the road verge;
- Retained areas of vehicle parking, manoeuvring, loading and unloading for their specific purpose during the development;
- The surfacing of the access roads from the public road into the site to extend for a minimum of 10m;
- Construction vehicle routing including total number of trips and maximum number of trips per day;
- The dimensions of turbines and associated components;
- The management of junctions to and crossings of the public road and other public rights of way/footway;
- The scheduling and timing of movements. Details of escorts for abnormal load, temporary warning signs and banksman/escort details.

Reason: In the interests of road safety and avoid degradation of the road and bridge network.

- (xxi) Prior to commencement of turbine components deliveries to the site, the developer shall submit a Route Access Report to ensure that exceptional loads can be transported through the trunk road network and local roads safely. The complete report shall detail any accommodation measures required including the temporary removal of street furniture, junction widening, traffic management etc. and show that the transportation will not have any detrimental effect on structures within the route path.

Reason: 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.

- (xxii) Prior to commencement of turbine components deliveries to the site, any additional signing and temporary traffic control deemed necessary due to the size or length of the of any loads being delivered or removed shall be undertaken by a recognised QA traffic management consultant for the further consideration and approval by Transport Scotland.

Reason: To ensure that the transportation will not have any detrimental effects on the road and structures along the route.

- (xxiii) Prior to commencement of development or unless otherwise agreed in writing by the Planning Authority, the developer shall contact Defence Estates to negotiate and reach agreement regarding their recommendation that aviation safety lights be fitted to the highest point of the mast. For avoidance of doubt infra-red lighting should be used unless otherwise agreed in writing with the Planning Authority.

Reason: In order to ensure that alternative, less conspicuous, solutions are fully explored in the interests of visual amenity.

- (xxiv) Prior to commencement of the development, the developer shall commission and submit to the Planning Authority, a base line survey of the existing television reception quality at all dwelling houses where interference may occur. Within 6 months of the wind farm coming into use, mitigating measures to rectify interference and enhance reception to the best general standard of the local area as identified in the base line survey, shall be implemented at the developer's expense. The same base line testing and mitigation

measures to rectify interference shall take place at dwelling houses approved and constructed within the survey area in the lifespan of the wind farm permission. These recommendations shall be lodged with the Planning Authority.

Reason: In the interest of amenities of residents in the area, such that the development is not detrimental to domestic television reception.

- (xxv) Prior to commencement of development, a site specific Environmental Management Plan (EMP) shall be submitted for consideration and further approval of the Planning Authority in consultation with SEPA and Scottish Natural Heritage. Thereafter, all works shall be carried out in full accordance with the approved EMP which shall include sections detailing:
- a) Peat management and restoration plans;
 - b) Drainage management plan for the construction phase and for the finalised SUDS;
 - c) Waste Management Plan;
 - d) Wet Weather Working Plan;
 - e) Spill Action Plan;
 - f) Habitat Management Plan.

Reason: To control pollution of air, land and water.

- (xxvi) That no borrow pits shall be permitted within the planning application boundary (red line site) under this planning permission. Any borrow pits required for the purpose of the development shall be subject to a separate planning application.

Reason: To protect people and the water environment.

- (xxvii) In respect of site management, restoration and reinstatement of the application site and development as approved, all relevant and associated information shall be finalised and assembled in one comprehensive document. Within this document information shall include:
- a) Reinstatement and timing of the two temporary construction compounds;
 - b) Habitat restoration plans and works and post construction agreed finalisation of habitat restoration and management work covering site management and restoration and relevant habitat information.

This comprehensive document shall be submitted for the further written approval of the Planning Authority once compiled, with additional information (post construction) being submitted thereafter as appropriate. All proposed works and recommendations shall be fully implemented as approved.

Reason: In order to ensure the protection and avoid impacts on the natural heritage interests and to ensure all land utilised shall be fully restored in the interests of visual amenity and nature conservation.

- (xxviii) Prior to decommissioning commencing on-site, a final Decommissioning Method Statement, including details of all decommissioning procedures, shall be submitted for the approval of Aberdeenshire Council in consultation with SNH. These need to incorporate "good practice" methods from the Scottish/UK wind farm industry to ensure that environmental impacts are reduced.

Reason: To minimise impacts on the natural heritage during decommissioning.

- (xxix) Prior to development commencing on-site, plans for the method, frequency and duration of monitoring relating to bird interests shall be submitted for the approval of Aberdeenshire Council in consultation with SNH. For avoidance of doubt this shall include common gull monitoring. Any monitoring should be compatible with that being carried out at neighbouring sites. The information concerning the precise locations of sensitive raptor nest sites shall be kept confidential.

Reason: Post-construction monitoring will be used to assess the impacts of the wind farm on birds as well as recording any changes in bird use of the wind farm site over the lifespan of the wind farm.

- (xxx) No development shall begin until details of the precise routing and construction of internal access tracks have been submitted to, and approved in writing by, the Planning Authority. In addition to being shown on a suitably scaled plan with contours, the route of the internal access tracks, including the required working width, should be delineated on site to prevent encroachment onto undisturbed habitats during construction. The approved alignments will be implemented in full in accordance the approved details thereafter.

Reason: To avoid significant impacts on natural heritage interests from track construction and maintenance.

- (xxxi) That none of the proposed permanent buildings associated with the development shall be erected until full details of siting, design and materials have been submitted for the further consideration and approval by the Planning Authority.

Reason: To ensure that the materials are compatible with a countryside location in the interest of landscape and visual amenity.

- (xxxii) The turbines shall be designed to permit individually controlled operation, or cut-out, at specified wind speeds in order to enable, and ensure, compliance with the noise level criteria stated in the subsequent conditions.

Reason: In order to protect the amenity of sensitive receptors.

- (xxxiii) At wind speeds not exceeding 12m/s, (referenced to a height of 10m above ground level, at the location of the turbines), the wind turbine noise level at each noise sensitive property shall not exceed the levels in Tables 1 and 2, except where the level in the table exceeds the lower fixed limit (35dB LA90,10min. for daytime and quiet daytime hours, and 38dB LA90,10min. for night hours), and also exceeds the measured background noise level, LA90,10min by 5dB or more, in which case the permitted level will be the lower fixed limit or the background noise level plus 5 dB, whichever is the greater.

Table 1

Location	Standardised wind speed at 10m height in m/s averaged over 10 minute periods, sound pressure levels in dB, LA90 _{10min} for night time periods 2300 to 0700 each day							
	5	6	7	8	9	10	11	12
Redfold (345876,843886)	31	35	36	36	36	37	37	37
Newton of Ardonald (344790,843338)	32	36	36	37	37	38	38	38
Bogforth (347117,841009)	35	39	39	40	40	41	41	41
Deveron View (345983,840836)	35	39	39	40	40	41	41	41
Mains of Cairnborrow Cottages (346037,841048)	35	39	39	40	40	41	41	41
Backtack (346502,841110)	39	40	40	41	41	42	42	42
Note – for all properties not specified above the predicted noise from the turbine will be calculated using the propagation model in ISO 9613 – Part 2, incorporating the recommendations contained in the Institute of Acoustics Good Practice Guide dated May 2013								

Table 2

Location	Standardised wind speed at 10m height in m/s averaged over 10 minute periods, sound pressure levels in dB, LA90 _{10min} for daytime periods 0700 to 2300 each day							
	5	6	7	8	9	10	11	12
Redfold (345876,843886)	31	35	36	36	36	37	37	37
Newton of Ardonald (344790,843338)	33	37	38	38	38	39	39	39
Bogforth (347117,841009)	35	39	39	40	40	41	41	41
Deveron View (345983,840836)	35	39	39	40	40	41	41	41
Mains of Cairnborrow Cottages (346037,841048)	35	39	39	40	40	41	41	41
Backtack (346502,841110)	35	39	40	40	40	41	41	41
Note – for all properties not specified above the predicted noise from the turbine will be calculated using the propagation model in ISO 9613 – Part 2, incorporating the recommendations contained in the Institute of Acoustics Good Practice Guide dated May 2013								

(The Background Noise Level in this condition means the level determined at each property, or at a representative property agreed with the Planning Authority, at the time of the Background Noise Level survey submitted with this application, as derived from the regression analysis polynomials stated in the noise assessment submitted as part of the Environmental Statement dated, September 2012, or the background noise levels, determined separately for day-time hours, quiet day-time hours and night hours, at the time of subsequent monitoring required as a result of these conditions, whichever is the lower - see the section 'Informative' below. The condition shall only apply to dwellings vacant, or occupied, and existing at the date of this Planning Permission).

Note for the avoidance of doubt a "financial interest" is defined as either owning the land on which the turbines are to be sited, leasing the land on a long (greater than 20 year) lease, or being a shareholder or owner of the development company. (Where property is owned by someone with a financial interest in the development but is leased to a third party on a lease longer than 1 year, the occupiers do not have any legal interest in the site and may be protected against amenity intrusions.)

Reason: In order to protect the amenity of sensitive receptors.

- (xxxiv) The Wind Turbine Operator shall log wind speed and wind direction data continuously 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 meters per second for each 10 minute period. The measuring periods shall be set to commence on the hour and in 10 minute increments thereafter. The wind speed data shall be made available to the Planning Authority on request. The data shall be provided on a Microsoft Excel spreadsheet in electronic format or other format agreed with the Planning Authority. The wind speed shall also be normalised to a 10m reference height.

Reason: To protect the amenity of sensitive receptors.

- (xxxv) The Wind Turbine Operator shall employ an independent consultant, approved by the Planning Authority, to measure, at the operator's own expense, the level of noise emissions from the wind turbines within the first year of the operation of the turbines, and every two years thereafter, unless and until the Planning Authority extend the period or determine that continued compliance monitoring is no longer required. The measurement procedures, which may include filtering data according to wind direction, shall be agreed with the Planning Authority prior to commencement, (see 'Informative' section below for further detail). The results of any measurement exercise shall be forwarded to the Planning Authority as soon as practicable after the completion of the monitoring exercise. Unless otherwise agreed with the Planning Authority the turbines shall be switched off during part of the monitoring period to permit reliable background noise level data to be determined at the range of wind speeds from 4m/s to 12m/s.

Reason: In order to protect the amenity of sensitive receptors.

- (xxxvi) At the request of the Planning Authority, following a complaint to Aberdeenshire Council relating to noise emissions from the wind turbines, the Wind Turbine Operator shall shut down the turbines no later than 24 hours after the receipt of the request and, at his own expense, employ an independent consultant, approved by the Planning Authority, to assess the level of noise emissions from the wind turbines (inclusive of existing background noise). This condition shall not prevent the turbines from being operated temporarily for acoustic testing and measurement in a manner agreed with the Planning Authority and outlined below.

An assessment of amplitude modulation of noise from the turbines may be also be required, and shall be carried out in accordance with the terms specified by the Planning Authority and shall also be carried out at the expense of the Wind Turbine Operator.

For noise other than amplitude modulation the LA90 index shall be used 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 speed specified by the Council and a wind speed of not more than 2 metres per second above the wind speed(s) 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 the wind speed(s) specified by the Council. Measurements of noise emissions shall, so far as is reasonably practicable, be made in consecutive 10-minute periods provided that they fall within the wind speed range defined in this clause. Sufficient data points are required for the determination of the sound pressure levels at each of the required wind speeds and at wind directions agreed with the Planning Authority for each receptor location.

The LA90, 10min noise level from 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 turbine operating. Measured wind turbine noise levels and background noise levels shall be referenced to derived 10 meter height wind speeds. The measurement procedures, including any data filtering parameters, shall be agreed with the Planning Authority prior to commencement, (see 'Informative' section below for methodology).

Unless otherwise agreed with the Planning Authority the assessment shall be completed and report submitted to the Planning Authority within 3 months from the date of notification by the Planning Authority that monitoring is required.

Reason: In order to protect the amenity of sensitive receptors.

- (xxxvii) Should the Wind Turbine Operator fail to demonstrate to the satisfaction of the Planning Authority that noise levels referred to in these conditions have not been exceeded, the turbines shall remain shut down, or operated in accordance with a mitigation scheme agreed with the Authority, until such time as compliance with the noise limits has been demonstrated to the satisfaction of the Authority.

Reason: In order to protect the amenity of sensitive receptors.

- (xxxviii) At the request of 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 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.

Reason: In order to protect the amenity of sensitive receptors.

39. The wind turbine shall not be illuminated by artificial lighting without the prior written approval of the Planning Authority.

Reason: In order to protect the amenity of sensitive receptors.

- (2) that the reason for the decision be as follows:-

The proposed development has been assessed in terms of Aberdeen City and Shire Strategic Development Plan 2014, the Aberdeenshire Local Development Plan 2012 and National Policy and Guidance. It is considered that the addition of this turbine to the four turbines approved under planning permission APP/2013/3282 would not increase the visual and landscape impacts of the wind farm to an unacceptable level. The application has been considered in relation to all the environmental information relevant to the proposal and the proposal is acceptable in relation to all other considerations. As such, it is considered that the development provides an acceptable balance between providing renewable energy and adverse impacts resulting from wind turbines and will support key objectives to meet national and regional energy targets.

- (B) Reference No: APP/2015/0973- Full Planning Permission for Erection of Dwellinghouse at Land at Upper Tillylair, Lumphanan, Banchory, Aberdeenshire, AB31 4QU**

Applicant: Mr Alistair Bayne, Newton Farmhouse, Raemoir, Banchory, AB31 4EY

Agent: Gerry Robb, Bridgend, Bridgeview Road, Aboyne, AB34 5HB

Having previously declared an interest in the item, Councillor Farquhar left the meeting during consideration and determination.

The Senior Planner reported on the detail of the application which had been referred to the Committee at the request of local members. The Committee heard that no valid representations had been received and that the key issue to consider was whether there was policy support for a dwellinghouse at the site or material considerations to support a departure. The view of the Planning Service was that the applicant's business did not meet the definition of a primary industry; security, reducing commuting and general convenience were not sufficient justifications; and the benefits to the business were unclear. The application was recommended for refusal as it was contrary to Local Development Plan policy and there were no material considerations to merit support as a departure.

Members then sought clarification on the materiality of the upcoming Local Development Plan.

Having heard that a request to speak had been submitted, the Committee **agreed** to hear from Mr Richard Laird, on behalf of the applicant.

Mr Laird explained that the applicant operated a plant and equipment hire business from the application site and required a dwellinghouse in association with this. The nature of the business required the applicant to work long hours and the commute to his previous accommodation had not been viable. He now lived in a caravan on site which was not suitable long term accommodation for his family. Mr Laird highlighted that no objections had been received and indicated that the proposals would allow the business to grow, benefiting customers and the local economy.

Mr Laird then answered questions from members on alternatives available to the applicant if the application was refused and his views on whether the planner's recommendation had given sufficient weight to economic benefit.

Thereafter, Mr Laird confirmed that he was satisfied with the way in which the hearing had been conducted.

After due consideration, Councillor Blackett, seconded by Councillor L Clark, moved that the application be approved on the grounds that the proposal would have a positive economic benefit, no objections had been received, and the proposal complied with the spirit of Policy 3 and SG Rural Development 1.

As an amendment Councillor K Clark, seconded by Councillor Webster, moved that the application be refused as recommended.

Members of the Committee voted:-

for the motion (3) Councillors Blackett, L Clark and Latham

for the amendment (3) Councillors Ingleby, K Clark and Webster.

There being an equality of votes, the Chair exercised her casting vote for the amendment.

The amendment was carried and the Committee **agreed** to refuse full planning permission for the following reasons:-

There is no policy support for the provision of a dwelling at this location regardless of the presence of this business; the business is not a primary industry therefore does not have policy support for an associated dwelling. The dwelling fails to meet any of the requirements for housing in the countryside identified in Policy 3 and SG Rural Development1 and the related guidance SG STRLtype2: Greenbelt. There are no material considerations which would warrant support as a departure from the Local Development Plan 2012.

(C) Reference No: APP/2015/1040- Full Planning Permission for Erection of a 250kW Ground Mounted Solar Array and Associated Cabling at Douneside House, Tarland, Aberdeenshire, AB34 4UL

Applicant: MacRobert Trust, The MacRobert Trust Estate Office, Cromar, Tarland, AB34 4UD

Agent: RM Energy, 7 Inveralmond Way, Inveralmond Industrial Estate, Perth, PH1 3UQ

The Senior Planner reported on the detail of the application which had been referred to the Committee at the request of local members. The Committee heard that the ground mounted photovoltaic scheme would be located to the north of Douneside House and would give a total capacity of 250kw which would offset much of the current electrical demands of the Douneside complex. One valid representation had been received, objecting to the scheme on the basis of landscape and visual impact. The Senior Planner advised that the proposals did not compromise health or safety, had been well sited in relation to the energy source, would create a positive biodiversity benefit, and had been positioned so as to have a relatively low impact on the landscape and visual amenity of the area. The proposal was considered to fully comply with the relevant policies of the Local Development Plan 2012 and was recommended for approval.

In response to member questions, the Senior Planner advised that the Planning Service had judged that the development did not meet the criteria which would have required it to be advertised in the local press.

Having heard that a request to speak had been received, the Committee **agreed** to hear from Mr Wright, Strutt and Parker, on behalf of the applicant.

Mr Wright recommended that the Committee approve the application. He made reference to MacRobert Trust's desire to improve energy efficiency and reduce the carbon footprint of Douneside estate, highlighted that concerns had not been raised by relevant officers with respect to landscape or heritage, and urged the Committee to approve the application to allow the applicant to register for the feed tariff before changes at the end of the month.

Thereafter, Mr Wright confirmed that he was satisfied with the way in which the hearing had been conducted.

After due consideration, the Committee **agreed**:-

(1) to grant full planning permission subject to the following conditions:-

- (i) The development hereby approved is consented for a period no longer than 25 years after the date of the Final Commissioning of the Development. Written confirmation of the date of Final Commissioning of the Development shall be provided as required by informative 3 on this consent, i.e. "Notice of Completion of Development".

For the avoidance of doubt any panels which are defective or defunct shall be replaced within 6 months unless otherwise agreed with the Planning Authority.

Within 3 months of the expiry of this permission the solar panels and all ancillary infrastructure and equipment (including all buildings, structures, hard standings, and tracks, etc.) shall be dismantled and removed from the site, and the site and the immediate surroundings shall be restored to agricultural land.

Reason: In order to retain control over this temporary form of development and reassess the need for this form of development in the future and provide for removal of the development once it is no longer required.

- (ii) Prior to the commencement of development full details of the panels to be used and the supporting structures for the panels shall be submitted for the written approval of the Planning Authority. For avoidance of doubt the panels and structures shall not be significantly different in scale or height from those indicated within the supporting documentation. The arrays shall not extend outside the array shown on the approved plans. Once agreed by the Planning Authority, the arrays shall be laid out as per the details submitted and approved.

Reason: In acknowledgement that the final choice and make of panel has not been confirmed and in the interests of ensuring the development is largely as considered within the supporting information.

- (iii) For avoidance of doubt the site shall be fenced with post and wire fencing only as indicated in the Planning Statement in support of the application. No other fencing will be permitted within the site.

Reason: In the interests of maintaining the visual amenity of the area.

- (iv) That no works in connection with the permission hereby approved shall take place unless the trees (and suitable root protection zones) within the Arboretum are protected by fencing in accordance with BS5837:2012 Trees in Relation to

Design, Demolition and Construction as specified on Figure 7 of Page 23 of the Environmental and Planning Report . No materials, supplies, plant, machinery, soil heaps, changes in ground levels or construction activities shall be permitted within the protected areas without the written consent of the Planning Authority and no fire shall be lit in the position where the flames could extend to within 5 metres of foliage, branches or trunks.

Reason: In order to ensure adequate protection for the trees/hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

(2) that the reason for the decision be as follows:-

The proposal accords with the key policy considerations namely Policy 3 and SG Rural Development 3: Other Renewable Energy Developments and the proposal would not have any unacceptable significant impacts in relation to other policy considerations.

(D) Reference No: APP/2015/1128 - Full Planning Permission for Erection of Dwellinghouse and Detached Garage at Plot 1, Site North of Carriers Croft, Alford, Aberdeenshire

Applicant: Mr Hamish McLean, Auchintoul Farmhouse, Breda Estate, Alford, AB33 8NN

Agent: Stuart Carrie, 42 Sutherland Crescent, Dundee, DD2 2HP

Having heard that requests to speak on Items 8D-G had been received, the Committee **agreed** to hear from:

Mr Stuart Carrie, the agent;
Mrs Lesley Tierney, a supporter; and
Mr Tymons, an objector.

The Senior Planner advised that the report was the first of four related applications on the agenda and had been referred to Area Committee as valid objections had been received from more than five separate households. The Senior Planner reported on the detail of the application, representations received and the relevant planning history of the site, highlighting two previous refusals by Area Committee and two dismissed appeals. The Committee were advised that the proposal attempted to address the previous reasons for refusal and that the applicant had undertaken a study of housing approvals in the current plan period, concluding that their application had not been consistent with other decisions. The key consideration was whether the site was an appropriate addition to an existing cohesive group of at least five houses. The Planning Service were of the view that the application fully complied with the relevant policies of the Local Development Plan and the application was recommended for approval, subject to the resolution of developer contributions and the conditions detailed in the report.

The Senior Planner then responded to questions from members on the relevance of the applicant's study, sustainable energy, and the definition of a cohesive group.

The Committee then heard from Mr Carrie, the agent, who indicated that he would address all four related applications within his remarks. With regards to the previous grounds for refusal he indicated that the drawings showed clear cohesive groups with strong connectedness. He made reference to the applicant's study of other applications relevant to cohesive groups and indicated that none of those approved demonstrated much more connectedness and many had two undefined boundaries. He also commented on the cohesive group policy still being

included in the upcoming Local Development Plan; the applications having the support of the Committee's expert advisers; and the architect being passionate about ecological development. He concluded that all the applications conformed to policy and were worthy of support.

Thereafter, Mr Carrie confirmed that he was satisfied with the way in which the hearing had been conducted.

The Committee then heard from Mrs Tierney, who spoke in support of the application and indicated that she would also address all four applications within her remarks. She explained that she supported the proposals as a friend of the applicant and as a planning consultant. She made reference to there being no detrimental effect on heritage, infrastructure or wildlife; highlighted significant support for the applications; commented on the countryside being able to accommodate appropriate development and indicated that while many cohesive group sites were questionable these were clearly connected. She concluded that that the applications complied with the Local Development Plan and urged the Committee to support them.

Thereafter, Mrs Tierney confirmed that she was satisfied with the way in which the hearing had been conducted.

The Committee then heard from Mr Tymons who indicated that he would address all four applications within his remarks but also wished to make specific comments on each application. He advised that he was the owner of Wright's Croft and outlined his objections, making reference to the application being part of a large scale development due to other developments on the Breda Estate; the development being unsustainable due to the distance from local services and public transport; the Reporter's comments regarding the site not forming part of a cohesive group; rapid suburbanisation; and the need to consider the context of each unique application.

Thereafter, Mr Tymons confirmed that he was satisfied with the way in which the hearing had been conducted.

The Senior Planner then responded to questions from members on houses which had been approved but not built on the Breda Estate and on whether the applicant would be required to use the proceeds towards the restoration of Breda House.

After due consideration, the Committee **agreed** to refuse full planning permission for the following reason:-

The proposal does not represent an appropriate addition to an existing cohesive group of at least 5 houses in that it does not demonstrate connectedness to the existing group of houses and has no natural boundary, and is therefore contrary to Policy 3: Development in the Countryside and SG Rural Development¹ of the Aberdeenshire Local Development Plan (2012).

(E) Reference No: APP/2015/1129 - Full Planning Permission for Erection of Dwellinghouse at Plot 2, Land to the South of West Lodge, Breda Park, Alford, Aberdeenshire

Applicant: Mr Hamish McLean, Auchintoul Farmhouse, Breda Estate, Alford, AB33 8NN

Agent: Stuart Carrie, 42 Sutherland Crescent, Dundee, DD2 2HP

The Senior Planner advised that the application was the second of four related applications on the agenda and had been referred to the Committee because valid objections had been

received from more than five separate households. The Senior Planner reported on the detail of the application, representations received and the relevant planning history of the site, highlighting two previous refusals by Area Committee and two dismissed appeals. The Committee heard that the key consideration was whether the site was an appropriate addition to an existing cohesive group of at least five houses. The conclusion of the Planning Services was that the application fully complied with the relevant policies of the Local Development Plan 2012 and the application was recommended for approval, subject to the resolution of developer contributions and the conditions detailed in the report.

Having heard from speakers as detailed at Item 8D, the Committee heard from Mr Tymons, an objector, who made reference to the Reporter's comments regarding the site not forming part of a cohesive group.

In response to member questions, the Senior Planner confirmed that the two most northerly properties included in the group had been built as Enabling Development.

After due consideration, the Committee **agreed** to refuse full planning permission for the following reason:-

The proposal does not represent an appropriate addition to an existing cohesive group of at least 5 houses in that it does not demonstrate connectedness to the existing group of houses, has no natural boundary, and would result in the suburbanisation of the area, and is therefore contrary to Policy 3: Development in the Countryside and SG Rural Development1 of the Aberdeenshire Local Development Plan (2012).

(F) Reference No: APP/2015/1130 - Full Planning Permission for Erection of Dwellinghouse at Plot 4, Site to West of Wright's Croft, Breda Park, Alford

Applicant: Mr Hamish McLean, Auchintoul Farmhouse, Breda Estate, Alford, AB33 8NN

Agent: Stuart Carrie, 42 Sutherland Crescent, Dundee, DD2 2HP

The Senior Planner advised that the application was the third of four related applications on the agenda and had been referred to the Committee because valid objections had been received from more than five separate households. The Senior Planner reported on the detail of the application, representations received, and the relevant planning history of the site, highlighting two previous refusals by Area Committee and two dismissed appeals. The Committee were advised that the key considerations related to the previous reasons for refusal, being that the site was not an appropriate addition to an existing cohesive group, lacked connectedness and would result in the loss of prime agricultural land. The Senior Planner advised that an updated agricultural statement had identified that the site should be downgraded due to the stoniness of the ground. The Planning Service were satisfied that the proposal would not result in the loss of Prime Agricultural Land and fully complied with the relevant policies of the Local Development Plan 2012. The application was recommended for approval, subject to the resolution of developer contributions and the conditions detailed in the report.

Having heard from speakers as detailed at Item 8D, the Committee heard from Mr Tymons, an objector, who made reference to the Reporter's comments regarding the site not forming part of a cohesive group.

After due consideration, the Committee **agreed to** refuse full planning permission for the following reason:-

The proposal does not represent an appropriate addition to an existing cohesive group of at least 5 houses in that it does not demonstrate connectedness to the existing group of houses and has no natural boundary, and is therefore contrary to Policy 3: Development in the Countryside and SG Rural Development¹ of the Aberdeenshire Local Development Plan (2012).

(G) Reference No: APP/2015/1135 - Full Planning Permission for Erection of Dwellinghouse and Detached Garage at Plot 3, Land to the West of Westbrig, Alford, Aberdeenshire

Applicant: Mr Hamish McLean, Auchintoul Farmhouse, Breda Estate, Alford, AB33 8NN

Agent: Stuart Carrie, 42 Sutherland Crescent, Dundee, DD2 2HP

Having previously heard from speakers as detailed at Item 8D, the Committee were advised that requests to speak on the item had been received. The Committee **agreed** to hear from:

Dr Lynda Gibbs, an objector; and
Mr Grant; an objector.

The Senior Planner advised that the application had been referred to the Committee because valid objections had been received from more than five separate households. The Senior Planner reported on the detail of the application, representations received, and the relevant planning history of the site, highlighting two previous refusals by Area Committee and two dismissed appeals. The Committee were reminded of the previous reasons for refusal, being the impact on the setting of listed buildings and Gardener's Cottage, the scale and proportions of the proposed dwellinghouse and the impact on the amenity of Gardener's Cottage. It was advised that the Reporter had disagreed with the Committee on the impact on listed buildings but had dismissed the appeal on the grounds of the impact to Gardener's Cottage and the absence of a cohesive group. The Planning Service remained of the view that the cluster of houses was cohesive and the siting of the house had been moved so as to address concerns relating to the impact on Gardener's Cottage. The conclusion of the Planning Service was that the application fully complied with the relevant policies of the Local Development Plan and the application was recommended for approval, subject to the resolution of developer contributions and the conditions detailed in the report.

The Committee then heard from Dr Linda Gibbs, an objector, who expressed the view that the application shouldn't have been accepted as the main reasons for refusal were based on the absence of an existing cohesive group which couldn't be overcome by amendments to the application. She made reference to inaccuracies in the drawings including the absence of mature planting, lack of visual connectedness, erosion of the rural landscape, there being no local need for additional properties, unsafe access, and pressure put on local residents.

Thereafter, Dr Gibbs confirmed that she was satisfied with the way in which the hearing had been conducted.

The Committee then heard from Mr Grant, an objector who indicated that he was the owner of Gardener's Cottage. He outlined his objections, making reference to inaccuracies in the stated distance between Gardener's Cottage and the application site, reduction to the privacy and amenity of Gardener's Cottage and detracting from its setting, suburbanisation of the area, absence of a cohesive group of five houses, concerns that the Enabling properties were being used as a basis for a cohesive group, and the site not being suitable for development.

Thereafter, Mr Grant confirmed that he was satisfied with the way in which the hearing had been conducted.

The Committee then sought clarification from the Senior Planner on the distance of the application site from Alford.

The Committee then heard from Mr Tymons, an objector, who made reference to the Reporter's comments regarding the site not forming part of a cohesive group.

Thereafter, Mr Tymons confirmed that he was satisfied with the way in which the hearing had been conducted.

After due consideration, the Committee **agreed to** refuse full planning permission for the following reason:-

The proposal does not represent an appropriate addition to an existing cohesive group of at least 5 houses in that it does not demonstrate visual connectedness to the existing group of houses and has no natural boundary, and is therefore contrary to Policy 3: Development in the Countryside and SG Rural Development¹ of the Aberdeenshire Local Development Plan (2012). The proposal would also have a detrimental impact on the amenity of Gardener's Cottage and is therefore contrary to Policy 8 Layout, siting and design of new development and SG LSD2: Layout, siting and design of new development of the Aberdeenshire Local Development Plan (2012).