

**ABERDEENSHIRE COUNCIL****FORMARTINE AREA COMMITTEE****THE KIRK CENTRE, STATION ROAD, ELLON, 25 OCTOBER 2016**

**Present:** Councillors R Merson (Chair), P Johnston (Vice-Chair), I Davidson, A Duncan, J Gifford, A Hendry, G Owen, E A Robertson, C Shand and R Thomson.

**Apologies:** A Norrie.

**Officers:** E Brown (Area Manager, Formartine), C Young (Committee Officer, Formartine), M Ingram (Senior Solicitor, Legal and Governance), A Ramsay (Senior Planner, Infrastructure Services), L Dingwall (Planner, Infrastructure Services), E Reid (Team Leader, Affordable Housing, Infrastructure Services), A Michie, Strategic Town Centre Executive, Infrastructure Services) and C Sneddon and M Paterson (Project Officers, Education and Children's Services).

**1. DECLARATION OF MEMBERS' INTERESTS**

The Chair asked members if they had any interests to declare in terms of the Councillors' Code of Conduct.

Councillor Davidson declared an interest in Item 4C as she had compiled a report which had been submitted as part of the application. As she felt this interest was clear and substantial, she indicated that she would not take part in the debate of this item.

**2. RESOLUTIONS****a) 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 its decision.

**3. MINUTE OF MEETING OF 20 SEPTEMBER, 2016**

The Committee had before them, and **approved** as a correct record, the minute of the meeting of 20 September, 2016.

**4. PLANNING APPLICATIONS FOR DETERMINATION**

The following planning applications were considered, along with any objections and representations received in each case, and were dealt with as recorded in **Appendix A**.

Reference	Description	Recommendation
A. APP/2016/1767 APP/2016/1768 APP/2016/1769 APP/2016/1770	Planning Permission in Principle for Erection of 3 Dwellinghouses at Sites 1,2,3,4 Adjacent to Blackford Avenue, Rothienorman (12 Dwellinghouses in Total)	1767 Delegated Grant 1768, 1769,1770 Refuse
B. APP/2015/2459	Full Planning Permission for Erection of 1 No. Wind Turbine (50m to Hub, 77m Total Height) including Access Track, Hardstanding and Associated Infrastructure at Woodlands, Udney, Ellon	Grant
C. APP/2016/2112	Planning Permission in Principle for Demolition of Existing Studio/Garage and Dwellinghouse and Erection of 2 No. Dwellinghouses at Wychwood, 25 Craigs Road, Ellon	Defer for Site Visit
D. APP/2016/2524	Full Planning Permission for Installation of 17.50m Telecommunications Mast, Antennas and Ground Based Apparatus at Site at Main Street, Newburgh, Ellon	Defer for further information

## 5. STRATEGIC HOUSING INVESTMENT PLAN 2017-2022

There had been circulated a report dated 21 September, 2016 by the Director of Infrastructure Services which detailed the draft Strategic Housing Investment Plan 2017-2022.

Following consideration of the plan, the Committee provided the following **comments** to the Social Work and Housing Committee:-

- (a) Could the information provided within Table 1 be displayed in a map format as it's not currently clear that the areas are defined by settlements as detailed in the Local Development Plan,
- (b) How does the information in Table 1 tie in to Community Action Plans,
- (c) Is there a mechanism to consider opportunities for areas out with the defined settlements,
- (d) It needs to be made explicit that there is housing need out with the defined settlements,
- (e) It would be helpful to clarify how medium and high priorities have been determined,
- (f) It would be helpful to have assurance that plans are in place to ensure the delivery of the capital programme,
- (g) In terms of payments required through Section 75 agreements, are there any contingency plans in place should build rates be reduced,
- (h) The Council needs to come up with innovative and creative ways to achieve these goals,
- (i) Do we need to reconsider current processes in relation to commuted payments,
- (j) Do we need to be more robust in our engagement with the private sector where there are empty properties,
- (k) It is agreed that it would be helpful to re-evaluate and improve our procurement mechanisms, as per paragraph 3.14 of the report,

- (l) Communities should have a stakeholder role during consultations,
- (m) We need to ensure that we are achieving the maximum affordable housing contributions possible,
- (n) We need to be mindful that this will affect the sustainability of our communities and public services,
- (o) It would be useful to get feedback from Create Homes in relation to uptake and future plans,
- (p) It would be helpful for members to have an idea of how it will affect their ward,
- (q) It would be helpful to consider new, innovative processes and procedures to bring sites forward for minority ethnic communities,
- (r) It would be helpful to have further information in relation to the minority ethnic sites that have been identified and progressed, and
- (s) It would be helpful for the service to report back to the Area Committees, at an appropriate juncture, in order that the Area Committees can monitor the implementation of the capital plan in terms of affordable housing in their areas.

## 6. TOWN CENTRE FIRST PRINCIPLE

There had been circulated a report dated August 2016 by the Director of Infrastructure Services which detailed the proposed delivery of the Town Centre First Principle and asked the members to consider nominations for members to act as Town Centre Ambassadors for the Formartine area.

Following consideration of the report, the Committee:-

- (1) **nominated** Councillor Robertson and Councillor Thomson to act as the Town Centre Ambassadors for the Formartine area, and
- (2) provided the following **comments** to the Infrastructure Services Committee:-
  - (a) It would be helpful to encourage other services to embed this principle into their practices – for example including business associations in circulations about matters that will affect the Town Centre,
  - (b) Paragraph 1.8 of the report should read “The Town Centre Principle will be incorporated within existing plans and policies”,
  - (c) It would be helpful to clarify the definition of a town,
  - (d) It would be helpful to clarify how the principle will fit with Local Action Plans, and
  - (e) It would be helpful to clarify that the policy is to be embedded into plans, to confirm that it is not a case of being either plan led or policy led.

## 7. INFRASTRUCTURE SERVICES QUARTER 1 (APRIL TO JUNE 2016) PERFORMANCE EXCEPTION REPORT (ABERDEENSHIRE PERFORMS)

There had been circulated a report dated 22 September, 2016 by the Director of Infrastructure Services which detailed exceptions in performance monitoring that were significantly above or below performance targets.

Following discussion, the Committee:-

- (1) **acknowledged** the good performance achieved April to June 2016 (Quarter 1), as identified in Appendix 1 of the report,
- (2) **noted** those measures where performance was below expectations April to June 2016 as identified in Appendix 2 of the report,

- (3) **noted** the publication of the complete April to June 2016 Performance Report on Ward Pages and on the Council's website,
- (4) **advised** the Director of Infrastructure Services to continue to report, by exception, to the Committee quarterly on performance measures against service objectives and six monthly on progress in delivering all aspects of the Service Plan, and
- (5) made the following **comments** to be raised with the Service:
  - It would be helpful to have an explanation of why performance fell in relation to 'Street Lighting Faults – Percentage completed within 7 days'.

## 8. NAMING OF THE REPLACEMENT MARKETHILL SCHOOL

There had been circulated a report dated October, 2016 by the Director of Education and Children's Services which sought agreement on a name for the replacement Markethill School in Turriff.

After giving consideration to the suggested school names and the results of the associated consultation, the Committee **agreed** that the replacement Markethill School in Turriff should be named Turriff Primary School.

## 9. STATEMENT OF OUTSTANDING BUSINESS

The Committee had before them and **noted** a report by the Formartine Area Manager, updating on matters that had previously been discussed by the Committee but remained to be resolved.

The Committee **requested** that the Area Manager seek an update in relation to investigations into a new site for a school at Balmedie.

## 10. PROPOSED LEASE RENEWAL OF UNIT 3 MEADOWS INDUSTRIAL ESTATE, MELDRUM MEG WAY, OLDMELDRUM

There had been circulated a report dated 6 October, 2016 by the Director of Business Services which sought approval for the lease renewal of Unit 3 Meadows Industrial Estate in Oldmeldrum.

After consideration of the information provided, the Committee **approved** the lease renewal of Unit 3 Meadows Industrial Estate, Meldrum Meg Way, Oldmeldrum, to Berrys of Oldmeldrum, on the terms as detailed within the report.

## APPENDIX A

## 4A. Reference No: APP/2016/1767

**Planning Permission in Principle for Erection of 3 No. Dwellinghouses at Site 1, Adjacent to Blackford Avenue, Rothienorman, Inverurie**

**Reference No: APP/2016/1768**

**Planning Permission in Principle for Erection of 3 No. Dwellinghouses at Site 2, Adjacent to Blackford Avenue, Rothienorman, Inverurie**

**Reference No: APP/2016/1769**

**Planning Permission in Principle for Erection of 3 No. Dwellinghouses at Site 3, Adjacent to Blackford Avenue, Rothienorman, Inverurie**

**Reference No: APP/2016/1770**

**Planning Permission in Principle for Erection of 3 No. Dwellinghouses at Site 4, Adjacent to Blackford Avenue, Rothienorman, Inverurie**

**Applicant: Tor Ecosse Ltd**  
**Agent: No Agent**

The Senior Planner introduced the applications, which had previously been deferred for further information. The Committee then heard an oral representation from the Fyvie, Rothienorman and Monquhitter Community Council.

During discussion, the members asked if the photographs used in the montage were recent, for assurance that surface water or foul water drainage from these developments would not create any additional pressure on the existing systems; and for clarification on whether communities had been given the opportunity to comment on the Organic Grown policy when the Local Development Plan had been produced.

Following consideration of the information provided, the Committee moved to determine each of the applications separately.

**APP/2016/1767**

The Committee **agreed** that authority to **grant** Planning Permission in Principle be **delegated** to the Head of Planning and Building Standards, subject to:-

- a) Conclusion of a Section 75 Agreement, and
- b) The following conditions:-
  1. Details of the specified matters listed below shall be submitted for consideration by the Planning Authority, in accordance with the timescales and other limitations in Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended). No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

Specified matters:

- (a) Full details of the layout and siting of the proposed development;

- (b) Full details of the external appearance and finishing materials of the proposed development;
- (c) A landscaping scheme including proposed landscape features, including trees to be planted;
- (d) A detailed levels survey of the site and cross sections showing proposed finished ground and floor levels relative to existing ground levels and a fixed datum point;
- (e) Full details of the proposed means of disposal surface water from the development;
- (f) Full details of the proposed access to the development including visibility splays where appropriate; and
- (g) Full details of the proposed car parking/vehicle turning area for the development.

Reason: Permission for the development has been granted in principle only and subsequent approval is required for these matters in accordance with Section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended).

2. The development shall be served in accordance with the approved drawings and the following details:
  - a) The maximum gradient of the first 5m of the access must not exceed 1 in 20.
  - b) Prior to commencement of development, visibility splays measuring 2.4 metres by 120 metres to be formed on either side of the junction of the vehicular access with the public road. The visibility splays so formed shall thereafter be kept free of all permanent obstructions above adjacent carriageway level.
  - c) Prior to the occupation of the first dwelling house a 2 metre wide footpath to link the site to the existing footway on the south side of the C46S, and 2 metre footpath into Blackford Avenue west hammerhead (north end) shall be provided in accordance with the Council's specification.

Reason: In order to ensure that the development is served by an appropriate standard of access and associated servicing in the interests of road safety.

3. That the proposed foul and surface water drainage systems shall be carried out in accordance with the approved plans and the dwellinghouses shall not be occupied unless the approved drainage system has been implemented in this form, unless otherwise agreed in writing with the Planning Authority.

Following provision of the drainage system it shall thereafter be maintained by the developers or their successors in accordance with the approved maintenance scheme.

Reason: In order to ensure that adequate drainage facilities are provided, and maintained, in the interests of the amenity of the area.

4. Prior to the construction of any dwellinghouse an Energy Statement applicable to that dwellinghouse must be submitted to and approved in writing by the Planning Authority, including the following items:
  - (i) Full details of the proposed energy efficiency measures and/or renewable technologies to be incorporated into the development.
  - (ii) Calculations using the SAP or SBEM methods, which demonstrate that the reduction in carbon dioxide emissions rates for the development, arising from the measures proposed, will enable the development to comply with the Council's Supplementary Planning Guidance on Carbon Neutrality in New Developments. (In this case the development will achieve at least a Bronze Active rating under Section 7 of the Building Standards Technical Handbook).

The development shall not be occupied unless it has been carried out in full accordance with the approved details in the Energy Statement. The carbon reduction measures shall be retained in place and fully operational thereafter.

Reason: To ensure this development complies with the on-site carbon reductions required in Scottish Planning Policy and the Council's Supplementary Planning Guidance - Carbon Neutrality in New Developments.

5. No development shall take place until a construction environmental management plan (CEMP) specifically providing details of surface run off has been submitted to and approved in writing by the local Planning Authority.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local Planning Authority.

Reason: In order to protect and enhance biodiversity on the site in accordance with the aim of local planning policy.

6. Each dwellinghouse hereby approved shall not be occupied until a connection to the public water supply has been secured and implemented.

Reason: The planning application states that the water supply will be public; to ensure a wholesome water supply (in terms of quality and quantity) in the interests of public health.

#### **Reasons for Decision APP/2016/1767**

That the development fully complies with the relevant policies within the Aberdeenshire Local Development Plan 2012.

#### **APP/2016/1768**

Councillor Duncan, seconded by Councillor Hendry, **moved** that the application be approved in line with the recommendations contained within the report.

As an **amendment**, Councillor Robertson, seconded by Councillor Davidson, **moved** that the application be refused on the basis that the application was considered out with Policy 3 Development in the countryside and SG Rural Development1: Housing and business development in terms of contributing to the organic growth of the settlement, following the grant of APP/2016/1767; and also because the application was considered premature, given the outstanding concerns around ongoing drainage investigations in the area.

The members voted as follows:

For the Motion:	<b>4</b>	Councillors Merson, Duncan, Hendry and Shand.
For the Amendment:	<b>6</b>	Councillors Davidson, Gifford, Johnston, Owen, Robertson and Thomson.

Therefore, **the amendment was carried** that the application be **refused** on the basis that the application was considered out with Policy 3 Development in the countryside and SG Rural Development1: Housing and business development in terms of

contributing to the organic growth of the settlement, following the grant of APP/2016/1767; and also because the application was considered premature, given the outstanding concerns around ongoing drainage investigations in the area.

#### **APP/2016/1769**

Councillor Duncan, seconded by Councillor Hendry, **moved** that the application be approved in line with the recommendations contained within the report.

As an **amendment**, Councillor Robertson, seconded by Councillor Davidson, **moved** that the application be refused on the basis that the application was considered out with Policy 3 Development in the countryside and SG Rural Development1: Housing and business development in terms of contributing to the organic growth of the settlement, following the grant of APP/2016/1767; and also because the application was considered premature, given the outstanding concerns around ongoing drainage investigations in the area.

The members voted as follows:

For the Motion:	<b>4</b>	Councillors Merson, Duncan, Hendry and Shand.
For the Amendment:	<b>6</b>	Councillors Davidson, Gifford, Johnston, Owen, Robertson and Thomson.

Therefore, **the amendment was carried** that the application be **refused** on the basis that the application was considered out with Policy 3 Development in the countryside and SG Rural Development1: Housing and business development in terms of contributing to the organic growth of the settlement, following the grant of APP/2016/1767; and also because the application was considered premature, given the outstanding concerns around ongoing drainage investigations in the area.

#### **APP/2016/1770**

Councillor Duncan, seconded by Councillor Hendry, **moved** that the application be approved in line with the recommendations contained within the report.

As an **amendment**, Councillor Robertson, seconded by Councillor Davidson, **moved** that the application be refused on the basis that the application was considered out with Policy 3 Development in the countryside and SG Rural Development1: Housing and business development in terms of contributing to the organic growth of the settlement, following the grant of APP/2016/1767; and also because the application was considered premature, given the outstanding concerns around ongoing drainage investigations in the area.

The members voted as follows:

For the Motion:	<b>4</b>	Councillors Merson, Duncan, Hendry and Shand.
For the Amendment:	<b>6</b>	Councillors Davidson, Gifford, Johnston, Owen, Robertson and Thomson.

Therefore, **the amendment was carried** that the application be **refused** on the basis that the application was considered out with Policy 3 Development in the countryside

and SG Rural Development1: Housing and business development in terms of contributing to the organic growth of the settlement, following the grant of APP/2016/1767; and also because the application was considered premature, given the outstanding concerns around ongoing drainage investigations in the area.

**4B. Full Planning Permission for Erection of 1 No. Wind Turbine (50m to Hub, 77m Total Height) including Access Track, Hardstanding and Associated Infrastructure at Woodlands, Udney, Ellon, Aberdeenshire**

**Applicant: Scotfarms Ltd**

**Agent: Rod McGovern**

The Senior Planner introduced the application which had previously been deferred for a site visit and then for further information.

After consideration of the information provided, Councillor Gifford, seconded by Councillor Johnston, **moved** that the application be refused on the basis that the addition of this wind turbine would result in encirclement and cause an excessive cumulative impact and therefore the application did not comply with Policy 3 and SG Rural Development2: Wind farms and medium to large wind turbines; and Policy 12 and SG Landscape1: Landscape character.

As an **amendment**, Councillor Shand, seconded by Councillor Hendry, **moved** that the application be approved in line with the recommendations contained within the report.

The members voted as follows:

For the Motion: **5** Councillors Davidson, Gifford, Johnston, Owen and Robertson.

For the Amendment: **5** Councillors Merson, Duncan, Hendry, Shand and Thomson.

The Chair exercised his casting vote in favour of the amendment and therefore **the amendment was carried** that the application be **granted** subject to the following conditions:-

1. No later than 2 years from the date of the commissioning of the wind turbine hereby approved (when energy is produced and sold from the development), a fully detailed scheme for the ultimate reinstatement of the site shall be submitted to and require the approval in writing of the Planning Authority.

Such a plan shall be subject to review in the light of monitoring. The site shall be fully re-instated in accordance with the approved reinstatement plan.

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

2. In the event that the turbine fails to produce electricity supplied to a local grid for a continuous period of six months then it shall be deemed to have ceased to be required and, unless otherwise agreed in writing with the Planning Authority, the wind turbine and ancillary equipment shall be dismantled and removed from site, and the ground fully reinstated to the specification of the Planning Authority in accordance with the reinstatement scheme approved under condition 2 within 12 months of the cessation of the turbine, unless such cessation is due to the wind turbine being under repair or replacement.

Reason: In the interests of safety, visual amenity and landscape protection in the event of the plant becoming redundant during or at the end of its life span.

3. No development shall commence until full details of the routes of all power cables and a ground reinstatement plan has been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt all cables shall be located underground and the ground thereafter reinstated fully in accordance with the approved details, within 12 months of the commissioning of the wind turbine, unless otherwise approved in writing by the Planning Authority.

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

4. Prior to the commencement of development details of any new access track drainage shall be submitted to and approved in writing by the Planning Authority. Track drainage should not discharge to a watercourse but to Sustainable Urban Drainage Systems (SUDS). For the avoidance of doubt no part of any concrete foundations and no construction activities shall be within 20 metres of any drain or water course. The development thereafter shall be carried out in accordance with the approved details.

Reason: To ensure the provision of an acceptable drainage system in the interests of the amenity of the area.

5. Prior to the commencement of development a site specific construction method statement, including details of waste, surface water runoff, road construction, the timing of works and environmental management, shall be submitted to and approved in writing by the Planning Authority. The development thereafter shall be carried out in accordance with the approved construction method statement.

Reason: In the interest of landscape and environmental protection.

6. No development shall commence on site until details of the route of all construction and component traffic has been submitted to and approved in writing by the Planning Authority. The details shall include complete transportation proposals for all loads from either their place of manufacture or the port to which they are delivered, to the development site. The development shall be constructed in accordance with the agreed route unless otherwise approved in writing by the Planning Authority.

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

7. No development shall commence on site until an Abnormal Load Routing Plan (ALRP), which will include details of all required road widenings, passing places, bridge strengthening and any site access improvements, has been submitted to and approved in writing by the Planning Authority. All works approved under the ALRP shall be carried out prior to the delivery of any materials on to the site.

Reason: In the interests of road safety.

8. That no other development in connection with the permission hereby approved shall take place until visibility splays of 2.4 metres x 60 metres in both directions has been provided at the access road into the site at the junction with the public road. Thereafter, the visibility splays shall be retained for the duration of this planning permission until the site has been fully reinstated.

Reason: In the interests of road safety.

9. Prior to the commencement of development details of any temporary works required for construction traffic management and subsequent reinstatement works, including a timetable for the works, shall be submitted to and approved in writing by the Planning Authority. The development thereafter shall be carried out in accordance with the approved details. All temporary works shall be removed and the land reinstated no later than three months of the commissioning of the wind turbine. For the avoidance of doubt a method statement for wheel washing shall be included in the scheme.

Reason: In the interests of road safety and landscape protection.

10. That within two months of the commencement of the operation of the wind turbine, all soil and materials stockpiles shall be removed from the site and the construction area reinstated in accordance with details that shall be first submitted to and approved in writing by the Planning Authority.

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

11. That the wind turbine hereby approved shall be finished in a non-reflective pale grey semi-matt finish and shall not display any advertising on any part of the turbine.

Reason: In the interests of visual amenity.

12. The site shall not at any time be illuminated by artificial lighting, except lighting required during construction period, without the prior written approval of the Planning Authority.

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

13. The turbine 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 conditions specified in this planning permission.

Reason: In the interests of residential amenity to ensure acceptable noise levels.

14. The turbine hereby approved is permitted to operate in conjunction with the existing turbine consented under planning reference APP/2010/3166. The cumulative noise arising from both wind turbines together must not exceed the following levels:

- a) During Night Hours, 38dB LA90, 10min or the Night Hours LA90, 10min Background Noise Level plus 5dB(A), whichever is the greater.
- b) During Daytime Hours, 35dB LA90, 10min or the Daytime Hours LA90, 10min Background Noise Level plus 5db(A), whichever is the greater.

(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, 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).

Reason: In the interests of retaining a level of control over any changes in the noise from the wind turbine, or any differences in the actual noise from the projected noise from the site, in the interests of residential amenity.

15. 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 written request within 14 days of the date of the request. The data shall be provided on a Microsoft Excel spreadsheet in electronic format approved in writing by the Planning Authority. The wind speed shall also be normalised to a 10m reference height.

Reason: To ensure compliance with the terms of the planning permission, in order to ensure that the turbine is not causing an unacceptable impact on residential amenity.

16. The Wind Turbine Operator shall employ an independent suitably qualified noise consultant to measure, at the operator's own expense, the level of noise emissions from the wind turbine within the first year of the operation of the turbine, and every two years thereafter, unless and until the Planning Authority extend the period or determine that continued compliance monitoring is no longer required in writing. The measurement procedures, which may include filtering data according to wind direction, shall be submitted to and approved in writing by the Planning Authority prior to commencement of the measuring of the noise emissions, (see 'Informative' section below for further detail). The results of the measurement of the noise emissions shall be submitted to the Planning Authority within one month of the completion of the monitoring exercise. Unless otherwise approved in writing by the Planning Authority the turbine 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: To ensure that the turbine is operating within the confines of the permission in the interests of residential amenity.

17. At the written request of the Planning Authority, following a complaint to Aberdeenshire Council relating to noise emissions from the wind turbine, the Wind Turbine Operator shall shut down the turbine within 24 hours after the receipt of the request and, at his own expense, employ an independent suitably qualified noise consultant to assess the level of noise emissions from the wind turbine (inclusive of existing background noise). This condition shall not prevent the turbines from being operated temporarily for acoustic testing and measurement in a manner approved in writing with the Planning Authority and outlined below.

An assessment of amplitude modulation of noise from the turbines may 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 approved in writing by 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 ETSUR-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 metre 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 approved in writing by the Planning Authority the assessment shall be completed and the report submitted to the Planning Authority no later than 3 months from the date of the written notification by the Planning Authority that monitoring is required.

Reason: In the interests of residential amenity, to ensure that the turbine does not cause an adverse impact on neighbouring properties arising from noise.

18. Should the wind turbine operator fail to demonstrate to the Planning Authority that the noise levels referred to in the terms of this planning permission have not been exceeded, the turbine shall be switched off within 24 hours of receiving written notification from the Planning Authority and remain shut down or operated in accordance with a noise mitigation scheme which has been approved in writing by the Planning Authority until such time as the developer has demonstrated to the Planning Authority compliance with the noise limits and has received written confirmation from the Planning Authority as such.

Reason: To allow the Planning Authority effective control, to ensure that the turbine does not have an adverse effect on residential amenity arising from noise.

19. At the written 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 2 dB 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: To ensure that the turbine does not have an adverse impact on residential amenity by way of noise impact.

20. No development shall commence on site until details of the route of all construction and component traffic showing complete transportation proposals for all loads from either their place of manufacture or the port to which they are delivered, to the development site, has been submitted to and approved in writing by the Planning Authority, in consultation with the Roads Authority and the Bridge Authority. The development thereafter shall be carried out in accordance with the approved details, in its entirety, unless otherwise approved in writing by the Planning Authority as a non-material variation.

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

21. Prior to the commencement of development a dilapidation survey (condition of roads, bridges and retaining walls) of the approved route shall be carried out, in consultation with the Roads Authority and the Bridge Authority. Once development has been completed any remedial works required to the road network arising from the carrying out of the development shall be completed in accordance with details that shall be first submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority and Bridge Authority, including a timetable for completion of the remedial works.

Reason: In the interests of road safety.

22. No development shall commence on site, until the Developer has submitted to the Planning Authority written details of the bond or other financial provision which it proposes to put in place to cover all site restoration costs at the end of the period of this consent. The Developer shall provide an independent confirmation by an independent Chartered Surveyor that the amount of the bond or financial provision so proposed is sufficient to meet the full estimated costs of decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work as well as associated professional costs. No work shall commence on site until written confirmation has been given by the Planning Authority to the effect that the proposed bond or other financial arrangement is acceptable and the developer has confirmed to the Planning Authority that it has been put in place.

Reason: To ensure financial security for the cost of the site reinstatement to the satisfaction of the Planning Authority is in place to provide that any redundant wind turbine and ancillary equipment is removed from site, in the interests of safety amenity and environmental protection.

23. No development shall commence on site unless and until an Air Defence Radar Mitigation Scheme has been submitted to and approved in writing by the Planning Authority, including timetable for implementation.

The Air Defence Radar Mitigation Scheme is a detailed scheme to mitigate the adverse impacts of the Development on the air defence radar at Remote Radar Head Buchan and the air surveillance and control operations of the MOD. The scheme will set out the appropriate measures to be implemented to that end.

No turbine thereafter shall become operational until:

- (a) The mitigation measures which the approved Air Defence Radar Mitigation Scheme requires to be implemented prior to the operation of the turbine have been implemented in full accordance; and

- (b) Any performance criteria specified in the approved Air Defence Radar Mitigation Scheme shall be implemented in full in accordance with the timescales specified in the Air Defence Radar Mitigation Scheme.

Thereafter the development shall fully comply with all other obligations contained within the Air Defence Radar Mitigation Scheme for the duration of the operation of the turbine hereby approved.

Reason: To ensure that the proposal does not have an adverse impact on MOD infrastructure, in the interests of national safety.

#### **Reason for Decision**

The location and scale of the proposed wind turbine would not detract from the quality and character of the landscape and therefore the proposal is not in conflict with Policy 3 Development in the Countryside, SG Rural Development 2: Wind farms and large wind turbines, Policy 8 Layout, Siting and design of new development, SG LSD2: Layout, siting and design of new development, Policy 12 Landscape conservation and SG Landscape 1: Landscape character contained in the Aberdeenshire Local Development Plan 2012.

#### **4C. Reference No: APP/2016/2112**

Councillor Davidson declared an interest in this item as she had compiled a report which had been submitted as part of the application. As she felt this interest was clear and substantial, she indicated that she would not take part in the debate of this item.

**Planning Permission in Principle for Demolition of Existing Studio/Garage and Dwellinghouse and Erection of 2 No. Dwellinghouses at Wychwood, 25 Craigs Road, Ellon, Aberdeenshire, AB41 9BG**

**Applicant: Mr D Wallace**  
**Agent: Baxter Design Company**

The Senior Planner introduced the application and the Committee then heard an oral representation from the agent on behalf of the applicant.

During discussion, the members asked why Planning Permission in Principle had been sought, rather than Full Planning Permission, and sought clarification that the Planning Service did not support the principle of the development being sought.

Following consideration of the information provided, the Committee **deferred** consideration of the application, pending a Site Visit to consider the application in the context of the site and the wider vicinity.

#### **4D. Reference No: APP/2016/2524**

**Full Planning Permission for Installation of 17.50m Telecommunications Mast, Antennas and Ground Based Apparatus at Site at Main Street, Newburgh, Ellon**

**Applicant: EE Ltd & Hutchison 3G UK Ltd**  
**Agent: WHP**

The Senior Planner introduced the application which was recommended for approval.

During discussion, the members asked for clarification on the proposed additions and removals of infrastructure at the site and whether the proposed new apparatus would be capable of 3G or 4G.

Thereafter, the Committee **deferred** consideration of the application, pending further information in relation to the siting of the ground based apparatus and whether it was possible to site these more sensitively or make better use of the current space.