

## Item: 4.2

**Planning Committee: 8 March 2023.**

**Erect a 6kW Wind Turbine (maximum height 15.5 metres), Cable and Solar Panel Array (44 panels) at Swanbister House, Gyre Road, Orphir.**

**Report by Corporate Director for Neighbourhood Services and Infrastructure.**

### 1. Summary

#### 1.1.

The proposed development seeks to achieve a renewable energy project comprising a single, refurbished 6kW, 15.05 metres to tip, wind turbine in conjunction with a ground mounted solar array, comprising 44 solar panels configured in a four-by-eleven unit layout, at Swanbister House, Orphir. Each of the four arrays has a footprint of 1.85 metres by 14.5 metres facing due south. The developer is seeking permission for the development for a period of 25 years. The proposal is located 160 metres southeast of steading buildings and 250 metres distant from Swanbister House. The proposed development will operate in tandem to serve Swanbister House via an underground cable. A Development Assessment document has been submitted in support of the application in association with viewpoints and visualisations. One objection has been received, referencing Policies 1 and 2, Supplementary Guidance 'Energy', cumulative impact of turbines and impact on Orphir village. The objection is not of sufficient weight to merit refusal of the application. Pertinent matters are considered to have no unacceptable impact as proposed or, subject to mitigation, could be controlled by planning conditions, or a combination thereof. Consideration is balanced between the benefits and any residual adverse effects. Accordingly, the application is recommended for approval.

Application Number:	22/333/TPP.
Application Type:	Planning Permission.
Proposal:	Erect a 6kW wind turbine (max height 15.5m), cable and solar panel array (44 panels).
Applicant:	Swanbister Farms.
Agent:	Orkney Sustainable Energy Limited, c/o Richard Gauld, 6 North End Road, Stromness, KW16 3AG.

#### 1.2.

All application documents (including plans, consultation responses and representations) are available for members to view [here](#) (click on "Accept and

Search” to confirm the Disclaimer and Copyright document has been read and understood, and then enter the application number given above).

## **2. Consultations**

### **2.1. Roads Services**

No adverse comment, no conditions or informatives advised.

### **2.2. Environmental Health**

Planning conditions have been advised in the interests of residential amenity and accepted good practice.

### **2.3. Islands Archaeologist**

No adverse comment with no direct impacts on archaeology and no significant impacts on the setting of sites, monuments and listed buildings in the area, including the B-Listed Swanbister House identified.

### **2.4. Historic Environment Scotland**

In consideration of impacts to the Scheduled Monument, SM1445 Hillock of Breakna, broch 300m SE of Swanbister House, Historic Environment Scotland has concluded that the proposed development is unlikely to dominate or significantly detract from key views that form part of the monument’s setting. As such the level of change to the baseline setting of the monument is unlikely to be significant.

### **2.5. Ministry of Defence**

A planning condition has been advised to maintain aviation safety.

### **2.6. Highlands and Islands Airports Limited**

The proposed development does not impact the safeguarding criteria and operation of Kirkwall Airport.

### **2.7. NATS Safeguarding**

No safeguarding objection to the proposed development.

### **2.8. Joint Radio Company**

This proposal is cleared with respect to radio link infrastructure operated by: Scottish Hydro (Scottish and Southern Energy).

### **2.9. Arqiva**

No objection to the proposed development.

### **2.10. Scottish Water**

No objection to the proposed development.

### **3. Representations**

#### **3.1.**

One objection has been received from:

- Leslie Sinclair, 31A Broad Street, Kirkwall KW15 1DH.

#### **3.2.**

The single objection to the proposed development is raised specifically in relation to the wind turbine element of the proposal, referencing various policies of the Orkney Local Development Plan 2017, together with Supplementary Guidance 'Energy', including Policy 1 'Criteria for All Development' and Policy 7C 'All Renewables and Low Carbon Energy Developments' and 7D 'Onshore Wind Energy Development', also with reference to the Spatial Strategy Framework and the protection that communities should benefit from in relation to proximity to wind turbines, and cumulative effects from multiple wind turbines. Matters raised are considered within the assessment of the proposed development.

### **4. Relevant Planning History**

None in relation to the application site, excepting connection into buildings by Swanbister House.

### **5. Relevant Planning Policy and Guidance**

#### **5.1.**

The full text of the Orkney Local Development Plan 2017 and supplementary guidance can be read on the Council website [here](#).

#### **5.2.**

The key policies, supplementary guidance and planning policy advice listed below are relevant to this application:

- Orkney Local Development Plan 2017:
  - The Spatial Strategy.
  - Policy 1 – Criteria for All Development.
  - Policy 2 – Design.
  - Policy 7 – Energy.
  - Policy 8 – Historic Environment and Cultural Heritage.
  - Policy 9 – Natural Heritage and Landscape.
  - Policy 13 – Flood Risk, SuDS and Waste Water Drainage.
  - Policy 14 – Transport, Travel and Road Network Infrastructure
- Supplementary Guidance: Energy (2017).

- Supplementary Guidance: Historic Environment and Cultural Heritage (2017).
- Planning Policy Advice: Amenity and Minimising Obtrusive Lighting (2021).
- Development Management Guidance: Energy.
- National Planning Framework 4.

## 6. Legal Aspects

### 6.1.

Section 25 of the Town and Country Planning (Scotland) Act 1997 as amended (the Act) states, “Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise...to be made in accordance with that plan...”

### 6.2.

Annex A of Planning Circular 3/2013: ‘development management procedures’ provides advice on defining a material consideration, and following a House of Lord’s judgement with regards the legislative requirement for decisions on planning applications to be made in accordance with the development plan, confirms the following interpretation: “If a proposal accords with the development plan and there are no material considerations indicating that it should be refused, permission should be granted. If the proposal does not accord with the development plan, it should be refused unless there are material considerations indicating that it should be granted.”

### 6.3.

Annex A continues as follows:

- The House of Lord's judgement also set out the following approach to deciding an application:
  - Identify any provisions of the development plan which are relevant to the decision.
  - Interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies.
  - Consider whether or not the proposal accords with the development plan.
  - Identify and consider relevant material considerations for and against the proposal.
  - Assess whether these considerations warrant a departure from the development plan.
- There are two main tests in deciding whether a consideration is material and relevant:
  - It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land.
  - It should relate to the particular application.

- The decision maker will have to decide what considerations it considers are material to the determination of the application. However, the question of whether or not a consideration is a material consideration is a question of law and so something which is ultimately for the courts to determine. It is for the decision maker to assess both the weight to be attached to each material consideration and whether individually or together they are sufficient to outweigh the development plan. Where development plan policies are not directly relevant to the development proposal, material considerations will be of particular importance.
- The range of considerations which might be considered material in planning terms is very wide and can only be determined in the context of each case. Examples of possible material considerations include:
  - Scottish Government policy and UK Government policy on reserved matters.
  - The National Planning Framework.
  - Designing Streets.
  - Scottish Government planning advice and circulars.
  - EU policy.
  - A proposed local development plan or proposed supplementary guidance.
  - Community plans.
  - The environmental impact of the proposal.
  - The design of the proposed development and its relationship to its surroundings.
  - Access, provision of infrastructure and planning history of the site.
  - Views of statutory and other consultees.
  - Legitimate public concern or support expressed on relevant planning matters.
- The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another. In distinguishing between public and private interests, the basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.

#### **6.4.**

Where a decision to refuse an application is made, the applicant may appeal under section 47 of the Act. Scottish Ministers are empowered to make an award of expenses on appeal where one party's conduct is deemed to be unreasonable. Examples of such unreasonable conduct are given in Circular 6/1990 and include:

- Failing to give complete, precise and relevant reasons for refusal of an application.
- Reaching a decision without reasonable planning grounds for doing so.
- Not taking into account material considerations.

- Refusing an application because of local opposition, where that opposition is not founded upon valid planning grounds.

## **6.5.**

An award of expenses may be substantial where an appeal is conducted either by way of written submissions or a local inquiry.

## **6.6. Status of the Local Development Plan**

Although the Orkney Local Development Plan 2017 is “out-of-date” and has been since April 2022, it is still a significant material consideration when considering planning applications. The primacy of the plan should be maintained until a new plan is adopted. However, the weight to be attached to the Plan will be diminished where policies within the plan are subsequently superseded.

## **6.7. Status of National Planning Framework 4**

### **6.7.1.**

National Planning Framework 4 (NPF4) was adopted by Scottish Ministers on 13 February 2023, following approval by the Scottish Parliament in January 2023. The statutory development plan for Orkney consists of the National Planning Framework and the Orkney Local Development Plan 2017 and its supplementary guidance. In the event of any incompatibility between a provision of NPF4 and a provision of the Orkney Local Development Plan 2017, NPF4 is to prevail as it was adopted later. It is important to note that NPF4 must be read and applied as a whole, and that the intent of each of the 33 policies is set out in NPF4 and can be used to guide decision-making.

### **6.7.2.**

In the current case, there is not considered to be any incompatibility between the provisions of NPF4 and the provisions of the Orkney Local Development Plan 2017, to merit any detailed assessment in relation to individual NPF4 policies.

## **7. Assessment**

### **7.1. Principle**

#### **7.1.1.**

The proposed development seeks permission for a small-scale renewable energy project at Swanbister House, Orphir, comprising a wind turbine measuring 12.25 metres to hub and 15.05 metres to tip, together with a ground mounted solar array comprising 44 individual panels arranged in four rows of 11 with a footprint of each row of 14.5 metres by 1.85 metres, with a maximum height of 2.2 metres angled and arranged to maximise solar gain from the south. The proposed wind turbine and solar array are to be located in a site measuring 72 metres by 28 metres in an area of waste ground, understood to be a backfilled borrow pit/quarry, located 160 metres southeast of steading buildings and 250 metres distant from Swanbister House. The proposed development will operate in tandem to serve Swanbister House via an

underground cable. A Development Assessment document has been submitted in support of the application in association with viewpoints and visualisations.

### **7.1.2.**

The vision and policies of the Orkney Local Development Plan is supportive for all appropriate energy generation schemes. This is further detailed in planning guidance including Supplementary Guidance: Energy, and most recently the Development Management Guidance: Energy document which states 'The principle of appropriately-sited new renewable and low carbon energy development is strongly supported and encouraged'; such technologies include both solar and wind.

## **7.2. Communities and Amenity**

### **7.2.1.**

The proposed development site is within the countryside and is less than two kilometres southwest of the defined settlement of Orphir village, the nearest settlement centre to the development. This matter forms a significant element in the objection to the application in relation to the proposed wind turbine. Supplementary Guidance: Energy, chapter 4 in relation to Wind Energy, is clear that the two kilometre separation distances around towns and settlements are not to be interpreted as "exclusion zones" and that such a strategic overview in steering away wind energy developments from such areas are indicative only, and the impacts of any proposal on residents within settlements is considered on a case by case basis.

### **7.2.2.**

It is considered disproportionate to consider a wind turbine of the proposed small scale, 15.05 metres to tip, with larger scale individual wind turbines or wind farms. Excepting cumulative, visual and landscape impacts, as considered below, no significant matters which would impinge upon the settlement of Orphir village are considered to arise. No amenity matters in relation to residential dwellings in the vicinity of the proposed wind turbine have been identified. The application as presented has been subject to consultation with a wide range of consultees including Environmental Health with no adverse comments received subject to appropriate planning conditions to safeguard amenity.

### **7.2.3.**

The proposed solar array is not considered to have any substantive impact to communities or amenity in the local area given the nature of this element of the proposal, which is less than 2.5 metres to its highest point and has a footprint of 107.3 square metres, mindful that it is orientated facing south and away from the settlement of Orphir village and other residential properties in the event of unwanted reflection, ie glint and glare, from the solar panel surface.

## **7.3. Landscape and Visual Impact**

### **7.3.1.**

The two key elements of this proposal in relation to landscape and visual impacts are the proposed above ground structures: a solar array and a small-scale wind turbine.

Of these elements the ground mounted solar array is not considered to have any significant landscape or visual impacts being a low, < 2.5 metre structure with a relatively small total footprint of 107 square metres within a wider site area of approximately 2,016 square metres. The wind turbine measures 12.25 metres to the centre point of the hub and 15.05 metres to tip with a blade diameter/swept area of 5.6 metres. Supplementary Guidance: Energy defines the proposed wind turbine as 'small', being the smallest scale of wind turbine considered by the guidance, defined as a single wind turbine < 20 metres height to blade tip. As a moving structure at height the proposed wind turbine has the potential to be visible from a distance.

### **7.3.2.**

In consideration of Supplementary Guidance 'Energy', chapter 4 in relation to Wind Energy, the proposed development is within an area subject to significant protection, mindful that the Spatial Strategy Map is primarily focused on a scale of wind turbine development in excess of that under consideration. In this case, the basis for significant protection is primarily the proximity to the settlement of Orphir Village; the proposal is not otherwise located within an area of heightened landscape sensitivity being located outwith the bounds of the Hoy and West Mainland National Scenic Area. The applicant has provided a simplified visual assessment which considered a five kilometre zone of theoretical visibility with visualisations including viewpoints and wireframes to aid consideration of the proposal. The findings of this work deemed the visual impact as not significant.

### **7.3.3.**

The matter of cumulative impacts, in relation to wind energy developments, is raised within the objection received and has been considered by the applicant in relation to supporting information provided. This is again a matter where perspective is required in consideration of the proposed scale of the wind turbine, the landscape in which it is set and the typically localised visual and landscape effects arising. Consideration is made of cumulative impacts arising within the submitted supporting information which concludes that in combination with other smaller scale wind turbines in the locality the cumulative impact is negligible and visual impacts are not significant.

### **7.3.4.**

The developer has taken into consideration landscape character types, and both of the immediately relevant character types – Enclosed Bay Landscape and Inclined Coastal Pasture as detailed in the Orkney Landscape Capacity Assessment – can accommodate the proposed scale of wind turbine both as an individual small scale wind turbine and in relation to other wind turbines within the landscape. The hills surrounding Orphir Village act to restrict views to around three kilometres from the turbine inland whilst the gently undulating land and pockets of woodland create locations where the turbine is hidden in a local context.

### **7.3.5.**

The development of the site provides opportunity for the site to be cleared of accumulated detritus to the benefit of the immediate appearance of the site. The removal and appropriate disposal of waste materials from the site could be secured by appropriate condition to the enhancement of the immediate locality.



### **7.3.6.**

It is not considered that the solar panel array is readily visible from Orphir village, domestic properties or other visual receptors in the area. Any works to establish the development are considered to be transient and limited in duration and as such are not considered to be significant.

## **7.4. Natural Heritage**

The development site is not subject to any natural heritage designation. As a backfilled quarry the site is not considered to have a high intrinsic value as a natural habitat mindful that the rank grasses and assorted detritus may provide scope for nesting birds. An appropriately worded informative could be applied to advise of ground nesting birds and requirement to avoid undue disturbance.

## **7.5. Historic Environment**

### **7.5.1.**

This is a small-scale renewables development which would not be unexpected in the immediate context of a sizeable, detached dwelling in the countryside. The property related to the proposed development is of significant heritage value, recognised through the 'B' Listed status of Swanbister House. Such development in the immediate environs of the property would not typically be appropriate given the impacts to the immediate environs and setting of a listed building. The submitted zone of theoretical visibility indicates that the project will not be seen from the Earls Bu and Round Kirk on the Gyre Road.

### **7.5.2.**

The proposed development site lies approximately 400 metres west-north-west of an archaeological site that is recognised as being of national importance and designated as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979, the Scheduled Hillock of Breakna broch 300 metres south-east of Swanbister House. Both Historic Environment Scotland and the Islands Archaeologist have commented that the proposals do not raise historic environment issues in relation to the scheduled monument.

### **7.5.3.**

The proposed development will serve the 'B' Listed Swanbister House. Consideration is therefore made of any impacts upon the character and special interest of the listed building. Significantly the proposed development is set at distance from the listed building and steading buildings and would be viewed in the landscape as separate and distant from the listed building. As commented upon by the Islands Archaeologist no significant impact to the setting of the listed building is considered to arise.

## **7.6. Tourism and Recreation**

Of the two key elements of the proposed development, it is the wind turbine which is of most concern in relation to possible impacts arising given that it is a moving structure at height. The site does not directly impinge upon any promoted tourism

sites or core paths being situated approximately 1.3 kilometres northwest of the Bu of Orphir and 850 metres northwest of the circular Bu to Breck core path. The scale and location of the proposed development is such that no significant impacts to tourism and/or recreation are considered to accrue.

## **7.7. Peat and Carbon Rich Soils**

The development is contained within an old quarry which has been backfilled. No significant impacts to natural soils are considered to accrue with excavated trenching works to facilitate the link between the proposed site and Swanibister House through land subject to agricultural improvement. No impacts to peat and carbon rich soils are considered to accrue.

## **7.8. Water Environment**

The nature and location of the proposed development does not give rise to any significant surface water or flooding concerns.

## **7.9. Aviation, Defence and Communications**

### **7.9.1.**

No aviation concerns have been raised by typical consultees including Highlands and Islands Airports Limited and National Air Traffic Services. The Ministry of Defence has requested that information be secured by condition to update aeronautical information including installation date, total height of wind turbine and exact location. No aeronautical warning lighting has been advised by aviation consultees.

### **7.9.2.**

No adverse effects in relation to interference to radio transmission networks have been indicated by Arquiva or the Joint Radio Company.

## **7.10. Construction and Decommissioning**

### **7.10.1.**

The scale of the apparatus is such that no significant specialist machinery would be required in the construction or decommissioning of the proposed development. Similarly, were the development to become redundant or at the end of life of the development, the reinstatement of the site to the extent of removal of all above ground apparatus is not considered any more onerous than any other small scale development. As such it is not deemed reasonable nor proportionate to require additional detail on the methodology of development of the site beyond that already submitted and that a financial bond is similarly not required to cover decommissioning and reinstatement costs.

### **7.10.2.**

Given the relative nature and scale of the site works and components required for the proposed development no adverse comments have been received from the Roads Authority. No significant matters are therefore considered to arise in relation

to impacts upon the road network through either construction or decommissioning phases.

## **8. Conclusion and Recommendation**

### **8.1.**

It is considered that the development is sited and designed taking into consideration the location and the wider townscape, landscape and coastal character; and where the proposed density of the development is appropriate to the location. The situation of the proposal is on derelict land of poor agricultural quality as a backfilled quarry and is separated from the listed building of Swanbister House and Scheduled Monument of the Hillock of Breakna. The location is also in close relationship to a small woodland which, together with the undulating landform, provide a backdrop and limit longer views noting that the key matter of objection is for a single wind turbine of 15.05 metres to tip height. The proposed site is considered optimal in relation to use of land, separation from buildings with historic environment interest and given the small scale of the proposed wind turbine, no significant visual or landscape impacts accruing.

### **8.2.**

In consideration of Policies 7C and 7D, no significant adverse effects on known constraints or conflict with adjoining uses have been identified through the consideration of the application or otherwise identified by consultees. As such the development would be supported by Policy 7C. Policy 7D is clear that appropriately sited, single small wind energy developments are supported in principle where there is a clear visual link, at an appropriate scale between the proposed development and the building(s) to which it relates. The objection includes reference to matters relating to wind farms, rather than necessarily single small scale wind turbines as defined in the Spatial Strategy Framework.

### **8.3.**

No significant adverse effects on national or local constraints have been identified, no adverse comments have been received from consultation bodies, and the development would be subject to relevant planning conditions where appropriate. The objection is of insufficient weight to warrant refusal. Accordingly, the application is recommended for approval, subject to the conditions attached as Appendix 2 to this report.

## **9. Contact Officers**

Jamie Macvie, Service Manager (Development Management), Email  
[Jamie.macvie@orkney.gov.uk](mailto:Jamie.macvie@orkney.gov.uk)

David Barclay, Senior Planning Officer (Development Management), Email  
[david.barclay@orkney.gov.uk](mailto:david.barclay@orkney.gov.uk)

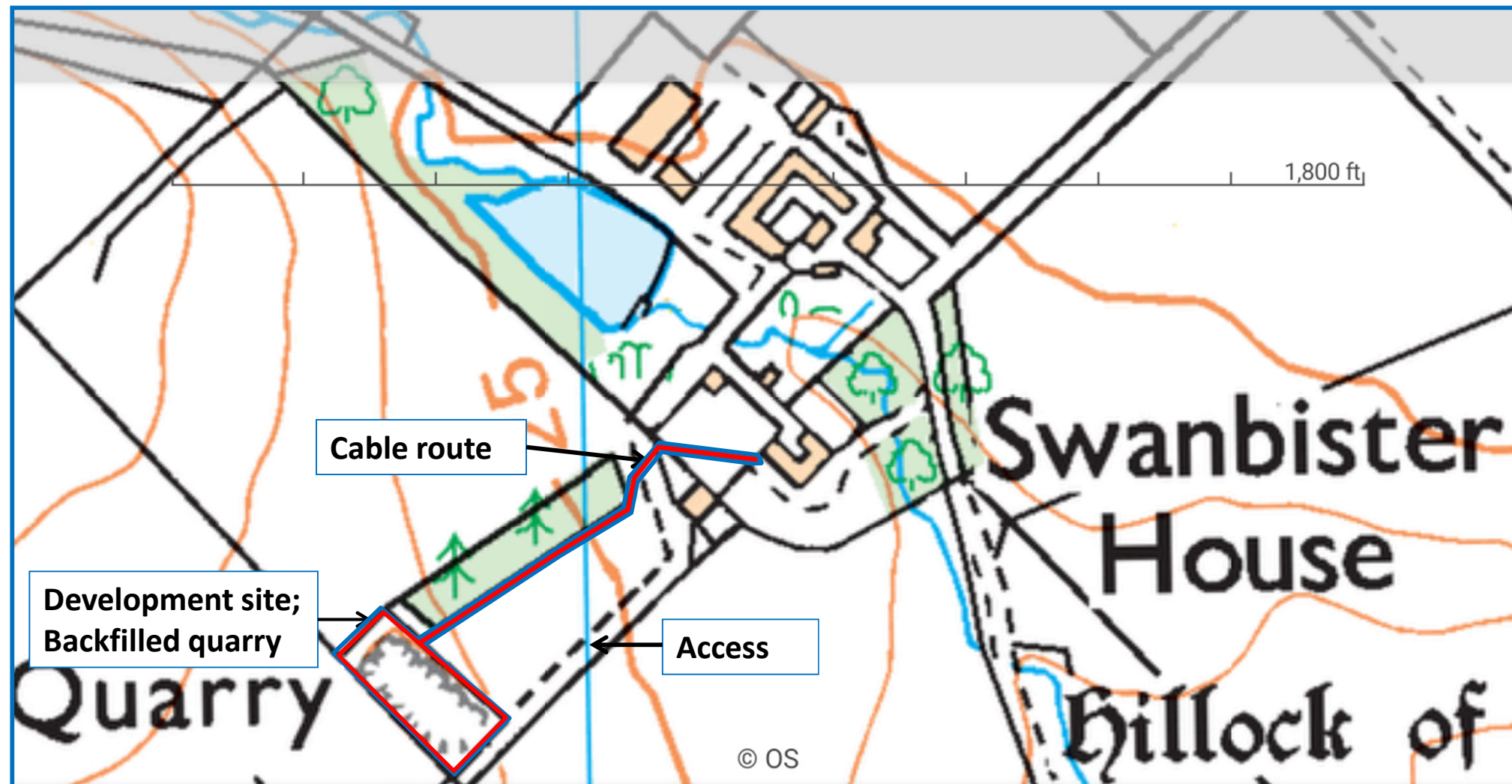
## **10. Appendices**

Appendix 1: Site Plan.

Appendix 2: Planning Conditions.

# Swanbister Wind and Solar Energy

## Location Plan



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Scale 1:2500

0m 200m

## Appendix 2

01. The development hereby approved, to which this planning permission relates, must be begun not later than the expiration of three years, beginning with the date on which the permission is granted, which is the date of this decision notice. If development has not commenced within this period, this planning permission shall lapse.

Reason: In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended, which limits the duration of planning permission.

02. The colour of the wind turbine hereby approved shall be matt grey galvanised for the tower and matt light grey (or off white) for the nacelle and blades, as indicated on Elevation Plan OSE/3621, stamped approved and attached to the decision notice, unless otherwise agreed, in writing, by the Planning Authority.

No logos or branding shall be used on the wind turbine.

Reason: To minimise the visual impact of the development and to protect the visual amenity of the area.

03. Throughout the life of the development, noise generated by the wind turbine hereby permitted, shall not exceed 35dB(A) L90, 10 min at wind speeds not exceeding 10 m/s as measured not less than 10m from the façade of any noise sensitive property.

Measurements shall be made in accordance with the guidance in the supplementary guidance notes to the planning obligation, chapter 8 of the publication The Assessment and Rating of Noise from Wind Farms (ETSU-R-97, Department of Trade and Industry, September 1996).

Reason: To protect the residents of nearby residential properties from disturbance as a result of noise generated during operation of the development.

Note: The property of Swanbister House, Gyre Road, Orphir, is not considered to be a noise sensitive property in relationship to the turbine hereby approved due to the owner's/owners' financial interest in the turbine. Any separation of the ownership of the house and the turbine, including occupation of the house and premises by an individual or party without a financial interest in the turbine, is likely to cause noise issues which may result in the turbines no longer being able to comply with this condition.

Reason: To protect the residents of nearby residential properties from disturbance as a result of noise generated during operation of the development.

04. Should any complaints be received in respect of noise levels, the developer shall fully investigate these complaints and, to establish noise levels at any affected property, shall undertake noise monitoring which shall be carried out by a suitably qualified noise expert or consultancy previously agreed, in writing, by the Planning Authority and which shall be carried out by the method stated in section 2.0 "Procedure to be followed in the event of a complaint" page 102 of the publication "The Assessment and Rating of Noise from Wind Farms" (ETSU-R-97, Department of Trade and Industry, September 1996).

Reason: To protect the residents of nearby residential properties from disturbance as a result of noise generated during operation of the development.

05. Should any noise monitoring undertaken in accordance with condition 04 above demonstrate that the noise thresholds in condition 03 are being exceeded, the developer shall submit a scheme of mitigating measures to the Planning Authority, for written agreement, within three months of the breach being identified. The agreed mitigating measures shall be implemented within three months of the written agreement or within any alternative timescale agreed in writing by the Planning Authority and thereafter retained throughout the life of the development unless otherwise agreed, in writing, by the Planning Authority.

Reason: To protect the residents of nearby residential properties from disturbance as a result of noise generated during operation of the development.

06. Where noise measurements are carried out in accordance with condition 04 above, the assessment of measured noise emission levels should be referenced to derived (not measured) 10 metres height above ground level wind speeds. The article "Prediction and assessment of wind turbine noise" from the Institute of Acoustics bulletin April 2009 Vol. 34 and the document published by the Institute of Acoustics "The Good Practice guide to the Application of ETSU-R-97 for the assessment and Rating of Wind turbine Noise" should be referred to in regard to this matter.

Reason: For avoidance of doubt regarding a technical matter and to follow recognised current good practice.

07. Should any complaints be received in respect of disruption to Radio/TV reception, the developer shall fully investigate these complaints and provide a satisfactory solution within a timescale specified in writing by the Planning Authority, details of which shall be submitted to, and agreed in writing by, the Planning Authority. The approved details shall thereafter be implemented in accordance with the terms specified by the Planning Authority and retained throughout the life of the development unless otherwise agreed, in writing, by the Planning Authority.

Reason: To protect the residents of nearby residential properties from unacceptable levels of disruption to Radio/TV reception.

08. If the wind turbine and/or solar array hereby approved is not operational and producing energy for a period of one year, then the wind turbine and/or solar array, foundation and any other associated equipment shall be removed and the site landscaped and laid to grass, to the satisfaction of the Planning Authority.

Reason: To protect the visual amenity of the area.

09. At least 14 days prior to commencement of any works on the hereby approved development, the developer shall notify the Ministry of Defence (MOD) in writing of the following information:

- The date of the commencement of the erection of the wind turbine generator.
- The maximum height of any construction equipment to be used in the erection of the wind turbine.
- The date the wind turbine generator is brought into use.

- The latitude and longitude and maximum heights of the wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development. The information shall be sent to:

Ministry of Defence, Safeguarding Department, St George's House, DIO  
Headquarters, DMS Whittington, Lichfield, Staffordshire WS14 9PY.

Note: Further information regarding the effects of wind turbines on MOD interests may be viewed on the following website:

<https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Reason: The information is required to be plotted on flying charts for military aircraft and to maintain aviation safety.

10. No development shall commence until all scrap cars and detritus has been removed from the site and disposed of at an appropriately licensed waste management site. The site shall thereafter be laid to grass and maintained as such for the lifetime of the development.

Reason: To enhance the visual amenity of the area.

11. Hours of work during the construction of the development hereby approved, involving the use of machinery and powered tools, or any other operation, for example hammering, that would generate noise audible beyond the boundary of the site, shall be restricted to 07:30 to 18:00 Mondays to Fridays, and 08:00 to 13:00 on Saturdays, not at all on Sundays, Christmas or New Year Public Holidays, unless otherwise agreed, in writing, with the Planning Authority.

Throughout the construction phase of the development there shall be no burning of waste material on site.

Reason: In the interest of residential amenity of the area and in order to reduce any possible nuisance arising to nearby residents during the construction of this development.

## **Informative**

### **Protected Species - Ground Nesting Birds**

Construction/demolition works have the potential to disturb nesting birds or damage their nest sites, and as such, checks for ground nesting birds should be made prior to the commencement of development if this coincides with the main bird breeding season (April - July inclusive). All wild bird nests are protected from damage, destruction, interference and obstruction under the Wildlife and Countryside Act 1981 (as amended). Some birds (listed on schedule 1 of the Wildlife and Countryside Act) have heightened protection where it is also an offence to disturb these birds while they are in or around the nest.