

## REGULATORY PANEL.

Minutes of meeting in County Buildings, Wellington Square, Ayr  
on 7 May 2019 at 10.00 a.m.

Present: Councillors Brian Connolly (Chair), Andy Campbell, Ian Cavana, Peter Convery, Ian Fitzsimmons, Mary Kilpatrick and Margaret Toner.

Apology: Councillor Craig Mackay.

Attending: F. Mullen, Service Lead - Planning and Building Standards; A. Brown, Co-ordinator (Legal Services, Property and Contracts), D. Love, Supervisory Planner; F. Sharp, Supervisory Planner; and A. Gibson, Committee Services Officer.

### 1. Declarations of Interest.

There were no declarations of interest by Members of the Panel in terms of Council Standing Order No. 17 and the Councillors' Code of Conduct.

### 2. Minutes of previous meetings.

The Minutes of [26 February](#) and [6 March](#) 2019 (Special) (issued) were submitted and approved.

### 3. Applications for Planning Permission.

There were submitted reports (issued) of April 2019 by the Director – Place on current applications for determination.

The Panel decided as follows:-

- (1) [19/00065/FURM](#) – MAYBOLE – Proposed Windfarm, U62 from C29 at Wallacetown – north-west to Hallowshean Cottage – Further application to vary condition 1 of planning permission 17/00746/FURM.

**Decided:** to approve the application subject to the following conditions:-

- (1) that this planning permission shall lapse on the expiration of a period of five years from the date of the appeal decision notice, 16th February 2017 unless the development has been started within that period;
- (2) that the permission hereby granted shall endure for a period of 25 years from the date when electricity is first exported to the electricity grid network ("First Export Date"). Written confirmation of the First Export Date shall be provided to the planning authority within 1 month of the First Export Date;

- (3) that in the event of any breach of health and safety or environmental obligations relating to the development during the period of this consent, written notification of the nature and timing of the incident to Scottish Ministers and the planning authority, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, shall be submitted within 24 hours of the incident occurring;
- (4) that no turbines shall be erected until the Turnberry DVOR is withdrawn from service;
- (5) that prior to the erection of the first turbine, full details of the proposed wind turbines (including, but not limited to, the power rating, size, type, external finish and colour), any anemometry masts and all associated apparatus shall be submitted to and approved in writing by the planning authority. The blade tip height of the turbines shall not exceed 110 metres above ground level. The development shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. All wind turbine blades shall rotate in the same direction. None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in writing by the planning authority;
- (6) that prior to the construction of the sub-station building, full details of the external appearance, dimensions, surface materials, associated compounds, any construction compound boundary fencing, external lighting, landscaping and parking areas shall be submitted to and approved in writing by the planning authority. The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details;
- (7) that all wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on the approved plans. Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site subject to the following restrictions unless otherwise approved in writing by the planning authority:
  - (a) no wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum, than the position shown in Figure 2.1 of the Environmental Statement;
  - (b) no wind turbine, building, mast, hardstanding or access track shall be moved more than 50 metres from the position shown on the original approved plans;
  - (c) no micro-siting of the northernmost turbine (T8) closer to the Chapelbar and Hollowshean farm private water supply;
  - (d) no micro-siting shall take place within areas of peat of greater depth than the original location shown on the Peat Depth Contours drawing, number ED11384/008 in the Environmental Statement;
  - (e) no micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems; and
  - (f) all micro-siting permissible under this condition shall be approved in advance in writing by the Ecological Clerk of Works (ECoW).

No later than one month after the First Export Date, an updated site plan shall be submitted to the planning authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the development. The plan shall also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW and/or planning authority's approval, as applicable;

- (8) that prior to the commencement of development a site-specific scheme for the working and restoration of the borrow pit forming part of the development shall be submitted to and approved in writing by the planning authority. The scheme shall include:
- (a) a detailed working method statement based on site survey information and ground investigations;
  - (b) details of the handling of any overburden (including peat, soil and rock);
  - (c) drainage, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependant Terrestrial Ecosystems (GWDTE) from drying out;
  - (d) a programme of implementation of the works described in the scheme;
  - (e) provision of a temporary access track from the unclassified road [ U62 ] to the borrow pit (s) as shown in the Plan Ref [Fig 2.1A ] unless otherwise agreed in writing with the planning authority; and
  - (f) full details of the reinstatement, restoration and aftercare of the borrow pit(s).

The approved scheme shall thereafter be implemented in full within 6 months of the First Export Date;

- (9) that no blasting shall take place until a monitoring scheme to address borrow pit blasting has been submitted to and approved in writing by the planning authority. The scheme shall include:
- (a) Blasting monitoring locations;
  - (b) type of monitoring equipment to be used;
  - (c) frequency of monitoring;
  - (d) the methods to be employed to minimise the effects of overpressure arising from blasting, having regard to blast design, methods of initiation and the weather conditions prevailing at the time;
  - (e) limits to over pressure levels at specified properties; and
  - (f) submission of blasting records to the planning authority.

Blasting shall only take place on the site between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise agreed in writing by the planning authority. Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at agreed blasting monitoring locations. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface;

- (10) that no development shall commence until an Ecological Clerk of Works (ECoW) has been appointed and the identity and terms of appointment of the ECoW has been submitted to and agreed in writing by the planning authority. The ECoW shall be employed for the periods of:
- (a) wind farm construction, including site preparation, micro-siting and post-construction restoration;
  - (b) wind farm decommissioning and site restoration; and
  - (c) in relation to (a) the terms of appointment shall be submitted prior to the commencement of the development and in relation to (b), prior to the commencement of any decommissioning works;
- (11) that the Ecological Clerk of Works required under the terms of condition (10) above shall have a duty to:
- (a) carry out pre-construction surveys to inform the Construction Environmental Management Plan required in terms of condition (12);
  - (b) monitor compliance with ecological and hydrological aspects of the Construction Environmental Management Plan required in terms of condition (12), the Habitat Management Plan required in terms of condition (16), the Species Protection Plan required in terms of condition (17), the decommissioning, restoration and aftercare plan required by condition (27), and the scheme for the working and restoration of the borrow pit(s) required by condition (8); and
  - (c) fulfil all other specific responsibilities of the ECoW as required by other conditions.

The Ecological Clerk of Works shall report to the planning authority and the developer's nominated construction project manager (during the construction period) or decommissioning project manager (during decommissioning) any non-compliance with the hydrological or ecological aspects of the plans referred to above at the earliest practical opportunity;

- (12) that prior to the commencement of development a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling shall be submitted to and approved in writing by the planning authority. The CEMP shall include (but shall not be limited to):
- (a) a site waste management plan;
  - (b) a dust management plan;
  - (c) site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
  - (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network and site entrances;
  - (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil, fuel and other chemicals on the site;
  - (f) soil storage and management;
  - (g) a peat management plan;
  - (h) a water and drainage management plan for all groundwater, surface and waste water;
  - (i) details of temporary site illumination;

- (j) the method of construction of the access into the site and the creation and maintenance of associated visibility splays;
- (k) the method of construction of the crane pads;
- (l) the method of construction of the turbine foundations;
- (m) the method of working cable trenches;
- (n) the method of construction and erection of the wind turbines and meteorological masts;
- (o) details of any watercourse crossings, which shall be designed to convey the 1 in 200 year flow plus an appropriate allowance for freeboard;
- (p) post-construction restoration/ reinstatement of the working areas;
- (q) a wetland ecosystems survey and mitigation plan;
- (r) a felling and tree management plan; and
- (s) details of the methods to be adopted to reduce the effects of noise occurring during the construction period.

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in writing by the planning authority;

- (13) that construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 08.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or on national public holidays. Outwith these specified hours, development on the site shall be limited to turbine erection, maintenance, dust suppression, and the testing of plant and equipment, unless otherwise approved in writing by the planning authority. For emergency works outwith these specified hours where prior notification is not possible, details including the nature and requirement for these works shall be submitted in writing to the planning authority within 24 hours of any such works commencing. HGV movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 07.00 to 19.00 Monday to Friday, and 07.00 to 16.00 on Saturdays, with no HGV movements to for from site taking place on a Sunday or on national public holidays;
- (14) that prior to the commencement of development a traffic management plan shall be submitted to and approved in writing by the planning authority. The traffic management plan shall include:
  - (a) the routing of all traffic associated with the development on the local road network;
  - (b) measures to ensure that the specified routes are adhered to, including monitoring procedures;
  - (c) details of all signage and lining arrangements to be put in place;
  - (d) provisions for emergency vehicle access;
  - (e) identification of a nominated person to whom any road safety issues can be referred; and
  - (f) a plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries, the length, width and axle configuration of all extraordinary traffic accessing the site and a swept path analysis for the routing of abnormal loads.

The approved traffic management plan shall thereafter be implemented in full, unless otherwise agreed in writing by the planning authority;

- (15) that the proposed route for any abnormal loads on the trunk road network shall be submitted to and approved in writing by the planning authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, and traffic management shall similarly be submitted to and approved in writing by the planning authority. The agreed measures shall thereafter be fully implemented by a recognised Quality Assured traffic management consultant;
- (16) that prior to the commencement of development, a habitat management plan shall be submitted to and approved in writing by the planning authority. The habitat management plan shall set out proposed habitat management of the development site during the period of construction, operation, decommissioning, and restoration of the site. The approved habitat management plan shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan shall be updated to reflect ground condition surveys undertaken following construction and prior to the First Export Date it shall be submitted to and approved in writing by the planning authority. The approved habitat management plan shall thereafter be implemented in full;
- (17) that prior to the commencement of development a species protection plan shall be submitted to and approved in writing by the planning authority. The species protection plan shall be prepared and based on the findings of a protected species survey carried out by an ecologist and approved by the planning authority and shall include pre-construction surveys and mitigation measures designed to safeguard protected mammals and birds within and adjacent to the operational areas of the site. The species that should be surveyed for include, but are not necessarily limited to, badgers, otters, pine martens and breeding birds. The approved plan shall be implemented in full;
- (18) that prior to the commencement of development a programme of archaeological works including a scheme of investigation shall be submitted to and approved in writing by the planning authority. The approved scheme shall thereafter be fully implemented;

- (19) Prior to the commencement of development a woodland planting scheme to compensate for the removal of 19.01 hectares of existing woodland ("the replanting scheme") shall be submitted to and approved in writing by the planning authority. The replanting scheme shall include:
- (a) details of the location of the area to be planted;
  - (b) details of land owners and occupiers of the land to be planted;
  - (c) the nature, design and specification of the proposed woodland to be planted;
  - (d) details of all consents required for delivery of the replanting scheme and timescales within which each will be obtained;
  - (e) the phasing and associated timescales for implementing the replanting scheme;
  - (f) proposals for the maintenance and establishment of the replanting scheme, including annual checks, replacement planting, fencing, ground preparation and drainage; and
  - (g) proposals for reporting to the planning authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the replanting scheme.

Prior to the First Export Date an approved replanting scheme shall be implemented in full, unless otherwise agreed in writing by the planning authority;

- (20) that the rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:
- (a) the wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request;
  - (b) no electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority;

- (c) within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component;
- (d) the assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits;
- (e) the geographical coordinates references set out in Tables 1 and 2 are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits apply. Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling;



- (f) the wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions;
- (g) where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (iv) above unless the time limit has been extended in writing by the Local Planning Authority; and
- (h) once the Local Planning Authority has received the independent consultant's noise assessment required by this condition, including all noise measurements and any audio recordings, where the Local Planning Authority is satisfied of an established breach of the noise limits set out in the attached tables 1 & 2, upon notification by the Local Planning Authority in writing to the wind farm operator of the said breach, the wind farm operator shall within 21 days propose a scheme for the reasonable approval of the Local Planning Authority. The scheme shall be designed to mitigate the breach and to prevent its future recurrence. This scheme shall specify the timescales for implementation. The scheme shall be implemented as reasonably approved by the Local Planning Authority and according to the timescales within it. The scheme as implemented shall be retained thereafter unless otherwise agreed with the Local Planning Authority.

**Table 1: Noise limits between 07:00 and 23:00 expressed in dB LA90, 10minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10-minute periods**

Location		Standardised wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods									
Property name	Grid ref.	3	4	5	6	7	8	9	10	11	12
Chapelbar Cottage	E225176 N605832	38.0	38.0	38.0	38.0	39.2	41.4	43.6	45.8	48.0	50.4
High Mains Farm	E226673 N603804	45.0	45.0	45.0	45.0	45.0	45.0	45.0	47.4	50.6	53.0
North Threave	E224558 N604157	38.0	38.0	38.0	38.0	38.0	40.7	43.8	47.2	50.9	54.3
East Threave	E225072 N604408	45.0	45.0	45.0	45.0	45.0	45.0	45.0	47.2	50.9	54.3
Newlands Farm	E227550 N604369	38.0	38.0	38.0	38.0	38.0	40.3	43.8	47.4	50.6	53.0
South Threave	E224409 N603677	38.0	38.0	38.0	38.0	38.0	40.3	43.8	47.4	50.6	53.0
Craigdow	E227589 N605888	38.0	38.0	38.0	38.0	38.0	40.3	43.8	47.4	50.6	53.0

**Table 2: Noise limits between 23:00 and 07:00 expressed in dB LA90, 10minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10-minute periods**

Location		Standardised wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods									
Property name	Grid ref.	3	4	5	6	7	8	9	10	11	12
Chapelbar Cottage	E225176 N605832	43.0	43.0	43.0	43.0	43.0	43.0	45.6	49.2	52.3	54.5
High Mains Farm	E226673 N603804	45.0	45.0	45.0	45.0	45.0	45.0	45.0	45.0	49.6	53.9
North Threave	E224558 N604157	43.0	43.0	43.0	43.0	43.0	43.0	43.0	46.1	50.2	53.9
East Threave	E225072 N604408	45.0	45.0	45.0	45.0	45.0	45.0	45.0	46.1	50.2	53.9
Newlands Farm	E227550 N604369	43.0	43.0	43.0	43.0	43.0	43.0	43.0	44.7	49.6	53.9
South Threave	E224409 N603677	43.0	43.0	43.0	43.0	43.0	43.0	43.0	44.7	49.6	53.9
Craigdow	E227589 N605888	43.0	43.0	43.0	43.0	43.0	43.0	43.0	44.7	49.6	53.9

## **GUIDANCE NOTES FOR THE NOISE CONDITION**

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSUR-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farms" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

**Guidance Note 1**

- (a) Values of the LA90,10-minute noise statistic should be measured at the complainant's property, using a sound level meter of BS EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the Fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated before and after each set of measurements, using a sound calibrator with type approval meeting IEC 60945:2003 Class 1 (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. The instrumentation shall have been verified for compliance with the above standards within two years of any measurement for the sound level meter and within one year of any measurement for the sound calibrator. Measurements shall be undertaken in such a manner to enable a total penalty to be applied in accordance with Guidance Note 3.
- (b) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The LA90,10-minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed and wind direction at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods, unless otherwise agreed in writing with the Local Planning Authority. The mean wind speed data for the operating turbines shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, averaged across all operating wind turbines, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Universal Coordinated Time and adjusted to local time where necessary.
- (e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

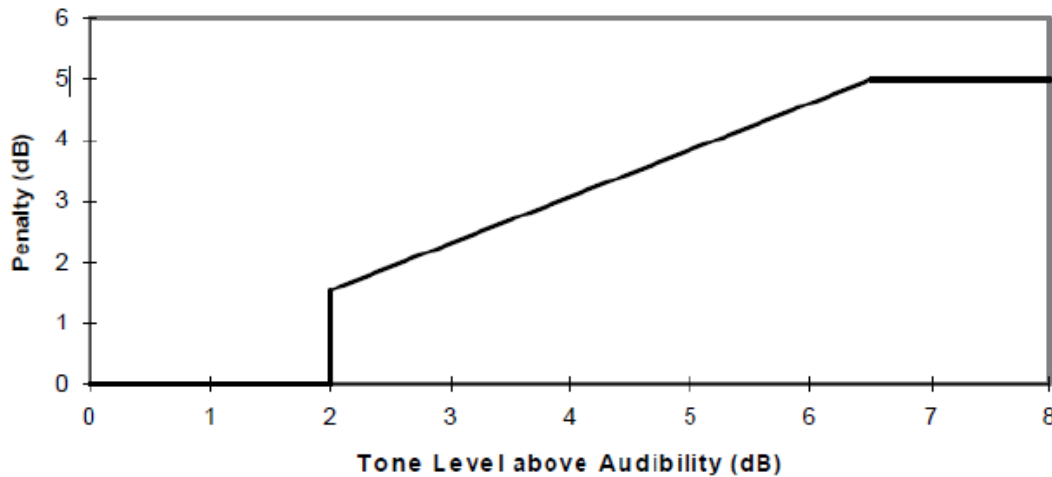
**Guidance Note 2**

- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2(b).
- (b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurements periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10-minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

**Guidance Note 3**

- (a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10-minute interval for which LA90,10-minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2-minute period out of the affected overall 10-minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- (c) For each of the 2-minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 -109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2-minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.
- (e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



#### Guidance Note 4

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note
- (c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.
- (d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- (e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.
- (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[ 10^{L_2/10} - 10^{L_3/10} \right]$$

- (g) The rating level shall be re-calculated by adding the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note (iii) above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions;
- (21) that prior to the commencement of development a scheme for the avoidance or mitigation of any shadow flicker that may be experienced by residential and commercial properties shall be submitted to and approved in writing by the planning authority. The approved mitigation scheme shall thereafter be implemented in full. At the request of the planning authority, following a complaint, the wind farm operator shall appoint a suitably qualified person who shall undertake an investigation into the incidence of shadow flicker at the complaint location. Where shadow flicker is confirmed, proposed mitigation measures shall be submitted to and agreed in writing by the planning authority. The mitigation measures shall be fully implemented within 3 months of the measures being agreed by the planning authority;
- (22) that prior to the erection of the first turbine, details of the operational procedures to be put in place in the event of ice accumulation on wind turbine blades shall be submitted to and agreed in writing by the planning authority. The agreed procedures shall thereafter be fully implemented;
- (23) that prior to the erection of the first turbine a Television Reception Mitigation Plan including a baseline television reception survey shall be submitted to and approved in writing by the planning authority. The approved Television Reception Mitigation Plan shall thereafter be implemented in full. Any complaint by any individual person regarding television picture loss or interference at their home, business premises or other building, made during the period from installation of any turbine forming part of the development to the date falling twelve months after the First Export Date, shall be investigated by a qualified engineer appointed by the wind farm operator and the results shall be submitted to the planning authority. Any impairment to the television signal attributable to the development shall be remedied by the wind farm operator within 3 months of being informed of being notified of the complaint, so that the standard of reception at the affected property is equivalent to the baseline television reception;

- (24) that if one or more turbine fails to generate electricity for a continuous period of 12 months, unless otherwise agreed in writing by the planning authority, the wind farm operator shall prepare a scheme of work setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored, including timescales for the work, to be submitted to the planning authority by no later than the date of expiration of the 12 month period for its agreement in writing. The agreed scheme of work shall be fully implemented in accordance with the agreed timescales;
- (25) that prior to the erection of the first turbine or mast, the following information shall be provided to the Ministry of Defence, Defence Geographic Centre and NATS, together with evidence of having done so to the planning authority:
- the date of the expected commencement and completion of each stage of construction;
  - the height above ground level of the tallest structure forming part of the development;
  - the maximum extension height of any construction equipment; and
  - the position of the turbines and masts in latitude and longitude;
- (26) that prior to the erection of the first turbine or mast, a scheme for aviation lighting for the wind farm consisting of Ministry of Defence accredited infra-red aviation lighting shall be submitted to and approved in writing by the planning authority. The turbines shall be erected with the approved lighting installed and the lighting shall remain operational throughout the duration of this consent. No lighting other than that described in the scheme may be applied at the site unless otherwise agreed in writing by the planning authority;
- (27) that no later than 3 years prior to decommissioning of the development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, shall be submitted to the planning authority for its written approval. The plan shall provide detailed proposals for the removal of the development, the treatment of ground surfaces, the management and timing of the works, environmental management provisions, and a traffic management plan to address any traffic impact issues during the decommissioning period. The development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing by the planning authority;
- (28) that prior to the commencement of development a bond or other form of financial guarantee which secures the cost of undertaking all decommissioning, restoration and aftercare obligations that are conditions of this planning permission shall be provided, the details of which shall be submitted to and agreed in writing by the planning authority. The financial guarantee shall thereafter be maintained in favour of the planning authority until the date of completion of all restoration and aftercare obligations. The value of the financial guarantee shall be determined and then reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations this will include indexation costs, contingency provision, council fees and best practice prevailing at the time of each review;

- (29) that all turbines shall be shut down for a period of three hours from sunset during the months of May to August when temperatures are above 10 degree Celsius and wind speeds are 6m/s or less. All measurements will be based on measurements at the turbine nacelle and wind speed based on a 10 minute average. This restriction to operation hours shall apply in perpetuity unless otherwise agreed in writing by the planning authority. Any request to the planning authority to vary this restriction shall be accompanied by a post-construction monitoring report;
- (30) that there shall be no Commencement of Development unless a method statement has been submitted to and approved in writing by the Planning Authority, in consultation with Environmental Health and SEPA, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the Development. Due to the sensitivity of the nature of the catchment area of Hallowshean private water supply, the method statement shall include water quality sampling methods and shall specify abstraction points.

The approved method statement shall thereafter be implemented in full.

For the avoidance of doubt the method statement as a minimum shall include a robust site specific emergency plan of action procedures to be in place prior to commencement of any construction works for the windfarm, access roads or compounds etc. Written procedures should include the following details:

- proposed buffer zones around the catchment area to PWS source and the supply lines, to be clearly marked on a plan;
- proposed borrow pits and potential outer boundaries should they require alternate siting after investigation, site layout, clearly mapped;
- proposed Compounds, substations and other structures, cables etc., laid on ground or underground, to be clearly marked on a plan;
- site specific mitigation measures and where this will take place, who will take responsibility, what action required, when they will be taken, to be written into an emergency action plan for during and after construction, forestry etc;
- emergency contacts 24/7, with contact telephone numbers and email addresses detailing responsible persons. These require to be supplied to the PWS owners and users, as well as South Ayrshire Planning department and Environmental Health Department;
- programme of water sampling to be carried out, commencing before, and continued, during and post construction works, with weekly monitoring analysis results being collated sent through on a monthly basis to the Planning Authority, South Ayrshire Council;
- forest removal/harvesting, details of start and end dates, notification of intended works, details of proposed phases, where, when, by whom, who responsible and emergency contacts (as above); and
- re-planting or compensatory planting, where, when, by whom, who responsible and emergency contacts (as above) also who will be responsible for maintenance on the replanted trees, and what chemicals are to be used; and



- (31) that there shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Planning Authority in monitoring compliance with the terms of the planning permission and conditions attached to this consent ("PMO"). The terms of appointment shall:
- Impose a duty to monitor compliance with the terms of the planning permission, the environmental statement and conditions attached to this consent;
  - Require the PMO to submit monthly /quarterly/annual report(s) to the Planning Authority summarising works undertaken on site; and
  - Require the PMO to report to the Planning Authority any incidences of noncompliance with the terms of the terms of the planning permission and conditions attached to this consent at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of operation, decommissioning, restoration and aftercare of the site.

**Reasons:**

- (1) for the avoidance of doubt and because section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) does not apply to any planning permission granted for a limited period;
- (2) to define the duration of the consent;
- (3) to keep the Scottish Ministers informed of any such incidents which maybe in the public interest;
- (4) to maintain the integrity of the operation of the Turnberry DVOR which is required in the interests of aviation safety;
- (5) to ensure that the environmental impacts of the turbines forming part of the development conform to the impacts of the candidate turbine assessed in the environmental statement and in the interests of the visual amenity of the area;
- (6) to ensure that the environmental impacts of the sub-station and ancillary development forming part of the development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area;
- (7) to control environmental impacts while taking account of local ground conditions;
- (8) to ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment;
- (9) to ensure that blasting activity is carried out within defined timescales to minimise disturbance to residents and control impact on amenity;
- (10) in the interests of nature conservation and environmental protection;
- (11) to secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the development;
- (12) to ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented;
- (13) in the interests of local amenity;
- (14) in the interests of road safety and to ensure that abnormal loads access the site in a safe manner;

- (15) to maintain safety for both the trunk road traffic and the traffic moving to and from the development, and to ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network;
- (16) in the interests of good land management and the protection and enhancement of habitats and species;
- (17) in the interests of good land management and the protection and enhancement of habitats and species;
- (18) to enable the opportunity to identify and examine any items of archaeological interest which may be found on the site, and to allow any action required for the protection, preservation or recording of such remains;
- (19) to secure replanting to mitigate the effects of deforestation arising from the development;
- (20) to protect nearby residents from undue noise and disturbance. To ensure that noise limits are not exceeded and to enable prompt investigation of complaints;
- (21) to mitigate impacts of shadow flicker on residential and commercial property amenity;
- (22) in the interest of health and safety;
- (23) to ensure local television services are sustained during the construction and operation of this development;
- (24) to ensure that any redundant wind turbine is removed from site, in the interests of safety, amenity and environmental protection;
- (25) in the interests of aviation safety;
- (26) in the interests of aviation safety;
- (27) to ensure the decommissioning and removal of the development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection;
- (28) to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the wind farm operator;
- (29) to ensure that the wind farm has no significant adverse effects on the conservation status of Nyctalus bats;
- (30) to maintain a secure and adequate quality water supply to all properties with private water supplies that may be affected by the development;and
- (31) to enable the development to be suitably monitored to ensure compliance with the consent issued.

**List of Determined Plans:**

Drawing - Reference No (or Description): LOCATION PLAN Figure 1.1;  
 Drawing - Reference No (or Description): SITE LAYOUT PLAN Figure 2;  
 Other - Reference No (or Description): SUPPORTING STATEMENT;  
 Drawing - Reference No (or Description): 17/00746/FURM APPROVED PLANS; and  
 Drawing - Reference No (or Description): 14/01646/APPM APPROVED PLANS.

**Reason for Decision:**

The proposed variation to condition together with other conditions imposed through Appeal Decision Notice PPA-370-2052 are considered to accord with the Development Plan.

- (2) [19/00074/APPM](#) – COYLTON – Land to the rear of Coylton Primary School, Highpark Road – Erection of residential development and associated infrastructure.

Councillor Campbell, seconded by Councillor Kilpatrick, moved that the application be refused for the reasons stated.

By way of an Amendment, Councillor Connolly, seconded by Councillor Convery, moved that the Director - Place be given delegated powers to approve the application subject to the signing of a S75 legal agreement relating to; the provision of a path link to the A70, a commuted sum in lieu of on-site affordable housing provision, and to the following conditions:-

- (a) that the development hereby granted shall be implemented in accordance with the approved plans as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (b) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval;
- (c) that prior to the commencement of development, samples or a brochure of all materials to be used on external surfaces, in respect of type, colour and texture, shall be submitted for the prior written approval of the Planning Authority;
- (d) that the applicant shall submit a swept path analysis accommodating the largest size of vehicle expected to be used by or serve the development (Pantehnicon, or equivalent) for the formal prior written approval of the Council as Planning Authority;
- (e) the applicant/developer shall, prior to the commencement of work on site, submit a Construction Traffic Management Plan to the Roads Authority. The plan shall detail the routing of all construction traffic to and from the development, and will include a programme of works detailing the anticipated number and classification of vehicle per month over the construction period. The Construction Traffic Management Plan shall require the written agreement of the Roads Authority prior to commencement on site;
- (f) that before occupation of the first dwelling, a Residential Travel Pack shall be submitted for the formal prior written approval of the Council as Planning Authority (in consultation with the Council as Roads Authority). The Residential Travel Pack shall provide information on pedestrian, cycling and public transport opportunities in the vicinity of the development site to encourage modes of travel other than private car;
- (g) that the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Precise details and specifications of how this is to be achieved shall be submitted for the prior written approval of the Planning Authority before any work commences on site;

- (h) that the private access shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway/service strip prior to occupation. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (i) that junction access visibility sightline splays of 2.4 metres by 31.0 metres shall be maintained in both directions at the junction with the public road network. There shall be no obstacle greater than 1.05 metres in height within the visibility sightline splays;
- (j) that off road parking spaces shall be provided in accordance with the Council's Roads Development Guide (i.e. 2 no per 2 & 3 bedroom dwelling and 3 no per 4 and 5 bedroom dwelling) within the existing site boundaries prior to occupation of the dwellinghouse(s);
- (k) that in curtilage parking bays shall be a minimum of 5.5 metres x 3.0 metres with parallel on-street parking bays 6.0 metres x 2 metres; Garages shall only be considered towards parking if an internal dimension of 7 metres x 3 metres can be demonstrated. All parking bays shall satisfy the design standards as set out within Designing Streets and the Council's Roads Development Guide;
- (l) that prior to completion of the development any gates shall open inwards away from the public roadway with 45° splays from the gate posts, or that any wall, fence or hedge bounding the site shall be not more than 1 metre in height (as measured from the adjoining road level) for a distance of 1.5 metres on both sides of the access;
- (m) that driveways associated with dwellinghouses shall be designed in accordance with the standards as set out within the Council's Roads Development Guide, and be consistent with the design ethos as set out within Designing Streets;
- (n) that the proposed vehicle connection to Highpark Road shall be amended to control vehicle speeds and provide a safe means of pedestrian crossing prior to occupation of the first dwellinghouse all to the satisfaction of the Ayrshire Roads Alliance. Written approval from the Council as Roads Authority shall be required prior to commencement of work on site, and construction of the gateway feature shall be completed prior to occupation of the first dwelling within the development;
- (o) that a suitable pedestrian footpath be provided from Highpark Road to the A70 in the immediate vicinity of Coylton Primary, the costs of which to be borne by the Developer, and to the satisfaction of the Council as Roads Authority prior to occupation of the first dwellinghouse;
- (p) that prior to any work commencing on-site the applicant/developer shall obtain technical approval from Ayrshire Roads Alliance for any retaining feature which supports the proposed public road or retains any private land from falling onto the proposed public road;

- (q) surface water from the site shall be treated in accordance with the principles of the Sustainable Urban Drainage Systems (SUDS) Manual published by CIRIA in March 2007 and updated guidance contained within CIRIA C753;
- (r) that all landscaping works and open space provision shall be completed in accordance with the approved landscape drawings prior to the occupation of the last house in the approved development. The open space/landscaped area shall be retained as open space and to this approved standard. For the avoidance of doubt, the landscape scheme shall include mulching of shrub beds and a native shrub mix of 1.5-2 plants/m<sup>2</sup>;
- (s) that a landscape bond and a play equipment bond relating to the approved landscaping and play facility scheme for this development proposal shall be submitted to, and approved in writing by, the Planning Authority before any work commences on site. For the landscape bond calculation purposes a map with only factored areas shall be submitted, with all planting details, such as: area, plant species, sizes and densities;
- (t) that before any works start on site, details of the future management and aftercare of the proposed landscaping and planting shall be submitted for approval in writing by this Planning Authority. Thereafter the management and aftercare of the landscaping and planting shall be carried out in accordance with these approved details;
- (u) that the presence of any previously unsuspected or encountered contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority within one week. At this stage, a comprehensive contaminated land investigation shall be carried out if requested by the Planning Authority;
- (v) that the full extent of the safe route to school footpath in the north western part of the site (shown on plan 6258/PL-01 RevD) shall be provided up to the boundary of the site with the school to the satisfaction of the Council as Roads Authority prior to occupation of the first dwellinghouse;
- (w) the development should be constructed to ensure the properties comply with the undernoted noise levels

Maximum Target Noise Levels within the noise sensitive receptor to be used in the determination.

LAEQ16hrs	35dB	(0700-2300)	internal noise level
LAEQ 8hrs	30dB	(2300-0700)	internal noise level
LAMAX	45dB	(2300-0700)	internal noise level
LAEQ 16hrs	50dB	(0700-2300)	outside amenity space

Internal noise levels to be achieved, where possible, with windows open sufficiently for ventilation. Noise reduction to be taken as 10dB from outside to inside with window open;

- (x) should any vegetation require to be removed this should be undertaken outwith the breeding bird's season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing;
- (y) that the existing trees, other than those agreed or approved for removal, shall be retained and protected in accordance with BS5837:2005 trees in relation to Construction, to the satisfaction of the Planning Authority;
- (z) that before any works start on site, the developer shall submit, details and specifications of the protective measures necessary to safeguard the trees on the site during operations. The Planning Authority shall be formally notified in writing of the completion of such measures and no work on site shall commence until the Planning Authority has confirmed in writing that the measures as implemented are acceptable. The protective measures shall be retained in a sound and upright condition throughout the operations and no building materials, soil or machinery shall be stored in or adjacent to the protected area, including the operation of machinery; and
- (aa) that the mitigation measures outlined in the submitted Ecological Assessment (January 2019(Revised March 2019)) shall be implemented in full.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual and residential amenity;
- (c) in the interest of visual amenity;
- (d) in the interest of road safety;
- (e) in the interest of road safety;
- (f) to encourage sustainable means of travel;
- (g) in the interest of road safety and avoid the discharge of water on to the public road;
- (h) in the interest of road safety and to ensure an acceptable standard of construction;
- (i) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (j) in the interest of road safety and to ensure adequate off-street parking provision;
- (k) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (l) in the interest of road safety;
- (m) in the interest of road safety and to ensure that there is adequate space for manoeuvring and turning;
- (n) in the interests of vehicle and pedestrian movement;
- (o) in the interests of vehicle and pedestrian movement;
- (p) in the interest of road safety;
- (q) to ensure the site is drained in an acceptably sustainable manner and the drainage infrastructure is properly maintained;

- (r) to ensure landscaping works are completed at an appropriate stage in the development of the site;
- (s) to ensure that the site is adequately landscaped and incorporates adequate play facilities, in the interests of amenity;
- (t) in the interests of visual amenity; to ensure that adequate measures are put in place to protect the landscaping and planting in the long term;
- (u) to ensure all contamination within the site is dealt with;
- (v) in the interests of pedestrian movement;
- (w) in the interests of residential amenity;
- (x) in the interest of protecting local wildlife;
- (y) in the interests of visual amenity; to ensure that all trees worthy of retention are satisfactorily protected before and during works on site;
- (z) in order to ensure that no damage is caused to the existing trees during development operations; and
- (aa) to ensure the appropriate mitigation measures are fully implemented.

**Advisory Notes:**

- (1) Ayrshire Roads Alliance as Roads Authority advise as follows:-
  - (a) Any costs associated with the relocation of any street furniture will require to be borne by the applicant / developer.
  - (b) Promotion of Traffic Regulation Orders resulting from this development will require to be fully funded by the applicant - including any relevant road signs and markings.
  - (c) All works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
  - (d) Construction Consent from the Roads Authority will be required for the formation of any new road. The formation of any new road will require to comply with the specifications of the Roads Authority which are detailed in the latest Roads Development Guide publication.
  - (e) Only signs complying with the requirements of 'The Traffic Signs Regulations and General Directions 2002' are permitted within public road limits.
  - (f) All driveway access points within the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide 5.2.4 before completion of the development.
  - (g) In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
  - (h) That a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.

## (2) The Coal Authority advise the following:

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Warrant approval (if relevant).

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property-specific summary information on past, current and future coal mining activity can be obtained from: [www.groundstability.com](http://www.groundstability.com) or a similar service provider.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority).

## (3) South Ayrshire Council Sustainable Development (Biodiversity) advise the following:

- (a) Works should not lead to the contravention of either the Protection of Badgers Act 1992 or the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004; (this includes ensuring that any foraging badger would not become trapped /injured during construction).
- (b) Works should not lead to contravention of the Habitats Directive / Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).



- (c) That the area of construction be checked prior to the commencement of any works for any ground nesting birds or nesting hare, thereby ensuring that they are not contravening the Wildlife & Countryside Act 1981 as amended by the Nature Conservation (Scotland) Act 2004.
- (d) If there are any woodland edges likely to provide important foraging habitat, where possible an experienced ecologist should provide input to the lighting schemes so as not to impact on foraging bats and provide darkened corridors for commuting and foraging. .
- (e) Any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. Temporary lights should not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging.
- (f) Where possible the developer considers the inclusion of bird and bat boxes within the development.
- (g) Should any EPS be found either prior to or during the period of development then a qualified ecological consultant should be contacted immediately for advice before proceeding with works. Advice from SNH may be required and the ecologist should be able to determine this.
- (h) Should any European EPS be found either prior to or during the period of development then the need for EPS licensing should be reviewed.
- (i) If there is a requirement for any tree felling then it may be appropriate for the developer to conduct a survey (in season) for potentially roosting bats / nesting birds.
- (j) Where possible that any native hedgerows are retained, or replaced with native species hedgerow enhancements. This could consist of mostly hawthorn, with a mix of hazel, holly, dog rose, willow and elder.
- (k) That where possible any landscape planting considers the use of native nectar rich species and fruiting species. These might include Blackthorn (*Prunus spinosa*), Crab apple (*Malus sylvestris*), Elder (*Sambucus nigra*), Hawthorn (*Crataegus monogyna*), Hazel (*Corylus avellana*), Holly (*Ilex aquifolium*), Rowan (*Sorbus aucuparia*) and Silver birch (*Betula pendula*).
- (l) All holes and excavations greater than 1 m deep should be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of escape. Where this is not possible these areas should be fenced off to prevent accidental entry.
- (m) Pipe work etc. if stored in the open, should be capped or sealed or blocked up during storage so as to prevent it being used by animals.

**List of Determined Plans:**

Drawing - Reference No (or Description): LANDSCAPE GENERAL ARRANGEMENT 14017-LAGA-P001-K;

Drawing - Reference No (or Description): EQUIPPED PLAY AREA 14017-LAHW-P001-B;

Drawing - Reference No (or Description): TREE SURVEY ROOT PROTECTION AREA 14017-ST-P006-A;

Drawing - Reference No (or Description): ROADS GENERAL ARRANGEMENT 1621.LYN-003 RevA;

Drawing - Reference No (or Description): ROADS HORIZONTAL GEOMETRY 1621.LYN-004 RevA;

Drawing - Reference No (or Description): ROADS VERTICAL GEOMETRY 1621.LYN-005 RevA;  
 Drawing - Reference No (or Description): EARTHWORKS GENERAL ARRANGEMENT 1621.LYN-006 RevB;  
 Drawing - Reference No (or Description): EARTHWORKS SECTION SHEET 1 OF 2 1621.LYN-007 RevB;  
 Drawing - Reference No (or Description): EARTHWORKS SHEET 2 OF 2 1621.LYN-008 RevB;  
 Drawing - Reference No (or Description): DRAINAGE GENERAL ARRANGEMENT 1621.LYN-009 RevA;  
 Drawing - Reference No (or Description): SITE SECTIONS 6258-ELE-001 RevA;  
 Drawing - Reference No (or Description): HOUSETYPE 3 6258.HT-01;  
 Drawing - Reference No (or Description): EXISTING SITE PLAN 6258/EX-01;  
 Drawing - Reference No (or Description): HOUSETYPE 11 6258/HT 11;  
 Drawing - Reference No (or Description): LOCATION PLAN 6258/LOC-01;  
 Drawing - Reference No (or Description): SITE LAYOUT 6258/PL-01 RevD;  
 Drawing - Reference No (or Description): HOUSETYPE 5 LAYOUTS 6259.HT-05;  
 Drawing - Reference No (or Description): HOUSETYPE 7 LAYOUTS 6259.HT-07;  
 Drawing - Reference No (or Description): HOUSETYPE 8 FEATURE LAYOUTS 6259.HT-08 F;  
 Drawing - Reference No (or Description): HOUSETYPE 8 LAYOUTS 6259.HT-08 RevD;  
 Drawing - Reference No (or Description): HOUSETYPE 9 LAYOUTS 6259.HT-09;  
 wing - Reference No (or Description): HOUSETPYE 10 LAYOUTS 6259.HT-10;  
 Other - Reference No (or Description): ARCHAEOLOGICAL DESK BASED ASSESSMENT PROJECT 3976;  
 Other - Reference No (or Description): DATA STRUCTURE REPORT PROJECT 4894;  
 Other - Reference No (or Description): DESIGN AND ACCESS STATEMENT JANUARY 2019;  
 Other - Reference No (or Description): ECOLOGICAL ASSESSMENT JANUARY 2019;  
 Other - Reference No (or Description): PAC REPORT V3;  
 Other - Reference No (or Description): PLANNING STATEMENT V3  
 Other - Reference No (or Description): TRANSPORTATION STATEMENT PROJECT 14196; and  
 Other - Reference No (or Description): TREE SURVEY REPORT.

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

On a vote being taken by a show of hands, six Members voted for the Amendment and one for the Motion. The Amendment was accordingly declared to be carried.

**Decided:** by a majority, to approve the application, as detailed above.

(3) [19/00006/APP](#) – DUNURE – Ayr Road – Erection of dwellinghouse.

**Decided:** to approve the application subject to the following conditions:-

- (a) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (b) that the approval for the proposed development is limited to 2 years from the date of this consent at which date the dwellinghouse will be removed and the site shall be restored to its former condition in accordance with a written specification, including a timescale within which the works shall be implemented, to be submitted for the prior written approval of the Planning Authority;
- (c) that the private access shall be surfaced for a minimum of 2 metres as measured from the rear of the public footway. Precise details and specifications of the required surfacing shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (d) that 1 no. off road parking space shall be provided within the existing site boundary in accordance with the Council's Roads Development Guide as shown on the submitted plan, prior to occupation of the development; and
- (e) that the parking bay shall be a minimum 5.5 metres x 3.0 metres.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) the use of the land is of a temporary nature and is only acceptable as a temporary expedient;
- (c) in the interest of road safety and to ensure an acceptable standard of construction;
- (d) in the interest of road safety and to ensure adequate off-street parking provision; and
- (e) in the interest of road safety.

**Advisory Notes:**

- That a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.
- That the discharge of water onto the public road carriageway shall be prevented by drainage or other means.
- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer.
- The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.

- The Council as Roads Authority advises that access to the site shall be by way of dropped kerbs, in accordance with the Council's Roads Development Guide before completion of the development.
- In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.

**List of Determined Plans:**

Drawing - Reference No (or Description): 03/62-01;  
 Drawing - Reference No (or Description): 03/62-L1; and  
 Drawing - Reference No (or Description): 03/62-WH2

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

**(4) [19/00090/APP](#) – AYR - 27 Scaur O'Doon Road – Erection of boundary walls and gates**

**Decided:** to approve the application subject to the following conditions:

- that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- that notwithstanding condition (a) above, reconstituted stone is hereby not agreed. Precise details of a natural stone (should additional stone be required for the rebuilding of the wall) shall be submitted to and agreed in writing by the Planning Authority prior to commencement of works on site. Thereafter, proposed works shall comply with the agreed specification to the satisfaction of the Planning Authority;
- that notwithstanding the plans hereby approved, precise details of the proposed gates and timber screening shall be submitted to, and agreed in writing by the Planning Authority prior to the commencement of works on site. Thereafter, proposed works shall comply with the agreed specification to the satisfaction of the Planning Authority;
- that existing junction access visibility sightline splays shall be maintained in both directions at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays; and

- (e) that any gates shall open inwards away from the public roadway to the satisfaction of the Planning Authority.

**Reasons:**

- (a) to ensure that the development is carried out in accordance with the approved plans unless otherwise agreed;
- (b) in the interests of visual amenity;
- (c) in the interests of visual amenity;
- (d) in the interest of road safety and to ensure acceptable visibility at road junctions; and
- (e) in the interest of road safety.

**Advisory Notes:**

- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant/developer.
- In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
- That a Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.

**List of Determined Plans:**

Drawing - Reference No (or Description): DRAWING-ALL DETAILS AS PROPOSED;

Other - Reference No (or Description): ELEVATIONS AS EXISTING; and

Drawing - Reference No (or Description): WALL ELEVATION AND PLAN AS EXISTING.

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

(5) [19/00198/APP](#) – ANNBANK – Mill Road – Erection of dwellinghouse.

**Decided:** to approve the application subject to the following conditions:-

- (a) that the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission or a non-material variation has been agreed in writing by the Planning Authority;
- (b) that notwithstanding the provisions of condition (a) above, no permission is hereby approved for the formation of the hard standing area proposed at the front of the dwellinghouse. Details of an alternative scheme, comprising both soft and hard landscaping, shall be submitted for the prior written approval of the Planning Authority. Thereafter, the approved alternative scheme shall be completed prior to the occupation of the dwellinghouse, to the satisfaction of the Planning Authority;
- (c) no buildings or structures shall be erected within the garden area of the site without approval from the Planning Authority;
- (d) the proposed access shall be 3.6 metres wide and be formed with 4 metre radii and shall be surfaced in accordance with the specifications in the Council's Roads Development Guide. Details and specifications shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (e) the discharge of water onto the public road carriageway shall be prevented by drainage or other means. Details and specifications shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (f) the junction access visibility sightline splays in accordance with the council's roads development guide shall be maintained in both directions for the life of the development at the junction with the public road. There shall be no obstacle greater than 1.05 metre in height within the visibility sightline splays;
- (g) off road parking shall be provided within the site boundary in accordance with the Council's Roads Development Guide. Details and specifications of the parking provision shall be submitted for the prior written approval of the Planning Authority before any work commences on site;
- (h) prior to completion of the development any gates shall open inwards away from the public roadway;
- (i) that before any works start on site a scheme of landscaping indicating the siting, numbers, species and heights (at time of planting) of all trees, shrubs and hedges to be planted, and the extent and profile of any areas of earthmounding, shall be submitted for the prior written approval of the Planning Authority. The scheme as approved shall be implemented within the first planting season following the completion or occupation of the development, whichever is the sooner. The open space/landscaped area shall be retained as open space and to this approved standard;

- (j) that prior to the commencement of development, details of the location, height and materials of all new boundary fences, gates or other means of enclosure shall be submitted to the Planning Authority for written approval; and
- (k) that before any work commences on site a suitably scaled block layout plan showing;
- Existing ground levels;
  - Proposed ground levels, and
  - Finished floor levels of the proposed dwellinghouse
- shall be submitted for the prior written approval of the Council as Planning Authority.

**Reasons:**

- (a) to be in compliance with Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended by Section 20 of the Planning Etc. (Scotland) Act 2006;
- (b) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (c) in order to protect the green belt in accordance with local development plan policies;
- (d) in the interest of road safety and to ensure an acceptable standard of construction;
- (e) in the interest of road safety and avoid the discharge of water on to the public road;
- (f) in the interest of road safety and to ensure acceptable visibility at road junctions;
- (g) in the interest of road safety and to ensure adequate off-street parking provision;
- (h) in the interest of road safety
- (i) in the interests of visual amenity and to ensure a satisfactory standard of local environmental quality;
- (j) in the interests of visual and residential amenity; and
- (k) in the interests of residential and visual amenity; to ensure that there is no significant detrimental impact on adjacent properties.

**Advisory Notes:**

- The Council as Roads Authority advises that any costs associated with the relocation of any street furniture will require to be borne by the applicant / developer.
- The Council as Roads Authority advises that all works on the carriageway to be carried out in accordance with the requirements of the Transport (Scotland) Act 2005 and the Roads (Scotland) Act 1984.
- In order to comply with the requirements of the New Roads and Street Works Act 1991, all works carried out in association with the development on the public road network, including those involving the connection of any utility to the site, must be co-ordinated so as to minimise their disruptive impact. This co-ordination shall be undertaken by the developer and his contractors in liaison with the local roads authority and the relevant utility companies.
- A Road Opening Permit shall be applied for, and obtained from the Roads Authority, for any work within the public road limits prior to works commencing on site.
- The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

- Please note that work should be undertaken in compliance with legislation and guidance relating to Scottish Environment Protection Agency (SEPA) Guidance Note No.8 which can be found at the website of SEPA as follows: [www.sepa.org.uk](http://www.sepa.org.uk).

**List of Determined Plans:**

Drawing - Reference No (or Description): 18/371-001; and  
Drawing - Reference No (or Description): 18/0371-002.

**Reason for Decision:**

The siting and design of the development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

The meeting ended at 11.12 a.m.