

Your Ref:

Our Ref: 24/2261/FUL RD

Date: 25 February 2025

Miss A Gooch
Statkraft
22 Bishopsgate
London
EC2N 4BQ

Email: amelia.gooch@statkraft.com

**Dumfries & Galloway Council
Economy and Environment**

Planning and Development
Militia House
English Street
Dumfries
DG1 2HR

Any enquiries please contact

Case Officer: Rob Lilburn

Email: robert.lilburn@dumgal.gov.uk

Website: www.dumgal.gov.uk/planning

**Town and Country Planning (Scotland) Act 1997
Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013**

Application for Planning Permission

PROPOSAL: ERECTION OF A METEOROLOGICAL MAST (MAXIMUM HEIGHT 121 METRES) WITH ASSOCIATED GUY WIRES FOR A TEMPORARY PERIOD OF 5 YEARS

LOCATION: SITE NEAR PROPOSED APPIN WIND FARM, MULLWHANNY HILL, ABOVE BENBUIE, MONIAIVE

Dear Miss Gooch

I have pleasure in enclosing formal notice of approval.

Please take careful note of the terms of any conditions attached to this permission and especially the need to comply with any suspensive conditions before either commencing work and / or occupying the development. Failure to comply with such conditions may invalidate your permission. In addition to any conditions, please note the advice given in the Appendix which may be attached to the approval. This may include a requirement to formally notify the Council as planning authority of initiation and completion of development. The relevant Notice forms and guidance notes will be enclosed where appropriate.

It should also be noted that before works commence, where applicable, all necessary consents should be obtained under the Building (Scotland) Act 2003. If you require any further information in this respect, please contact the relevant Building Standards Surveyor.

If you wish to submit further information in relation to this application, including information to discharge conditions or non material variations (NMV) please submit any documents or plans online via eplanning (<https://www.eplanning.scot/ePlanningClient/>) using the post submission additional document form (PSAD). Documents should be submitted in a PDF format.

Yours faithfully,

Steve Rogers

Steve Rogers
Head of Economy and Environment

Economy and Environment
Steve Rogers
Head of Economy and Environment

GRANT OF PLANNING PERMISSION

Town and Country Planning (Scotland) Act 1997
Town and Country Planning (Development Management Procedure) (Scotland)
Regulations 2013
Application for Planning Permission

To:

Miss A Gooch
Statkraft
22 Bishopsgate
London
EC2N 4BQ

Dumfries & Galloway Council, having considered the application dated 11 November 2024 reference 24/2261/FUL, hereby **grants Planning Permission**

for:

**PROPOSAL: ERECTION OF A METEOROLOGICAL MAST (MAXIMUM
HEIGHT 121 METRES) WITH ASSOCIATED GUY WIRES FOR
A TEMPORARY PERIOD OF 5 YEARS**

**LOCATION: SITE NEAR PROPOSED APPIN WIND FARM, MULLWHANNY
HILL, ABOVE BENBUIE, MONIAIVE**

in accordance with the details and plans accompanying the application. This approval is also subject to compliance with the conditions below, which may override details shown on the approved plans. Reasons for these conditions are also listed below.

Conditions:

01. That the development hereby granted planning permission must be begun within three years of the date of this permission.

02. That the meteorological mast hereby granted planning permission shall be removed from the site and the use discontinued on or before 23 February 2030. Any works required for the reinstatement of the land shall be carried out within 1 month of the expiry of the permission, in accordance with a scheme for such reinstatement works which shall have been previously submitted to and approved in writing by the planning authority.

03. The mast hereby granted planning permission shall not be brought into operation unless and until marking materials, which shall be in accordance with current best practice standards, have been installed on the mast. The said marking materials shall thereafter be retained in situ for the lifetime of the development in an effective operational condition, with inspections undertaken by the mast operator twice every year, with any repairs necessary to maintain marking materials in their original effective operational condition undertaken immediately at the time of inspection.

04. That no development in respect of this planning permission shall take place unless and until precise details of infrared aviation lighting to be installed on the mast have been submitted to and approved in writing by the Council as planning authority (in consultation with the Ministry of Defence). This should include: a) details of any construction equipment and structures with a total height of 15 metres or greater (above ground level) that will be deployed during the construction of the meteorological mast and details of any infrared aviation warning lighting that they will be fitted with; and b) the locations, heights and specifications of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used. Thereafter, the said lighting shall thereafter be retained in situ for the lifetime of the development in an effective operational condition.

05. That prior to commencement of development, the developer shall provide confirmation that they have notified the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information: a) the date of the commencement of the erection of the meteorological mast; b) the maximum height of any construction equipment to be used in the erection of the meteorological mast; c) the date any meteorological mast are brought into use; d) the latitude and longitude and maximum heights of each meteorological mast. 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.

Reasons:

01. In order to define the duration of the planning permission, in accordance with the provisions of Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by Section 32 of the Planning (Scotland) Act 2019.

02. In order to define the terms of the planning permission and to ensure satisfactory reinstatement of the site.
03. In the interests of biodiversity.
04. In the interests of aviation safety.
05. In the interests of aviation safety.

It must be understood that this document does not imply or comprise any permission, consent or approval necessary for the legitimate undertaking of this proposal under any other legislation.

Signed: ***Steve Rogers***

Dated: 25 February 2025

Steve Rogers
Head of Economy and Environment
on behalf of the Council

24/2261/FUL

Hierarchy Type: Local
Decision Level: Delegated

Relevant Drawing Numbers:

Plan Type	Reference	Version No.	Received date
Location Plan	Figure 1a	NA	04.11.2024
Site Layout	Figure 2	NA	04.11.2024
Met Mast Design	Figure 3	NA	04.11.2024
Plan and Elevation	Figure 4	NA	04.11.2024

REASON FOR DECISION:

It is considered that the proposal is in accordance with the provisions of the development plan and that there were no material considerations of sufficient weight in this case to justify making a decision otherwise. Consequently, under Section 25 of the Town and Country Planning (Scotland) Act 1997, the application was approved subject to the conditions listed above.

[NB - Full details of the assessment of this proposal and the resultant decision can be found in the Statutory Report on Handling relative to this case, a copy of which is published on the Council's website at www.dumgal.gov.uk/planning.]

APPENDIX

24/2261/FUL

This appendix constitutes advice only. However, you should take careful note of the content of the comments below as it may affect the proposals.

Where applicable, copies of the relevant application forms are enclosed.

1. Please note that there is now a formal requirement for the developer to notify the Council as planning authority of Initiation of Development and Completion of Development. The relevant forms are enclosed for your use. Additional forms can be collected from planning offices or downloaded from www.dumgal.gov.uk/planning.

Notice of Initiation of Development

Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 -
Regulation 37

(Please read and follow the accompanying Notes for Guidance below when completing this Notice)

Notice is hereby given to the planning authority in respect of :

Planning application reference number: **24/2261/FUL** Date of decision: **25 February 2025**

Address for location of development:
.....

Date development is expected to commence Day: Month: Year:

Full name, address and **email address** of the person intending to carry out the development
.....
.....

Full name, address and **email address** of the owner of the land if different from above
.....
.....

Full name and contact details including **email address** of any person appointed to oversee
the carrying out of the development
.....
.....

Notes for Guidance

A person who intends to implement a planning permission must inform the planning authority of the date work will commence. This form, which is issued with the planning permission concerned, must be used for that purpose. The Notice may be submitted at any point right up until work commences.

If the person in receipt of the application Decision Notice is not the person who will initiate the development please inform them of this requirement and pass the Notice on.

Please note that before works commence any pre-start suspensive conditions (requiring details to be submitted and approved first) need to be discharged. Non-compliance with such conditions will not be sufficient to implement planning permission. Should you not wish to comply with the said conditions, the correct procedure is the submission of a planning application to remove or vary the condition(s) or an appeal/review against such condition(s). You cannot simply choose to ignore them, to do so will result in unauthorised development.

Please also note that failure to submit a Notice of Initiation of Development before start of work is a breach of planning control under Section 123 of the Act. It is not a breach of planning control where a developer does not commence work on the exact date specified in the Notice but at some point afterward.

Please send the completed form to the appropriate Planning Service office. Contact details are available on the Council website - www.dumgal.gov.uk/planning. It is advisable to keep a copy of the completed form and attach it to the Decision Notice.

NOTICE NCD1.11

Notice of Completion of Development

Town and Country Planning (Scotland) Act 1997 as amended by the Planning etc. (Scotland) Act 2006
Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008
(Please read and follow the accompanying Notes for Guidance below when completing this Notice)

Notice is hereby given to the planning authority in respect of:

Planning application reference number: **24/2261/FUL**

Address for location of development:

Date on which the development was completed: Day: Month: Year:

Full name, address and **email address** of the person completing the development

.....
.....

Full name, address and **email address** of the owner of the land if different from above

.....
.....

Signature of Applicant* / Agent* Date:

.....

*delete as appropriate

Notes for Guidance

A person who completes a development for which planning permission has been granted must by the submission of this form, as soon as practicable after the date on which the development was completed, give Notice of completion to the planning authority. This form is issued with the planning permission concerned.

Where planning permission is granted for a phased development then the permission will be subject to a condition requiring that as soon as practicable after each phase, other than the last, is completed the person carrying out the development shall give notice of that completion to the planning authority.

Please note that the planning authority may take enforcement action if such notice is not given.

Furthermore, the completion of the development to which this notice relates in breach of any associated planning conditions, or departures from the approved drawings, will result in a breach of planning control and, in some instances, the potential for remedial enforcement action to be taken by the planning authority.

Please send the completed form to the appropriate Planning Services office. Contact details are available on the Council website - www.dumgal.gov.uk/planning. It is advisable to keep a copy of the completed form and attach it to the Decision Notice.

Development Management Customer Survey

The Dumfries and Galloway Council Development Management Customer Survey can be accessed using this link:

<https://forms.office.com/e/pXS4y4H5jV>

All your responses play a part in helping the Development Management Service to improve our offer to you as the customer.

We look forward to hearing your feedback.