

Table 1 – Daytime Noise Limits

	Noise levels (dB LA90) at standardised 10 meter height wind speeds (m/s).								
Location	4	5	6	7	8	9	10	11	>=12
Mybster	25.0	25.0	27.3	29.9	31.6	33.0	33.0	33.0	33.0
Corner Cottage	25.0	25.0	25.0	26.5	28.6	30.6	32.3	33.8	34.8
Tacher	32.8	36.1	38.6	40.6	42.2	43.8	45.2	46.5	47.8
Shielton	25.0	25.0	26.5	29.7	32.9	35.8	38.3	40.2	41.1

Table 2 – Night Time Noise Limits

	Noise levels (dB LA90) at standardised 10 meter height wind speeds (m/s).								
Location	4	5	6	7	8	9	10	11	>=12
Mybster	28.0	28.0	28.0	29.9	31.6	33.0	33.0	33.0	33.0
Corner Cottage	28.0	28.0	28.0	28.0	28.0	28.9	30.0	30.9	31.7
Tacher	36.1	36.1	36.6	38.3	39.0	39.6	40.2	41.1	42.4
Shielton	28.0	28.0	28.0	28.0	29.7	31.5	33.2	34.9	36.5

**Reason:** To ensure that the noise impact of the built turbines does not exceed the predicted noise levels in the interest of amenity.

- (21.) The Wind Farm Operator shall, beginning with the first day upon which the wind farm becomes operational, log wind speed and wind direction data continually and shall retain the data for a period of at least 12 months from the date that it was logged. The data shall include the average wind speed, measured in metres per second, over 10 minute measuring periods. These measuring periods shall be set to commence on the hour and at 10 minute consecutive increments thereafter. Measurements shall be calculated at 10m above ground level using the methods described in IOA Good Practice Guide to the application of ETSU-R-97 for the assessment and rating of wind turbine noise. All wind speed data shall be made available to the Planning Authority on request in Microsoft Excel compatible electronic spreadsheet format.

**Reason:** To ensure that the noise impact of the built turbines can be assessed, if necessary following a complaint, in order to demonstrate that they do/do not exceed the predicted noise levels set out within the supporting Environmental Statement.

- (22.) At the reasonable request of the Planning Authority, the Wind Farm Operator shall assess, at its own expense and using a suitably qualified consultant(s) not involved in the original noise assessment, the level of noise emissions from the Wind Turbines. Assessment shall be carried out in accordance with the Noise Measurement and Mitigation Scheme approved under this planning permission and a report of assessment shall be submitted to the Planning Authority within two months of a request under this condition, unless an alternative timescale is otherwise agreed in writing by the Planning Authority.

If noise imissions are found to exceed limits prescribed under this planning permission, then the Wind Farm Operator shall implement mitigation measures in full accordance with the approved Noise Mitigation Scheme, or alternative equal or better mitigation measures as may first be approved in writing by the Planning Authority, in order to reduce noise levels to comply with prescribed limits. The time period for implementing mitigation measures shall be as outlined in the approved Noise Mitigation Scheme or as otherwise may be specified writing by the Planning Authority.

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## SECTION 42 PERMISSION

Reference No: 14/02480/S42

**Reason:** To ensure that, following a complaint, noise levels can be measured to assess whether or not the predicted noise levels set out within the supporting Environmental Statement have been breached, and where excessive noise is recorded, suitable mitigation measures are undertaken.

- (23.) A community liaison group shall be established by the developer prior to development commencing, in collaboration with The Highland Council and local Community Councils. The group shall act as a vehicle for the community to be kept informed of project progress and, in particular, should allow advanced dialogue on the provision of all transport-related mitigation measures and to keep under review the timing of the delivery of turbine components; this should also ensure that local events and tourist seasons are considered and appropriate measures to coordinate deliveries and work to ensure no conflict between construction traffic and the increased traffic generated by such events/seasons. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until wind farm has been completed and is operational.

**Reason:** To assist with the provision of mitigation measures to minimise the potential hazard to road users, including pedestrians travelling on the road networks.

## REASON FOR DECISION

The proposal accords with the provisions of the Development Plan. There are no material considerations which would warrant refusal of the application.

## TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

The Highland Council hereby makes the following Direction under Section 58(2) of the Town and Country Planning (Scotland) Act 1997 (as amended). The development to which this planning permission relates must commence on or before 6 May 2017. If development has not commenced within this period, then this planning permission shall lapse.

## Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

Copies of the notices referred to are attached to this decision notice for your convenience.

## Major Development Site Notice

Prior to the commencement of this development, the attached Site Notice must be posted in a publicly accessible part of the site and remain in place until the development is complete. This is a statutory requirement of the Town and Country Planning (Scotland) Acts and associated regulations.

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**INFORMATIVES****Accordance with Approved Plans & Conditions**

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to adhere to this permission and meet the requirements of all conditions may invalidate your permission or result in formal enforcement action.

**Trunk Roads Authority Consent**

You are informed that this consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland. Please contact the Route Manager via 0141 272 7100 to obtain permission. The Operating Company have responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure that all necessary permissions are obtained.

**Construction Hours and Noise-Generating Activities**

You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact [env.health@highland.gov.uk](mailto:env.health@highland.gov.uk) for more information.

**Definition of Terms Used in this Decision Notice**

"Wind Turbine Noise Level" means the rated noise level due to the combined effect of all the Wind Turbines, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R -97, pages 99 - 109.

"Wind Farm Operator" means the individual(s), organisation(s) or company(ies) responsible for the day-to-day operation of the windfarm, who may or may not also be the owner of the windfarm.

"Background Noise Level" means the ambient noise level already present within the environment (in the absence of noise generated by the development) as measured and correlated with Wind Speeds.

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"Wind Speeds" means wind speeds measured or calculated at a height of 10 metres above ground level on the site at a specified Ordnance Survey grid reference agreed in writing by the Planning Authority

"Night hours" means 23:00 - 07:00 hours on all days.

"Noise-Sensitive Premises" means any building, structure or other development that, on the date of this planning permission, exists or is yet to exist but benefits from extant planning permission, the lawful use of which falls within Classes 7 (Hotels & Hostels), 8 (Residential Institutions) or 9 (Houses) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (as amended) or is as a flat or static residential caravan. Where such documents exist, this definition also includes any other premises defined as being noise-sensitive within any Environment Statement or other assessment or survey submitted in support of the planning application. For the purposes of this definition, 'premises' includes any relevant curtilage.

## NOTIFICATION TO APPLICANT

- 1B. If the applicant is aggrieved by the decision of the planning authority –
- a to refuse planning permission for the proposed development;
  - b to refuse approval, consent or agreement required by a condition imposed on a grant of planning permission;
  - c to grant planning permission or any approval, consent or agreement subject to conditions;

the applicant may appeal to the Scottish Ministers under Section 47 of the Town and Country Planning (Scotland) Act 1997 (as amended) within three months beginning with the date of this notice. The notice of appeal should be addressed to:

Directorate for Planning and Environmental Appeals  
4 The Courtyard  
Callendar Business Park  
Callendar Road  
Falkirk  
FK1 1XR

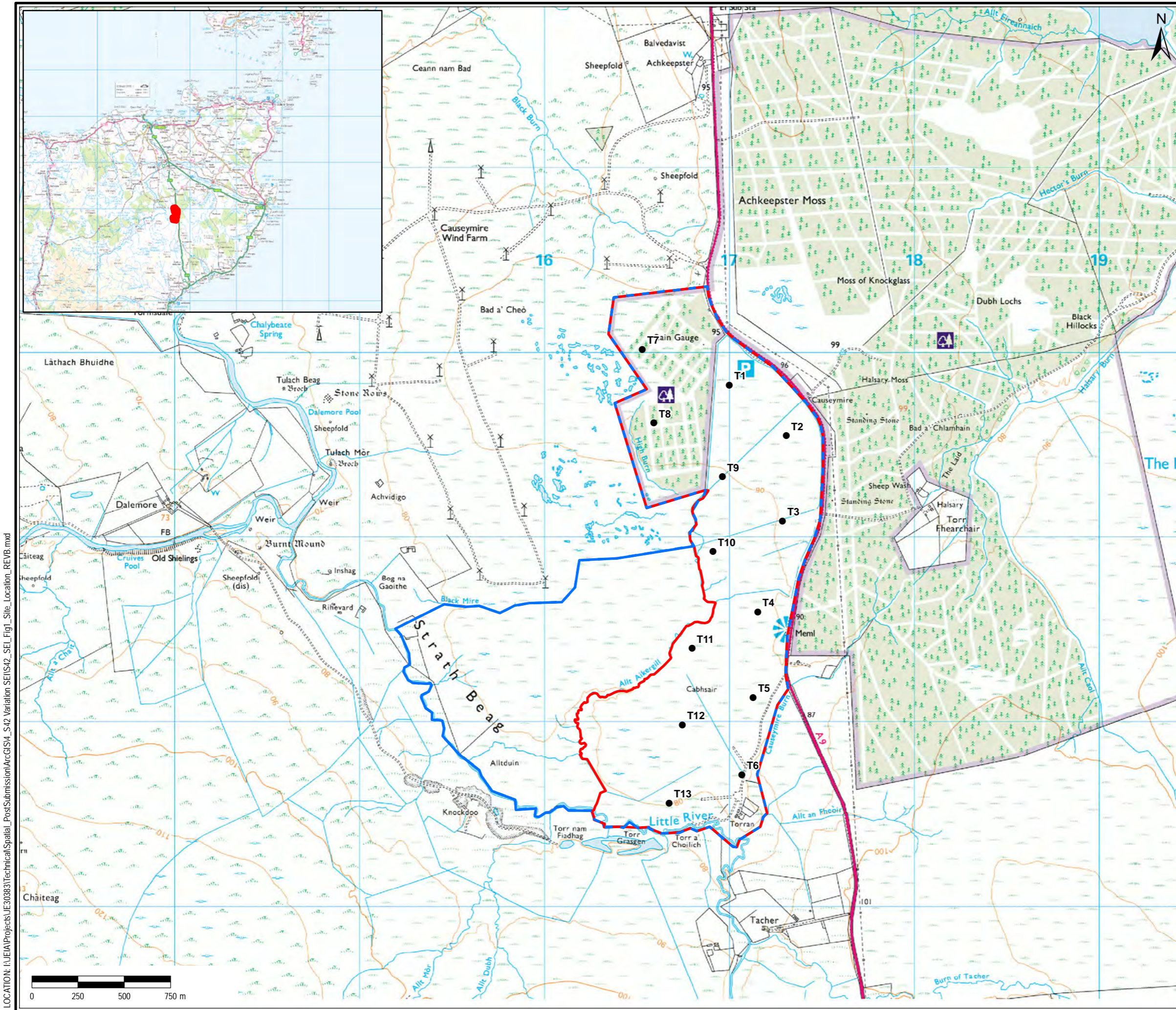
Appeals can also be lodged online via the ePlanning Portal at <http://eplanning.scotland.gov.uk>

- 2B. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997 (as amended).

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- KEY:
- Proposed Turbines
  - ▭ Application Boundary
  - ▭ Scoping Boundary



**BAD A' CHEÒ WIND FARM  
VARIATION IN BLADE TIP HEIGHT  
TO UP TO 112 M**

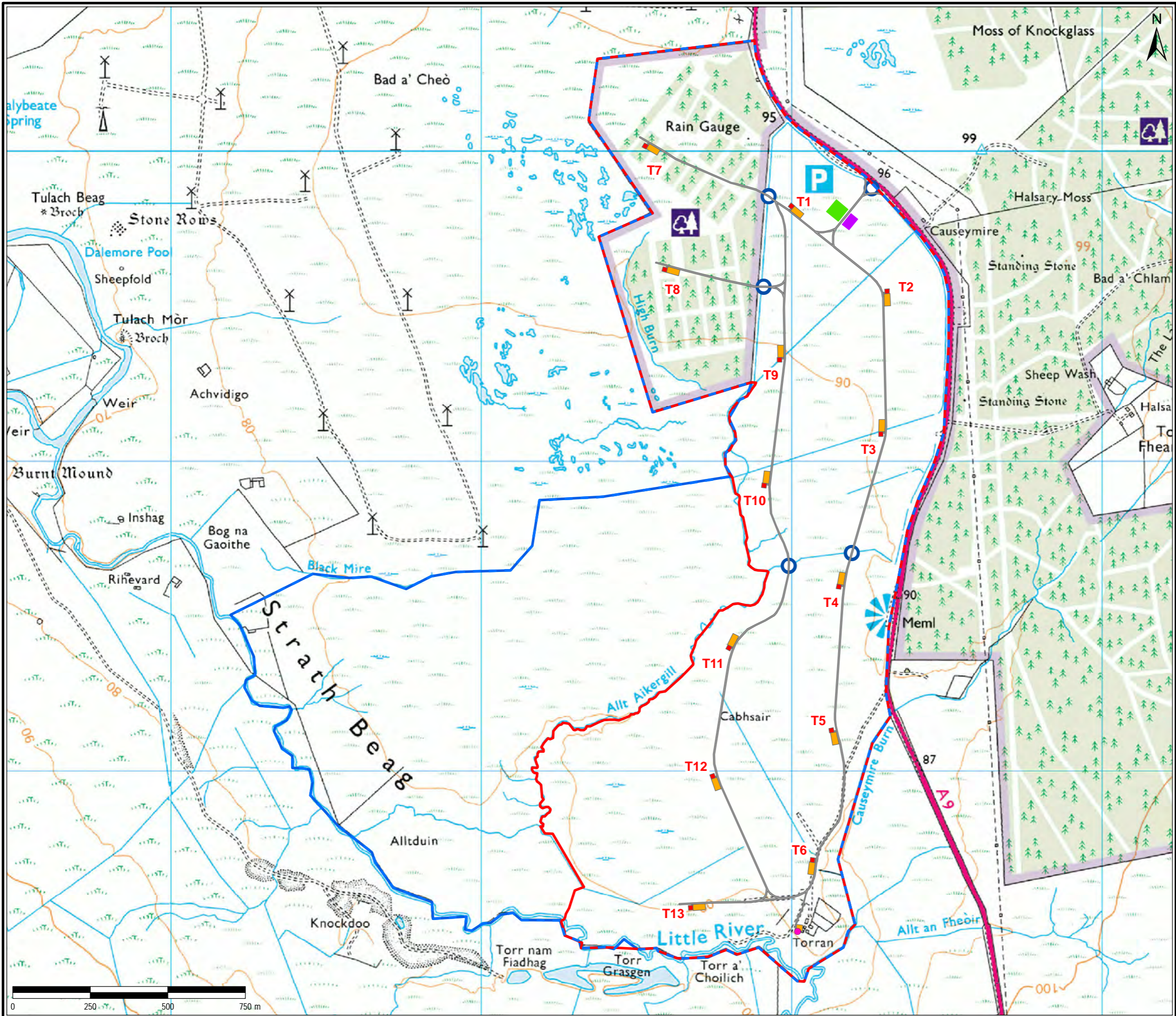
**FIGURE 2.1.1  
SITE LOCATION**

SCALE	PROJECT NO.
1:20,000@ A3	KU008000
CONTENT	DRAWN
FC	FC
CHECKED	DATE
PM	NOV 2014



LOCATION: I:\EIA\Projects\30383\Technical\Spatial\_PostSubmission\ArcGIS4\_S42\_Variation\SEI\42\_SEL\_Fig1\_Site\_Location\_REV.B.mxd

LOCATION: I:\EIA\Projects\30383\Technical\Spatial\_PostSubmission\ArcGIS4\_S42\_Variation SEIS42\_SEL\_Fig2\_Site\_Layout\_REV.B.mxd



- KEY:
- Application Boundary
  - Turbine and Base
  - Scoping Boundary
  - Permanent Anemometry Mast
  - Access Tracks
  - Substation
  - Indicative Crane Hardstanding
  - Construction Compound
  - Permanent Water Crossing Points



**BAD A' CHEÒ WIND FARM  
VARIATION IN BLADE TIP HEIGHT  
TO UP TO 112 M**

**FIGURE 2.1.2  
SITE LAYOUT**

SCALE	1:12,000@ A3	PROJECT NO.	KU008000
CONTENT	PM	DRAWN	FC
CHECKED	PM	DATE	NOV 2014

