

Energy and Climate Change Directorate
Energy Consents Unit

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Braemore Wind Limited
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Dear Mr Fisher

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 TO CONSTRUCT AND OPERATE THE BRAEMORE WIND FARM ELECTRICITY GENERATING STATION AT BRAEMORE WOOD 6 KILOMETRES SOUTHEAST OF LAIRG

Application

I refer to the application for consent made under section 36 of the Electricity Act 1989 ("the Electricity Act") by Braemore Wind Limited ("the Company"), a company incorporated under the Companies Acts with Company number 06998513 and having its registered office at 7 Hill Street, Bristol, England BS1 5PU, dated 15 December 2010 for the construction and operation of Braemore Wind Farm at Braewood south east of Lairg.

The proposal consisted of 27 turbines and associated infrastructure. In March 2012 the scheme was amended with the removal of three turbines. In November 2013 the scheme was further amended to 18 turbines. It is this 18 turbine proposal that has been considered by the Scottish Ministers. **This letter contains the Scottish Ministers' decision to grant consent for the development as more particularly described at Annex 1.**

Planning Permission

In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997, Scottish Ministers may on granting consent under section 36 of the Electricity Act direct that planning permission is deemed to be granted in respect of the development for which section 36 consent is granted. **This letter contains the Scottish Ministers' direction that planning permission is deemed to be granted.**

Consultation

In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 ("the 2000 Regulations") on 15 December 2010 the Company submitted an Environmental Statement. It complied with the statutory requirements and advertised the application and Environmental Statement in the local and national press giving the public and interested parties the opportunity to make representations.

Under paragraph 2(1) of Schedule 8 to the Electricity Act, notice of the application must be served on the relevant Planning Authorities. In this case, notice was served on The Highland Council. Notifications were also sent to SNH and SEPA. A wide range of other relevant organisations were also notified and consulted.

In March 2012 the scheme was amended with the removal of three turbines. This proposal, incorporating some additional information responding to comments made during the consultation, was described in the March 2012 addendum to the Environmental Statement consulted on by Scottish Ministers and advertised by the Company on 23 March 2012 in the local and national press giving the public and interested parties the opportunity to make representations.

In November 2013 the scheme was further amended to 18 turbines. It is this proposal that has been considered by Scottish Ministers. This proposal, including further information regarding noise and an updated peat landslide risk assessment was described in the November 2013 addendum and associated documents consulted on by Scottish Ministers and advertised by the Company on 11 November 2013 in the local and national press giving the public and interested parties the opportunity to make representations.

Ministers requested Further Environmental Information in the form of an updated cumulative landscape and visual impact assessment, primarily in association with the nearby wind farms of Rosehall and Achany which was received from the Company in June 2015. The Company again placed notices in the press to inform the public how to view the information and make representations, and the information was consulted upon by Scottish Ministers.

In addition to representations by the Planning Authority, SNH, SEPA and the other organisations consulted, a total of 660 public representations were received: 430 were objections to the application and 230 were of support. A summary of consultation responses and third party representations is contained within the Public Local Inquiry Report.

Public Local Inquiry (PLI)

The Highland Council objected to the application and in accordance with paragraph 2(2) of Schedule 8 to the Electricity Act, a PLI was held.

The pre examination meeting was held on 19 August 2015. The hearing sessions were held at Invershin Community Hall during the week commencing 28 September 2015. A full day of accompanied site visits took place on Wednesday 30 September 2015.

The Report was received by the Scottish Ministers on 4 August 2016. The Reporter's recommendation was that the application for section 36 consent for Braemore wind farm should be granted and that Ministers should direct that planning permission be deemed to be granted.

No claims for expenses were made by any party to the PLI.

Environmental matters

The Scottish Ministers are satisfied that the Environmental Statement and Further Environmental Information have been produced in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 ("the 2000 Regulations") and that the applicable procedures regarding publicity and consultation laid down in those Regulations have been followed. The 2000 Regulations have subsequently (with effect from 16th May 2017) been replaced by the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 Regulations"). The 2017 Regulations now apply to this application subject to certain modifications. These modifications, among other things, provide that where the 2017 Regulations refer to an "EIA report" this includes an "environmental statement" prepared under the 2000 Regulations.

Scottish Ministers have had regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna, and geological and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest.

Scottish Ministers are satisfied that the Company has done what it reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or any such flora, fauna, features, sites, buildings or objects.

Habitat Regulations

Scottish Ministers confirm that an appropriate assessment has been undertaken in accordance with the Habitats and Species Regulations 2010 (the Habitats Regulations) following advice from SNH to protect the qualifying interests of the River Oykel Special Area of Conservation (SAC) from the possible effects of the Development. All environmental information used to inform this assessment was drawn from the Environmental Statement and Further Environmental Information that accompanied the application and had been advertised under the 2000 Regulations.

The conclusions of Scottish Ministers' assessment are that, provided that mitigation measures to provide for Construction Environmental Management Plans to avoid pollution and the release of sediment entering watercourses connected to the River Oykel SAC, the Braemore Wind Farm proposals will not adversely affect the integrity of the River Oykel SAC.

Scottish Ministers have imposed condition number 14(d)(c), to safeguard the SAC from the potential impacts of the Development and are satisfied with the conclusions of their assessment and that with this condition in place, the Development will not adversely affect the integrity of the River Oykel SAC.

The Scottish Ministers' Considerations

Main determinative issues

Ministers, having taken account of all relevant information, consider that the main determinative issues are:

- the significant effects of the development on the environment, which are, in summary:
 - (a) landscape and visual impacts;
 - (b) impacts on residential amenity (including noise);
- potential impacts on tourism;
- the potential renewable energy benefits of the proposed development; including the contribution made to decarbonisation of electricity generation and reducing CO2 emissions overall;
- the extent to which the development accords with and is supported by Scottish Government policy and the terms of the development plan.

Reasoned Conclusion on the Significant Effects of the Development on the Environment

Landscape and Visual Impacts

Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the Reporter's reasoning and findings in chapter 3 of the Report that there would be no significant landscape effects on any designated landscape, and that whilst there would be localised significant effects upon the host and adjoining landscape character areas, there would be no significant landscape effects overall.

Ministers acknowledge there would be significant visual effects experienced by nearby residents and road users. However, Ministers agree with the Reporter that these are essentially localised, and that while the proposal would increase the extent of the influence of an enlarged wind farm cluster, Ministers do not consider that a wind farm landscape would be created.

Ministers agree with the Reporter that there would be no unacceptable landscape and visual impacts.

Impacts on Residential Amenity

Ministers consider that the Reporter has had due regard to the concerns of local communities in relation to visual and noise impacts on residential amenity during the PLI, which includes his visits to residential properties. Ministers agree that with conditions to control noise attached to the consent, there would be mechanisms in place for the council to ensure that what the Scottish Government considers to be acceptable noise levels can ultimately be enforced.

Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the Reporter's reasoning and findings in chapter 4 of the Report that the impact on the residential amenities of nearby residential properties would not be unacceptable.

Impacts on Tourism

Ministers agree with the Reporter that that the Kyle of Sutherland is a remote rural area where tourism is an important component of the local and regional economy. In turn, the scenic quality of the locality and the Highlands of Scotland in general are also very important factors for tourism.

Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers accept the Reporter's finding that the proposal would result in a significant visual change to the view from Carbisdale Castle looking towards the wind farm. However, Ministers agree with the Reporter that no evidence has been found to demonstrate that being able to see wind farms has any significant impact on tourism generally. As does the Reporter, Ministers see no reason why the proposal would prevent the re-use of Carbisdale Castle for tourism and leisure purposes.

Renewable energy generation and associated policy benefits

Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the Reporter that the proposal would have the benefits of contributing to the Scottish Government's targets for increasing the generation of electricity from renewable sources and reducing carbon dioxide emissions. The Development would help realise the Scottish Government's ambition to largely decarbonise Scotland's generation mix by 2030.

The Scottish Government's Renewable Electricity Output Calculator (published at <http://www.gov.scot/Topics/Statistics/Browse/Business/Energy/onlinetools/elecCalc>) suggests that a 54MW onshore wind farm (such as the Development) has an estimated annual generation of 126,089 MWh, enough to power the equivalent of 28,966 households in Scotland for a year.

Scottish Government Policy Context

Having considered the arguments presented by all parties and the reasoning of the Reporter, Ministers agree with the Reporter's reasoning and findings in chapter 2 of the Report that the Development is supported by Scottish Planning Policy 2014. Ministers agree with and adopt his conclusions in chapter 8 in relation to the Electricity Act 1989, energy policy, national planning policy, the development plan and supplementary guidance.

Duration of planning permission

Section 58(1) of the Town and Country Planning (Scotland) Act 1997 provides that planning permission lapses if development has not begun within a period of 3 years. Section 58(2) of that Act enables Ministers to direct that a longer period is allowed before planning permission lapses. Scottish Ministers consider that due to the constraints, scale and complexity of constructing such developments and the variables around wind farm connections feeding into the transmission and distribution network, a 5 year time scale for the commencement of development is appropriate in this case.

The Scottish Ministers' Determination

The Scottish Ministers are satisfied that an environmental impact assessment has been carried out, and that the applicable procedures regarding publicity and consultation in respect of the application have been followed.

Having considered the arguments presented by all parties and the reasoning and findings of the Reporter, Ministers agree with the Report and adopt its conclusions for the purposes of their decision.

There is potential for significant adverse effects on the River Oykel Special Area of Conservation (SAC) unless Construction Environment Management Plans are adopted as a mitigation measure to manage potential impacts on watercourses and control potential pollution. Deemed planning condition number 14 will address the significant likely impacts on the River Oykel SAC.

Ministers are satisfied that many of the environmental issues have been appropriately addressed by way of the design of the proposal and mitigation, and that the issues which remain are, on balance, outweighed by the benefits of the proposal. In particular Ministers are satisfied that the proposal will not adversely affect the integrity of the River Oykel Special Area of Conservation.

Scottish Ministers are satisfied, having regard to current knowledge and methods of assessment, that this reasoned conclusion on the significant effects of the development on the environment is still up to date.

Ministers have had regard to the advice of SEPA as required by section 36(5A) of the Electricity Act 1989 and the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003. SEPA has indicated that based on the information available, the Development accords with Water Framework Directive objectives and a CAR licence is capable of being authorised.

Subject to the conditions set out in **Part 1 of Annex 2**, Scottish Ministers **grant consent** under section 36 of the Electricity Act 1989 for the construction and operation of the Braemore Wind Farm electricity generating station in the Highland Council area (as described in **Annex 1**).

Subject to the conditions set out in **Part 2 of Annex 2**, Scottish Ministers direct that **planning permission is deemed to be granted** under section 57(2) of the Town and Country Planning (Scotland) Act 1997 in respect of the development described in Annex 1.

The Scottish Ministers direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply with regard to that planning permission and that planning permission is to lapse on the expiry of a period of 5 years from the date of this direction if there has not been commencement of development within that period.

This consent expires 25 years from the date on which the last wind turbine generator forming part of the development is commissioned and generating electricity to the national grid (Final Commissioning Date). Confirmation of the Final Commissioning Date must be given in writing to the Scottish Ministers and to the Planning Authority within 28 working days of that event. Thereafter the wind farm shall be decommissioned unless a further application for planning permission is timeously submitted and approved.

In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the Company must publicise notice of this determination describing how a copy of this decision letter may be inspected on the application website, in the Edinburgh Gazette and a newspaper circulating in the locality in which the land to which the application relates is situated.

Copies of this letter have been sent to the public bodies consulted on the application including the planning authority, SNH, SEPA and Historic Environment Scotland. This letter has also been published on the Scottish Government Energy Consents website at <http://www.energyconsents.scot>.

The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Courts.

<http://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules>.

Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely

REDACTED

FRANCES PACITTI

Head of Energy Consents

For and on behalf of the Scottish Ministers

A member of the staff of the Scottish Government

Annex 1 – Description of Development

Annex 2 - Conditions of Consent

Annex 3 – Site Map

Annex 4 – Plan of Non-Felling Forestry Area

Annex 1

Description of the Development

The Braemore wind farm with a generating capacity which exceeds 50 megawatts, comprising an 18 turbine wind-powered electricity generating station, located near Lairg in the Highland Council region, as shown on the site map at annex 3 and as described in the application and Environmental Statement, as amended by the Further Environmental Information submitted by the Company on 22 March 2012, 11 November 2013 and 17 June 2015. This is subject to the conditions in Annex 2.

The key elements of the development consist of:

- 18 wind turbines with a hub height of 80 metres and a maximum blade tip height of 126 metres;
- 2 permanent anemometry masts of 100 metre height;
- Approximately 15 kilometres of new access track;
- a temporary construction compound;
- substation control building;
- new site access onto the A839.

Annex 2

Part 1

Section 36 Conditions

1. The development shall commence within 5 years of the date of this consent or within such other period as Scottish Ministers may direct in writing.

Reason: To avoid uncertainty and to ensure that the consent is implemented within a reasonable period.

2. (1) The Company shall not assign this consent without the prior written authorisation of the Scottish Ministers.

(2) The Company shall notify the Planning Authority in writing of the name of the assignee, its principal named contact and contact details within 14 days of the completion of the assignation.

Reason: To safeguard the obligations of the consent if assigned to another Developer.

3. In the event of any serious incident relating to health and safety or environmental obligations relating to the Development occurring during the period of this consent, the Company will provide written notification of the nature and timing of the incident to the Scottish Ministers within 24 hours of the Company becoming aware of the incident, and will provide full details including confirmation of remedial measures taken and/or to be taken to rectify the incident, within one week of the incident.

Reason: To keep the Scottish Ministers informed of any such incidents which may be in the public interest.

Part 2 Planning conditions

Decommissioning and Restoration

4. (1) No development (excluding keyhole felling and preliminary ground investigation which shall be permitted) shall commence until an Interim Decommissioning and Restoration Plan (IDRP) for the site has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH and SEPA. Thereafter:

(2) Not later than 3 years prior to the decommissioning of the Development, the IDRP shall be reviewed by the Company, to ensure that the IRDP reflects best practice in decommissioning prevailing at the time and ensures that site specific conditions, identified during construction of the site, and subsequent operation and monitoring of the Development are given due consideration. A copy of the revised IRDP shall be submitted to the Planning Authority for its written approval, in consultation with SNH and SEPA.

(3) Not later than 12 months prior to the decommissioning of the Development, a detailed Decommissioning and Restoration Plan (DRP), based upon the principles of the approved interim plan including any changes made, shall be submitted to the Planning Authority for its written approval, in consultation with SNH and SEPA.

(4) The IDRP and subsequent DRP shall include, unless otherwise agreed in writing with the Planning Authority details about the removal of all elements of the Development, relevant access tracks and all cabling, including where necessary details of:

- a) Justification for retention of any relevant elements of the Development,
- b) The treatment of disturbed ground surfaces,
- c) Management and timing of the works,
- d) Environmental management provisions and
- e) A traffic management plan to address any traffic impact issues during the decommissioning period.

(5) The DRP shall be implemented as approved. In the event that the Final DPR is not approved by the Highland Council in advance of the decommissioning, unless otherwise agreed by the Planning authority the agreed IDRP shall be implemented.

Reason: To ensure that all wind turbines and associated Development are removed from site should the wind farm become largely redundant; in the interests of safety, amenity and environmental protection.

Financial Guarantee

5. (1) No development shall commence unless the Company has delivered a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in the plans referred to in condition 4 to the Planning Authority.
- (2) The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in the plans referred to in condition 4.
- (3) The value of the financial guarantee shall be 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 contained in the plans referred to in condition 4 and best practice prevailing at the time of each review.

Reason; 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 Company

Planning Monitoring Officer

6. (1) No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant to monitor compliance with the terms of the deemed planning permission and conditions attached to it ("PMO"). The terms of appointment shall;
 - a) Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to it;
 - b) Require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and
 - c) Require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity.
- (2) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

Reason; to enable the development to be suitably monitored to ensure compliance with the planning permission and conditions attached to it.

Operation of Turbines

7. (1) The Company shall, at all times after the Date of First Commissioning, record information regarding the number of days in each calendar month when each turbine was available for generation and supplied electricity to the National Grid and retain the information for a period of at least 24 months.
- (2) The information shall be made available to the Planning Authority within one month of any request by them.
- (3) In the event that any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of 12 months the wind turbine in question shall be deemed to have ceased to be required.
- (4) Thereafter, unless otherwise agreed in writing with the Planning Authority the wind turbine, along with any ancillary equipment, fixtures and fittings not required in connection with retained turbines, shall, within 3 months of the end of the said continuous 12 month period, be dismantled and removed from the site and the surrounding land fully reinstated in accordance with this condition.
- (5) All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the approved Decommissioning and Restoration Plan (DRP) or, should the DRP not have been approved at that stage, other decommissioning and reinstatement measures, based upon the principles of the Interim Decommissioning and Restoration Plan (IDRP), as may be approved in writing by the Planning Authority.

Reason: To ensure that any redundant or non-functional wind turbines are removed from site, in the interests of safety, amenity and environmental protection.

Design and Operation of Turbines

8. The overall height of the wind turbines shall not exceed 126 metres above the natural ground level to the tip of the blades in a vertical position. Within 3 calendar months of the Final Commissioning Date the Company shall submit to the Planning Authority a plan of the development as built.

Reason: To clarify the terms of the permission

9. (1) No development shall commence until full details of the proposed wind turbines have been submitted to, and approved in writing by, the Planning Authority. These details shall include:
 - a) the design of the turbines to be used; and
 - b) the external colour and/or finish of the turbines to be used (incl. towers, nacelles and blades) which should be non-reflective pale grey semi-matt.

(2) Thereafter, development shall progress in accordance with these approved details and, with reference to sub-paragraph b) above, the turbines shall be maintained in the approved colour, free from external rust, staining or discoloration, until such time as the wind farm is decommissioned.

(3) All wind turbine blades shall rotate in the same direction.

(4) 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 advance in writing by the Planning Authority.

Design of sub-station and ancillary development

10. No development shall commence until full details of the final location, layout, external appearance, dimensions and surface materials of all control buildings and substations as well as any fencing, walls, paths and any other ancillary elements of the development, have been submitted to, and approved in writing by the Planning Authority in consultation with SEPA and SNH, as necessary. The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.

Reason: To ensure that the turbines and associated infrastructure are suitable in terms of visual, landscape, noise and environmental impact considerations.

External lighting

11.(1) No development shall commence until details of all proposed external lighting of buildings, and access tracks has been submitted to and approved in writing by the Planning Authority. All lighting shall be designed to avoid extraneous light pollution or/and illumination of neighbouring land.

(2) Only the approved lighting shall be implemented.

Reason: To ensure that any lighting installed within the application site does not spill beyond the intended target area, does not impact adversely upon the amenity of adjacent properties and does not result in "sky glow".

Cabling

12.(1) All wires and cables between the wind turbines, control buildings, substations and welfare buildings shall be located underground within the verge of the access tracks or within 3m of the access tracks, unless otherwise agreed in writing by the Planning Authority.

(2) Thereafter, and within three months of the completion of cable laying, the ground shall be reinstated to a condition comparable with that of the adjoining land, to the satisfaction of the Planning Authority.

Reason: To ensure that the construction of the wind farm is carried out appropriately and does not have an adverse effect on the environment.

Traffic Management

13. (1) No development shall commence until a Construction Traffic Management Plan (CTMP) has been submitted to, and approved by, the Planning Authority in consultation with the relevant Roads Authority(s). The CTMP shall include:

- a) A description of all measures to be implemented by the Company in order to manage traffic during the construction phase (incl. routing strategies), with any additional or temporary signage and traffic control undertaken by a recognised suitably qualified traffic management consultant;
- b) The identification and delivery of all upgrades to the public road network to ensure that it is to a standard capable of accommodating construction-related traffic (including the formation or improvement of any junctions leading from the site to the public road) to the satisfaction of The Highland Council and, where appropriate, Transport Scotland, including;
 - A route assessment Report for abnormal loads and construction traffic, including Swept Path Analysis and details of the movement of any street furniture, any traffic management measures and any upgrades and mitigations measures as necessary;
 - An assessment of the capacity of existing bridges and other structures along the construction access routes to cater for all construction traffic, with upgrades and mitigation measures proposed and implemented as necessary;
 - A videoed trial run to confirm the ability of the local road network to cater for turbine delivery. Three weeks' notice of this trial run must be made to the local Roads Authority who must be in attendance;
- c) Drainage and wheel washing measures to ensure water and debris are prevented from discharging from the site onto the public road;
- d) A risk assessment for the transportation of abnormal loads to site during daylight hours and hours of darkness;
- e) A contingency plan prepared by the abnormal load haulier. The plan shall be adopted only after consultation and agreement with the Police and the respective roads authorities. It shall include measures to deal with any haulage incidents that may result in public roads becoming temporarily closed or restricted.
- f) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.

- g) A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with Highland Council and community representatives.
 - h) The protocol shall identify any requirement for convoy working and/or escorting of vehicles and include arrangements to provide advance notice of abnormal load movements in the local media. Temporary signage, in the form of demountable signs or similar approved, shall be established, when required, to alert road users and local residents of expected abnormal load movements. All such movements on Council maintained roads shall take place out-with peak times on the network, including school travel times, and shall avoid local community events.
 - i) A detailed delivery programme for abnormal load movements, which shall be made available to Highland Council and community representatives.
 - j) Details of any upgrading works required at the junction of the site access and the public road. Such works may include suitable drainage measures, improved geometry and construction, measures to protect the public road and the provision and maintenance of appropriate visibility splays.
 - k) Details of appropriate traffic management which shall be established and maintained at the site access for the duration of the construction period. Full details shall be submitted for the prior approval of Highland Council, as roads authority.
 - l) A concluded agreement in accordance with Section 96 of the Roads (Scotland) Act 1984 under which the Company is responsible for the repair of any damage to the public road network that can reasonably be attributed to construction related traffic.
 - m) As part of this agreement at XI, pre-start and post-construction road condition surveys must be carried out by the Company, to the satisfaction of the Roads Authority(s).
 - n) Measures to ensure that construction traffic adheres to agreed routes. Appropriate reinstatement works shall be carried out, as required by Highland Council, at the end of the turbine delivery and erection period.
- (2) The approved traffic management plan shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

Reason: To maintain safety for 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 road network.

Construction Environmental Management

14. No development shall commence until a Construction Environmental Management Document (CEMD), in accordance with The Highland Council's Guidance Note on Construction Environmental Management Process for Large Scale Projects (August 2010), has been submitted to, and approved in writing by, the Planning Authority (in consultation with SEPA and SNH). The CEMD shall be submitted at least two months prior to the intended commencement of development on site and shall include the following:

- a) An updated Schedule of Mitigation (SM) drawing together all approved mitigation proposed in support of the application and other agreed mitigation (including that required by agencies and relevant planning conditions attached to this permission);
- b) Change control procedures to manage/action changes from the approved SM, CEMD and Construction Environmental Management Plans.
- c) Construction Environmental Management Plans (CEMPs) for the construction phase, covering:
 - a. Habitat and Species Protection;
 - b. Pollution Prevention and Control;
 - c. Dust Management;
 - d. Noise and Vibration Mitigation;
 - e. Site Waste Management, including measures to address spoil heap storage and the re-use and removal of spoil;
 - f. Surface and Ground Water Management;
 - I. Drainage and sediment management measures from all construction areas including access track improvements; and
 - II. Mechanisms to ensure that construction will not take place during periods of high flow or high rainfall.
 - g. Water Course Management;
 - I. Detailed designs of all new and/or improved water course crossings
 - II. Development buffers from watercourses

- h. Peat Management Plan – to include details of all peat stripping, excavation, storage and reuse of material in accordance with best practice advice published by SEPA and SNH. This should for example highlight how sensitive peat areas are to be marked out on-site to prevent any vehicle causing inadvertent damage.
 - i. Management of Geo-technical Risks including provision of a completed Peat Landslide Risk Assessment;
 - j. Water Quality Monitoring Plan, including information on monitoring programmes pre, during and post construction in relation to water quality chemistry, visual observations, surveys of aquatic macro-invertebrates assemblages, fish and habitat surveys, sampling and analysis and the actions which will be taken if monitoring indicates a deterioration in water quality which may affect aquatic life;
 - k. Public and Private Water Supply Protection Measures;
 - l. Construction Noise Mitigation Plans.
 - m. Emergency Response Plans; and
 - n. Habitat Management Plan to highlight positive enhancement of priority habitat and peatland including the effective monitoring and Reporting post construction. This plan should address construction displacement, the potential for the wind farm to create new sources of food, the impacts this may have and how this will be monitored and managed over time. It should also take into account the potentially competing objectives of any other objectives for the site (e.g. habitat restoration), and seek the optimum outcome for both.
- d) Special Study Area plans for;
- a. Groundwater-dependant Terrestrial Ecosystems; and
 - b. Species habitat identified within the Environmental Statement and/or raised by consultees. This should be informed by pre-commencement surveys and set out buffer areas to prevent encroachment on protected species and valued habitats.
 - c. Special Area of Conservation (SAC) to clearly identify measures to avoid pollution and the release of sediment entering watercourses connected to the River Oykel SAC
- e) Post-construction restoration and reinstatement of temporary working areas, compounds and Borrow Pits;

- f) Details of the appointment of an appropriately qualified Environmental Clerk of Works with roles and responsibilities which shall include but not necessarily be limited to:
- a. Providing training to the Company and contractors on their responsibilities to ensure that work is carried out in strict accordance with environmental protection requirements;
 - b. Monitoring compliance with all environmental and nature conservation mitigation works and working practices approved under this consent;
 - c. Advising the Company on adequate protection for environmental and nature conservation interests within, and adjacent to, the application site;
 - d. Directing the placement of the development (including any micro-siting, as permitted by the terms of this consent) and the avoidance of sensitive features; and
 - e. The power to call a halt to development on site where environmental considerations warrant such action.
- g) A statement of responsibility to “stop the job/activity” if a breach or potential breach of mitigation or legislation occurs; and
- h) Methods for monitoring, auditing, Reporting and the communication of environmental management on site and with client, Planning Authority, Community Liaison Group (as required under Condition 16 of this section 36 consent), and other relevant parties.

The development shall be implemented thereafter in accordance with the approved CEMD unless otherwise approved in advance in writing by the Planning Authority in consultation with SNH and SEPA.

Reason: To protect the environment from the construction and operation of the development and secure final detailed information on the delivery of all on-site mitigation projects.

Archaeology

15. No development shall commence until a programme of work for the evaluation, preservation and recording of any archaeological and historic features affected by the proposed development, including a timetable for investigation, all in accordance with the attached specification, shall be submitted to and agreed in writing by the Planning Authority. The agreed proposals shall be implemented in accordance with the agreed timetable for investigation.

Reason: In order to protect the historic interest of the site.

Community Liaison

16. No development shall commence until a community liaison group is established by the Company, 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 co-ordinate deliveries and work with these and any other major projects in the area to ensure no conflict between construction traffic and the increased traffic generated by such events/seasons/developments. The liaison group relating to this development, shall be maintained until the wind farm has been completed and is fully operational.

Reason: To keep the local community informed and to mitigate the impacts of construction traffic for the development

Aviation

17. (1) No development shall commence until a scheme of aviation lighting is submitted to, and approved in writing by, the Planning Authority after consultation with the Ministry of Defence.

(2) Thereafter the approved scheme of aviation lighting shall be fully implemented on site.

(3) The Company shall provide both the Ministry of Defence and the Defence Geographic Centre (AIS Information Centre) with a statement, copied to the Planning Authority and Highland and Islands Airports Limited, containing the following information:

- (a) the date of commencement of the Development;
- (b) the exact position of the wind turbine towers in latitude and longitude;
- (c) a description of all structures over 300 feet high;
- (d) the maximum extension height of all construction equipment;
- (e) the height above ground level of the tallest structure; and
- (f) detail of an infra-red aviation lighting scheme as agreed with aviation interests and the Planning Authority to include:-

- (i) turbines at the cardinal points should be fitted with 25 candela omni-directional red lighting and infra-red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point;
- (ii) remaining perimeter turbines should be fitted with infra-red lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

Reason: To ensure that the erected turbines present no air safety risk and in a manner that is acceptable to local visual impact considerations.

Forestry

18.(1) No development shall commence until a Compensatory Planting Plan has been submitted to and approved in writing by the Planning Authority. The Compensatory Planting Plan shall—

- (a) provide for the planting of 23 hectares (gross area), or such figure as may otherwise be agreed in writing by the Planning Authority, that includes a significant element of productive woodland, to be carried out across an area in the vicinity of the application site.
- (b) include full details of establishment, fencing, a programme for on-going maintenance as well as the supervision of works both during and following completion by a suitably qualified forestry consultant.

(2) The agreed Compensatory Planting Plan shall be implemented in full within one year of the Final Commissioning of the Development and maintained thereafter for a period of not less than 10 years to the satisfaction of the Planning Authority.

Reason: To enable appropriate woodland removal to proceed, without incurring a net loss in woodland related public benefit, in accordance with the Scottish Government's policy on the Control of Woodland Removal.

19.(1) No development shall commence until a TV and radio reception mitigation plan has been submitted to, and approved in writing by, the Planning Authority. The plan shall provide for a baseline TV reception survey to be carried out prior to the commencement of turbine installation, the results of which shall be submitted to the Planning Authority.

(2) Within 12 months of the Final Commissioning of the development, any claim by any individual or business regarding TV picture loss or interference at their house, business premises or other building, shall be investigated by a qualified engineer appointed by the Company and the results shall be submitted to the Planning Authority.

(3) Should any impairment to the TV signal be attributable to the development, the Company shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline TV reception.

Reason: To ensure local TV and Radio Services are sustained during the construction and operation of this development.

20. (1) No development shall commence until a scheme to safeguard visual screening in relation to Middlehill is provided to the Planning Authority for written approval. The scheme shall ensure that the existing area of forestry illustrated in the non-felling plan (attached at annex F of this consent), is not felled until all wind turbines have been removed from the site pursuant to that plan.

(2) Upon approval the scheme shall be implemented unless otherwise agreed in writing by the Planning Authority.

Reason: To protect the visual amenities of Middlehill.

Noise

21. The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (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 Tables 1 and 2 attached to these conditions and:

A) Prior to the First Export Date, the wind farm operator shall submit to the 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 Planning Authority.

B) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant from the list as approved by the 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 Planning Authority shall set out at least the date, time and location that the complaint relates to. within 14 days of receipt of the written request of the Planning Authority made under this paragraph (B), the wind farm operator shall provide the information relevant to the complaint logged in accordance with paragraph (H) to the Planning Authority in the format set out in Guidance Note 1(e).

C) 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 identified by name or location in the Tables attached to these conditions, the wind farm operator shall submit to the 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 submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. 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 Planning Authority for the complainant's dwelling.

D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the wind farm operator shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Local Authority.

E) Prior to the submission of the independent consultant's assessment of the rating level of noise immissions pursuant to paragraph (F) of this condition, the wind farm operator shall submit to the Planning Authority for written approval a proposed assessment protocol setting out the following:

- i) the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions.
- ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component. 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 information provided in the written request of the Planning Authority under paragraph (B), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of

noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Planning Authority and the attached Guidance Notes.

F) The wind farm operator shall provide to the 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 Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Local 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 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) of the attached Guidance Notes, 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 (F) above unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority

H) The wind farm operator shall continuously log wind speed, wind direction at the permanent meteorological mast erected in accordance with this consent and shall continuously log power production and nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine all in accordance with Guidance Note 1(d) of the attached Guidance Notes. The data from each wind turbine and the permanent meteorological mast 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) of the attached Guidance Notes to the Planning Authority on its request within 14 days of receipt in writing of such a request.

Note: For the purposes of this condition, a "dwelling" is a building within Use Class 9 of the Use Classes Order, which lawfully exists or had planning permission at the date of this consent

Table 1 – Between 07:00 and 23:00 – Noise level dB L_{A90, 10-minute}

Location (including coordinates)	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	L _{A90} Decibel Levels											
Linsidemore (254368,899234)	35	35	35	35	35	36	38	40	40	40	40	40
Achany (256823,901603)	35	35	35	35	35	35	37	40	43	46	48	50
Braemore (254995,902984)	35	35	35	35	35	35	37	40	43	46	48	50
Middle Hill (252501,901117)	35	35	35	35	35	35	37	39	43	46	48	49
Burnside (252023,900532)	35	35	35	35	35	35	38	40	42	45	47	49
Tullich (252644,900007)	35	35	35	35	35	35	38	40	43	45	47	49

Table 2 – Between 23.00 and 07:00 – Noise level dB L_{A90, 10-minute}

Location (including coordinates)	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	L _{A90} Decibel Levels											
Linsidemore (254368,899234)	40	40	40	40	40	40	40	40	40	40	40	40
Achany (256823,901603)	40	40	40	40	40	40	40	40	41	45	48	48
Braemore (254995,902984)	40	40	40	40	40	40	40	40	41	44	48	48
Middle Hill (252501,901117)	40	40	40	40	40	39	39	39	40	44	48	48
Burnside (252023,900532)	40	40	40	40	40	39	39	39	39	42	46	46
Tullich (252644,900007)	40	40	40	40	40	39	39	39	39	42	46	46

Note to Tables 1 & 2: The geographical coordinates references set out in these tables are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies. The standardised wind speed at 10 metres height within the site refers to wind speed at 10 metres height derived from those measured at hub height, calculated in accordance with the method given in the Guidance Notes.

Guidance Notes for 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 Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Note 3 with any necessary correction for residual background noise levels in accordance with Note 4. Reference to ETSU-R-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).

Note 1

(a) Values of the $LA_{90,10\text{-minute}}$ noise statistic should be measured at the complainant's property (or an approved alternative representative location as detailed in Note 1(b)), using a sound level meter of 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 calibrator meeting BS EN 60945:2003

"Electroacoustics – sound calibrators" Class 1 with PT Type Approval (or the equivalent UK adopted standard in force at the time of the measurements) and the results shall be recorded. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and applied in accordance with Guidance Note 3.

(b) The microphone shall 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 Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone shall 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 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 $LA_{90,10\text{-minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and wind direction data and with operational data logged in accordance with Guidance Note 1(d) and rain data logged in accordance with Note 1(f).

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second (m/s) and arithmetic mean wind direction in metres from north in each successive 10-minutes period at the permanent meteorological mast erected in accordance with the planning permission on the site. Each 10 minute

arithmetic average mean wind speed data as measured on the mast at turbine hub height 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 which is correlated with the noise measurements determined as valid in accordance with Note 2(b), such correlation to be undertaken in the manner described in Note 2(c). The wind farm operator shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle and arithmetic mean power generated during each successive 10-minute period for each wind turbine on the wind farm. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter synchronised with Greenwich Mean Time and adjusted to British Summer Time where necessary.

(e) Data provided to the Planning Authority in accordance with paragraphs (E) (F) (G) and (H) of the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the independent consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d). The wind farm operator shall submit details of the proposed location of the data logging rain gauge to the Planning Authority prior to the commencement of measurements.

Note 2

(a) The noise measurements should be made so as to provide not less than 20 valid data points as defined in Note 2 paragraph (b).

(b) Valid data points are those measured during the conditions set out in the assessment protocol approved by the Planning Authority under paragraph (E) of the noise condition but excluding any periods of rainfall measured in accordance with Note 1(f).

(c) Values of the $LA_{90,10\text{-minute}}$ noise measurements and corresponding values of the 10-minute standardised ten metre height wind speed for those data points considered valid in accordance with Note 2(b) shall be plotted on an XY chart with noise level on the Y-axis and 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) shall be fitted to the data points to define the wind farm noise level at each integer speed.

Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (E) 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 shall be calculated and applied using the following rating procedure.

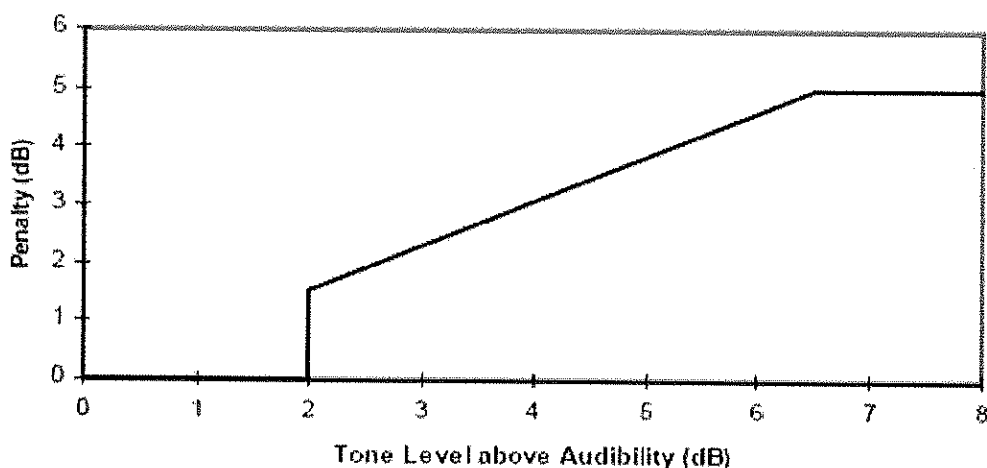
(b) For each 10-minute interval for which $LA_{90,10\text{-minute}}$ data have been determined as valid in accordance with Note 2, a tonal assessment shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided 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 shall be Reported.

(c) For each of the 2-minute samples the tone level above 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 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 fitted to values within $\pm 0.5\text{m/s}$ of 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 Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below derived from the average tone level above audibility for each integer wind speed.



Note 4

(a) If a tonal penalty is to be applied in accordance with 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 Note 2 and the penalty for tonal noise as derived in accordance with Note 3 at each integer wind speed within the range set out in the approved assessment protocol under paragraph (E) 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 Note 2.

(c) If the rating level 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 Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then no further action is necessary. 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 (C) 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:

i. Repeating the steps in Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range set out in the approved noise assessment protocol under paragraph (E) of this condition.

ii. The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

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

iii. 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 L_1 at that integer wind speed.

iv. 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 Planning Authority for a complainant's dwelling in accordance with paragraph (C) 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 Planning Authority for a complainant's dwelling in accordance with paragraph (C) of the noise condition then the development fails to comply with the conditions.



Reason: to protect nearby residents from undue noise and disturbance. To ensure that noise limits are not exceeded and to enable prompt investigation of complaints.

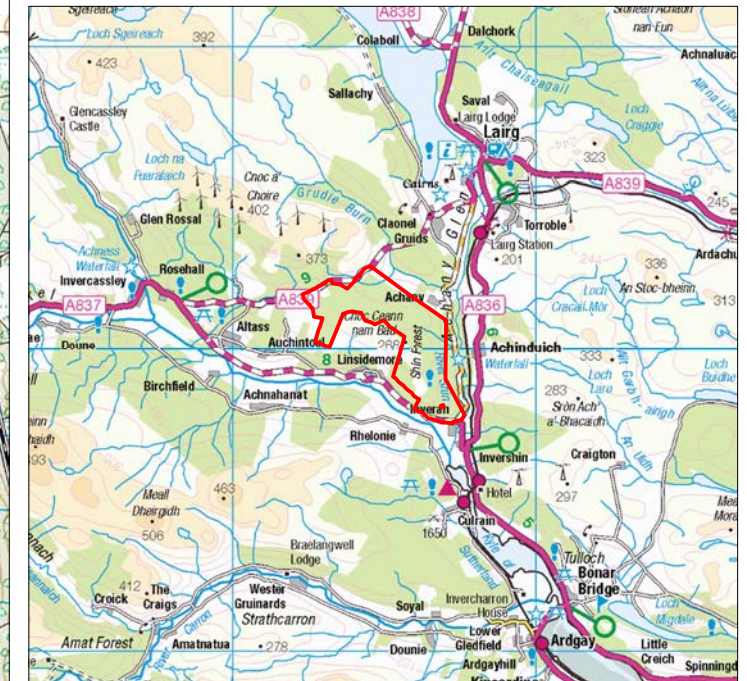
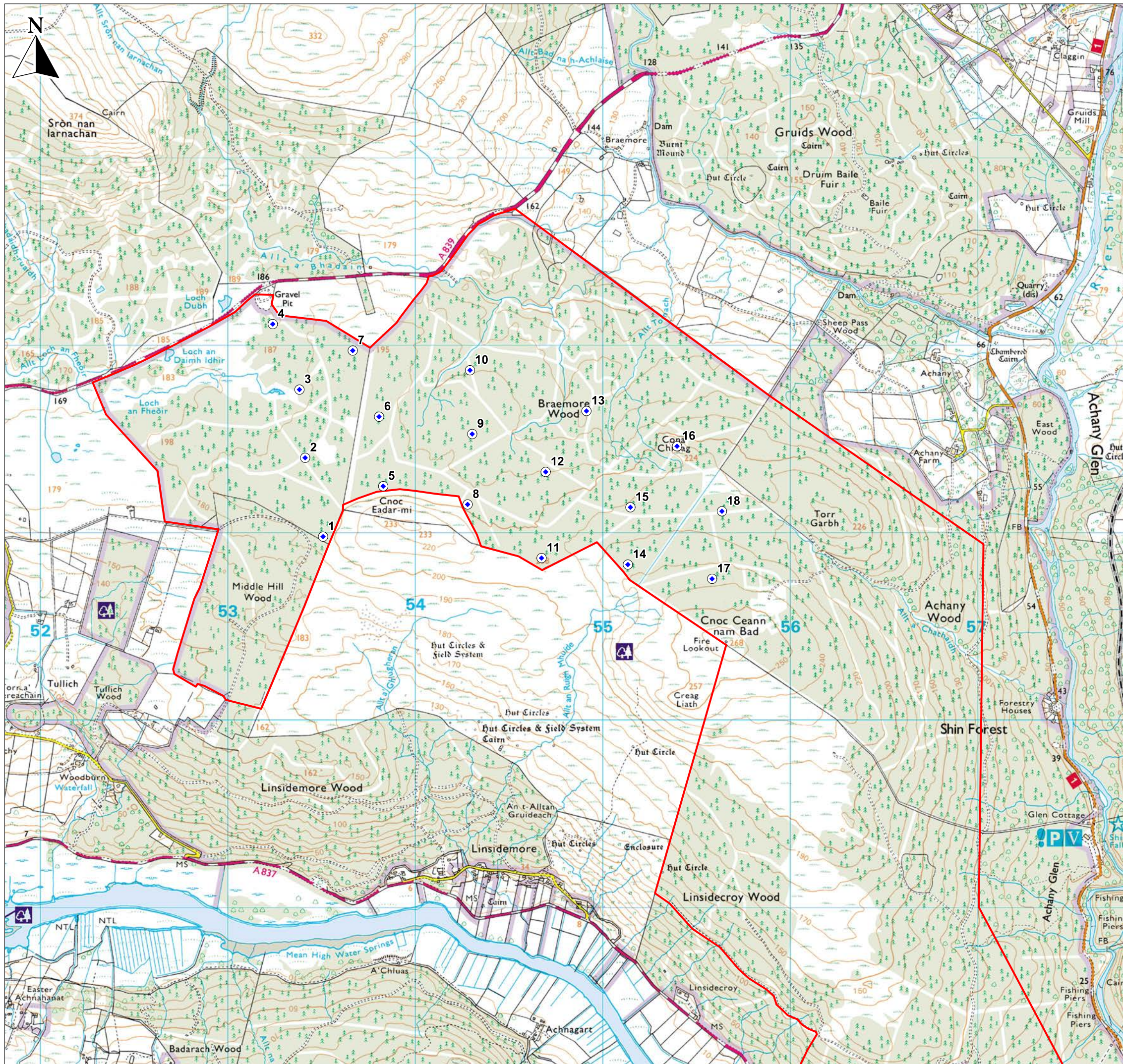
Definitions

In the letter of consent and its annexes:

1. "the Application" means the Application submitted by the Company on 10 December 2010;
2. "Borrow Pit" means an area of ground utilised for the extraction of rock to be used as part of the construction of the development;
3. "Commencement of Development" means the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997
4. "the Company" means Braemore Wind Limited, Company Number 06998513, having its registered office at 7 Berkley Square, Bristol, BS8 1HG or such other person as from time to time has the benefit of the consent granted under section 36 of the Electricity Act 1989;
5. "the Development" means the development described in Annex 1 of the consent;
6. "Environmental Statement" means the Environmental Statement submitted by the Company on 10 December 2010 with the Application;
7. "Further Environmental Information" means the Further Environmental Information submitted in March 2012, November 2013 and June 2015.
8. "SEPA" means the Scottish Environmental Protection Agency.
9. "SNH" means Scottish Natural Heritage
10. "Standardised wind speed" means a wind speed measured at a height different than 10 metres (generally measured at the turbine hub height) which is expressed to a reference of 10 metres using a roughness length of 0.05 for standardisation purpose (in accordance with IEC 61400-11 standard).
11. "Swept Path Analysis" means the calculation and analysis of the movement and path of different parts of a vehicle when that vehicle is undertaking a turning manoeuvre. 15 "integer wind speed" means the wind speeds between 0.5m/s below and 0.5m/s above each wind speed set of 1m/s.

LEGEND

-  Proposed turbine locations
-  Site boundary



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Braemore Wind Farm
Site Layout: Local Context

WPDL DOCUMENT REFERENCE	THIRD PARTY DOCUMENT REFERENCE
E043	n/a

LAST REVISION DATE	DOCUMENT STATUS	SITE DESIGN VERSION
01/11/13	Final	1&T Layout

SCALE	Figure FEI 1.2
1: 20 000 @ A3 (5cm = 1km)	

ANNEX 4- PLAN OF NON-FELLING AREA

