

ANNEX 1

Description of the Development

The development as described in ~~the Annex D of the Further Environmental Information~~S36C Application submitted on ~~6 October 2015~~29 January 2019 with a generating capacity in excess of 30MW (cumulatively exceeding 50 MW) and comprising an extension to a wind -powered electricity generating station approximately 9.5km to the north-west of Brora with a maximum of 115 wind turbines including

- o maximum of 11 wind turbines at up to 149.930m to blade tip height; and
- ~~o 4 wind turbines at up to 115m to blade tip height.~~
- o Crane hardstanding area at each turbine location with a maximum area of 1900 metre squared;
- o One permanent ~~meteorological mast~~LiDAR and associated hardstanding with a maximum area of 100840 metre squared;
- ~~o An operations building with parking for operational and maintenance staff;~~
- o On site access tracks (of which approximately 5.337.96km are new access tracks and 11.3km are existing tracks where upgrades may be undertaken to facilitate delivery of the wind turbine components);
- o A network of underground cabling to connect each wind turbine to the existing onsite substation;
- o Modifications to the existing on site control building and grid substation to accommodate additional cables and equipment;

all as specified in the application submitted by SSE Generation Limited, incorporated under the Companies Acts (Registered Number 02310571) and having its registered office at 55 Vastern Road, Reading, Berkshire, RG1 8BU ("the Company") and supporting environmental information, which comprises the Environmental Statement (30 June 2015), ~~and~~ the addendum of further environmental information (6 October 2016) and the S36C Application dated (29 January 2019).

ANNEX 2

Conditions attached to Section 36 Consent

CONDITIONS

Duration of the Consent

1. This consent shall expire after a period of 25 years from the date of Final Commissioning.

Written confirmation of the First Commissioning Date and Final Commissioning Date shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after each date.

Reason: To define the duration of the consent and ensure construction and first to final commissioning is completed within a reasonable period of time.

Commencement of Development

2. Development shall be commenced no later than five years from the date of the ~~consent~~ [2017](#) consent, or in substitution such other period as the Scottish Ministers may hereafter direct in writing.

Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month before that date.

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

Non-assignation of consent

3. This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignation of the consent with or without conditions.

The Company shall notify both Planning Authorities in writing of the name of the assignee, principal named contact and contact details within 14 days of the consent being assigned.

Reason: To safeguard the obligations of the consent if transferred to another Person

Serious Incident Reporting

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

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

Conditions Attached to Deemed Planning Permission

Implementation in accordance with approved plans and requirements of this permission

5. Except as otherwise required by the terms of the section 36 consent and this deemed planning permission, the Development shall be undertaken in accordance with the application including the approved drawings shown in the Environmental Statement, the Further Information (submitted on 30 June 2015), ~~and~~ Supplementary Environmental Information (submitted 6 October 2016) unless otherwise amended by the section 36C consent or agreed in writing with the Planning Authority.

Reason: to ensure that the Development is carried out in accordance with the approved details.

Duration of the Consent

6. Upon the expiration of a period of 25 years from the First Commissioning Date, the wind turbines and other infrastructure shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of Condition 8 of this permission. Written confirmation of the Date of First Commissioning shall be submitted in writing to the Planning Authority within one month of this date.

Reason: to ensure that the Development is carried out in accordance with the approved details.

Design and operation of wind turbines

7. No development shall commence unless and until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the number, size, type, and external finish and colour), the monitoring ~~masts~~ LIDAR, ~~any transformer units~~ and all associated apparatus have been submitted to, and approved in writing by, the Relevant Planning Authority.

The overall height of the wind turbines shall not exceed 149.930 metres to the tip of the blades in a vertical position as measured from natural ground conditions immediately adjacent to the turbine base.

The wind turbines shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

Reason: To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.

Decommissioning and Restoration Plan

8. The Development will be decommissioned and will cease to generate electricity by no later than the date falling twenty five years from the Final Commissioning Date, herein referred to as the Last Operational Date. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the Final Commissioning Last Operational Date without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

~~There shall be no Commencement of Development unless a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.~~

No later than 3 years prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions, ~~which shall include:~~

- ~~a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);~~
- ~~b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;~~
- ~~c. a dust management plan;~~
- ~~d. of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;~~
- ~~e. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;~~
- ~~f. soil storage and management;~~
- ~~g. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;~~
- ~~h. sewage disposal and treatment;~~
- ~~i. temporary site illumination;~~
- ~~j. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;~~
- ~~k. details of watercourse crossings;~~
- ~~l. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.~~

The Development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with SNH and SEPA.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

Financial Guarantee

9. There shall be no Commencement of Development 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 condition to the Planning Authority.

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 ~~C~~condition 8. 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 and best practice prevailing at the time of each review.

Thereafter, the Company shall ensure that the bond or other financial provision is maintained throughout the duration of this consent;

Each review shall be:

- conducted by a suitably qualified independent professional; and
- approved in writing by the Planning Authority without amendment or, as the case may be, approved in writing by the Planning Authority following amendment to their reasonable satisfaction.

Where a review approved under part (b) above recommends that the amount of the bond or other financial provision should be altered (be that an increase or decrease) the Company shall do so within one month of receiving that written approval, or another timescale as may be agreed in writing by the Planning Authority, and in accordance with the recommendations contained therein.

Reason: To ensure financial security for the cost of the restoration of the site to the satisfaction of the Planning Authority.

Electricity Supply

10. The Company shall, at all times after the Date of First Commissioning, record information regarding the monthly supply of electricity to the national grid from each turbine within the development and retain the information for a period of at least 12 months. The information shall be made available to the Planning Authority within one month of any request by them. In the event that:

- a. any wind turbine installed and commissioned fails to supply electricity on a commercial basis to the grid for a continuous period of ~~12~~6 months, then unless otherwise agreed, 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 ~~6-12~~ month period, be dismantled and removed from the site; or

- b. the wind farm fails to supply electricity on a commercial basis to the grid from 50% or more of the wind turbines installed and commissioned and for a continuous period of 12 months, then the Company must notify the Planning Authority in writing immediately.

All decommissioning and reinstatement work required by this condition shall be carried out in accordance with the finalised Decommissioning and Restoration Plan (DRP), or as otherwise specified in writing by the Planning Authority.

Reason: in the interests of safety, amenity and environmental protection.

Micro-siting

11. The turbines, access tracks, ~~cables~~ and crane hard-standing areas may be micro sited but no more than 50 metres from the positions shown in the approved plan (Figure 4.2-1 of Volume 3 of the ~~Environmental Statement~~EIA Report) unless otherwise agreed in writing with the Planning Authority in consultation with SEPA. Micro-siting will also be constrained to ensure 50m buffers are retained from all watercourses, except in the vicinity of the approved water crossings.

Reason: In order to allow some flexibility in respect of the pre development assessment of deep peat and of Groundwater Terrestrial Dependent Eco- systems on the site.

12. Unless there is a demonstrable health and safety or operational reason, none of the wind turbines substation buildings I enclosures or above ground fixed plant shall display any name, logo, sign or other advertisement without express advertisement consent having been granted on application to the Planning Authority.

Reason: To ensure that the turbines are not used for advertising, in the interests of visual amenity.

Buildings and Other Facilities

13. No development shall commence until full details of the location, layout, external appearance, dimensions and surface materials of all additional buildings, compounds and parking areas, as well as any external lighting, fuel storage, 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, as necessary). Thereafter, development shall progress in accordance with these approved details.

Reason: To ensure that all ancillary elements of the development are acceptable in terms of visual, landscape noise and environmental impact considerations.

Borrow Pits

14. No development shall commence until a site specific scheme for the working and restoration of the borrow pits forming part of the development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include;

- a. A detailed working method statement based on site survey information and ground investigations;
- b. Details of the handling of any overburden (including peat, soil and rock);
- c. Drainage, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependant Terrestrial Ecosystems (GWDTE) from drying out;
- d. A programme of implementation of the works described in the scheme; and
- e. Full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall thereafter be implemented in full.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment and to secure the restoration of borrow pit(s) at the end of the construction period.

Control of Blasting Activity

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

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on surrounding communities of interest.

Aviation Lighting

16. No turbine can be erected until a scheme of aviation lighting is submitted to, and approved in writing by, the Planning Authority after consultation with the Ministry of Defence. Thereafter the approved scheme of aviation lighting shall be fully implemented on site. 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:

- (i) The date of Commencement of the Development;
- (ii) The exact position of the wind turbine towers in latitude and longitude;
- (iii) A description of all structures over 300 feet high;
- (iv) The maximum extension height of all construction equipment;
- (v) The height above ground level of the tallest structure; and
- (vi) Finalised details of an aviation lighting scheme, unless otherwise required, as agreed with the MOD and other aviation interests and the Planning Authority. This is expected to provide for all perimeter turbines being 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; and 25 Candela red lighting on all of the cardinal wind turbines at the highest practicable point.

Reason: To ensure that the erected turbines present no air safety risk.

Traffic Management

17. There shall be no Commencement of the Development until a finalised Traffic Management Plan, founded upon a detailed assessment of relevant roads, of the expected use of the local road network by all general construction traffic and abnormal load movements, with an appropriate package of mitigation I improvement works is agreed by the Planning Authority in consultation with the Local Roads Authority. This will include: -

- (i) The provision of a wear and tear agreement including the posting of a financial bond for all delivery periods during construction, significant repairs and decommissioning. The agreement shall require joint (Company and Highland Council) before and after road condition surveys and regular monitoring of traffic levels and road conditions during the construction phase of the development.
- (ii) A risk assessment for transportation during daylight hours and hours of darkness.
- (iii) Traffic management and mitigation measures on the access route for example measures such as temporary speed limits, suitable temporary signage, road markings and the use of speed activated signs.
- (iv) A procedure for the regular monitoring of road conditions and the implementation of any remedial works required during the construction period.
- (v) A detailed delivery programme for abnormal load movements, which shall be made available to Highland Council and, as required, community representatives. This should be informed by a structural assessment of bridges, culverts and any other affected structures along the route shall be undertaken in consultation with the Council's Chief Structural Engineer.
- (vi) A detailed protocol for the delivery of abnormal loads/vehicles, prepared in consultation and agreement with interested parties, including Highland Council, the Police, Transport Scotland and, as required, community representatives. 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. 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.
- (vii) Measures to ensure that all affected public roads are kept free of mud and debris arising from the development.

The approved Traffic Management ~~plan~~ Plan and requirements of the Trunk Road Authority shall thereafter be implemented in full, unless otherwise agreed in advance and in writing with the Planning Authority.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

18. During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary on the Trunk Road Network due to the size or length of any loads being delivered or removed must be undertaken by a recognised QA traffic management consultant, to be approved by Transport Scotland before delivery commences.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

19. 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 outwith peak times on the network, including school travel times, and shall avoid local community events.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

Liaison with the Community

20. The Company shall establish a community liaison group, in collaboration with the Highland Council and affected local Community Councils. The liaison group, or element of any combined liaison group relating to this development, shall be maintained until the wind farm has been completed and is fully operational.

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

Outdoor Access

21. No development shall commence until an Outdoor Access Plan is submitted to and approved in writing by the Planning Authority. The purpose of the Outdoor Access Plan shall be to ~~plan site tracks and paths to enhance~~ avoid restricting public outdoor access as a result of the proposed development. The Outdoor Access Plan shall be implemented as approved.

Reason: To ensure public access to the countryside is not unnecessarily impeded as a result of this development.

Archaeological and Historic Features

22. 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, 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 archaeological and historic interest of the site.

Construction and Environmental Management Plan

23. There shall be no Commencement of Development unless a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all on-site

construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA.

The CEMP shall include (but shall not be limited to)¹:

- a. a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat), ~~including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;~~
- b. details of the formation of the construction compound welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;
- d. site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
- e. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- f. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- g. soil storage and management;
- h. a peat management plan, to include details of vegetated turf stripping and storage, peat excavation (including volumes), handling, storage and re-use;
- i. a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources;
- j. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- k. sewage disposal and treatment;
- l. temporary site illumination;
- m. the construction of the access into the site and the creation and maintenance of associated visibility splays;
- n. the method of construction of the crane pads;
- o. the method of construction of the turbine foundations;
- p. the method of working cable trenches;
- q. the method of construction and erection of the wind turbines and meteorological masts;
- r. details of watercourse crossings;
- s. post-construction restoration/ reinstatement of the working areas not required during the operation of the Development, including ~~construction access tracks, borrow pits, construction compound, storage areas and; laydown areas, access tracks, passing places and other construction areas;~~
- t. Environmental Incident and Emergency Plan including details of contingency planning in the event of accidental release of materials which could cause harm to the environment; and
- u. Details of species and habitat protection measures to be implemented for the construction period and details of appropriate relevant reporting and monitoring programmes.

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

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

Ecological Clerk of Works

24. There shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with SNH and SEPA. The terms of appointment shall;

- a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIA Report~~environmental statement~~ and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved in accordance with condition 25, and other plans approved in terms of condition 23;
- b. Require the EcoW to report to the Company's nominated construction project manager any incidences of non-compliance ~~with the ECoW works~~ at the earliest practical opportunity;
- c. Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- d. Require the ECoW to report to the Planning Authority any incidences of non-compliance ~~with the ECoW Works~~ at the earliest practical opportunity.

The EcoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of condition 8.

No later than 18 months prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development to the Planning Authority for approval in consultation with SNH and SEPA. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.

Habitat Management Plan

~~25. There shall be no Commencement of Development unless a habitat management plan has been submitted~~Prior to Commissioning of the Development a draft habitat management plan shall be amended, as necessary, and submitted to and approved in writing by the Planning Authority in consultation with SNH ~~and SEPA~~. The habitat management plan shall set out proposed habitat management measures of the wind farm site during the operational period of the ~~of construction, site to mitigate significant environmental impacts identified in the EIA Report~~ operation, decommissioning, restoration

~~and aftercare of the site, and shall provide for the maintenance, monitoring and reporting of any deer, breeding birds, otter, pine marten and water vole habitat on site.~~

~~The Applicant should investigate the opportunity to align and consolidate the Gordonbush Estate HMP and any proposed HMP for the Proposed Varied Development.~~

~~The approved habitat management plan will include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved habitat management plan will be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval in consultation with SNH and SEPA.~~

Unless otherwise agreed in advance in writing with the Planning Authority, the approved habitat management plan shall be implemented in full.

Reason: In the interests of good land management and the protection of habitats.

Noise

26. The rating level of noise immissions from the combined effects of the wind turbines hereby permitted and those of the existing Gordonbush Wind Farm (including the application of any tonal penalty) , when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in or derived from the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission and Table 1 attached to these conditions and:

~~a. No electricity shall be exported from the development to the electricity grid network until a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition has been submitted to, and approved in writing by, the Planning Authority. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.~~

~~b.a. Within 21 days from receipt of a written request of from the Local Planning Authority, following a complaint to it from an occupant of alleging noise disturbance at a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ an independent consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that to which the complaint relates to and any identified atmospheric conditions, including wind direction and include a statement as to whether, in the opinion of the Local Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component. Within 14 days of receipt of a written request from the Planning Authority made under this paragraph (b), the Company 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).~~

b. The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The

protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (a), and such others as the independent consultant considers likely to result in a breach of the noise limits.

c. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the Company shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. 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 Company shall submit to the Planning Authority for written approval, proposed noise limits to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from Table 1 having regard to Table 2, and 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. appropriate. 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 Local Planning Authority for the complainant's dwelling. Where the proposed measurement location is close to the wind turbines, rather than at the complainants property (to improve the signal to noise ratio), then the operators submission shall include a method to calculate the noise level from the wind turbines at the complainants property based on the noise levels measured at the agreed location (the alternative method). Details of the alternative method together with any associated guidance notes deemed necessary, shall be submitted to and agreed in writing by the Local Authority prior to the commencement of any measurements. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Local Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Local Authority.

e.—The Company shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (a), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be

~~provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions. Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company 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 Planning Authority.~~

~~d. 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 Company 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.~~

~~e. 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 from 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 Company 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 Planning Authority. All data collected for the purposes of undertaking the compliance measurements shall be made available to the Planning Authority on the request of the Planning Authority. 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-d.~~ 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 Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (fd) above unless the time limit for the submission of the further assessment has been extended in writing by the Local Planning Authority .

~~h. The Company shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The Company shall provide this information in the format set out in Guidance Note 1(e) 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.~~

~~*Reason: To ensure that the noise impact of the as built turbines does not exceed the predicted noise levels in the interest of amenity, that the noise immissions will be monitored over time and there is sufficient scrutiny and assessment in the event that a complaint is received.*~~

~~**Table 1: Between 07:00 and 23:00 hours (Noise Level in dB $L_{A90, 10\text{-min}}$)**~~

| Location | Wind Speed at Ten Metres Height, m/s, within the site averaged over 10 minute periods | | | | | | | | |
|------------------|---|----|----|----|----|----|----|----|----|
| | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | L_{A90} Decible Levels | | | | | | | | |
| Ascoile | 20 | 25 | 29 | 32 | 33 | 33 | 33 | 33 | 33 |
| Home Cottage | 19 | 24 | 28 | 31 | 32 | 32 | 32 | 32 | 32 |
| Keepers Cottage | 18 | 22 | 27 | 29 | 30 | 30 | 30 | 30 | 30 |
| Gordonbush Lodge | 19 | 24 | 28 | 30 | 31 | 31 | 31 | 31 | 31 |
| Moulin Cottage | 20 | 24 | 29 | 30 | 31 | 31 | 31 | 31 | 31 |
| Kilbraur | 18 | 22 | 27 | 29 | 30 | 30 | 30 | 30 | 30 |

Table 1

| Property | Standardised wind speed (m/s) | | | | | | | | |
|------------------|-------------------------------|----|----|----|----|----|----|-----|-----|
| | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| Ascoile | 30 | 30 | 30 | 30 | 30 | 30 | 30 | n/a | n/a |
| Home Cottage | 30 | 30 | 30 | 30 | 30 | 30 | 30 | n/a | n/a |
| Keepers Cottage | 30 | 30 | 30 | 30 | 30 | 30 | 30 | n/a | n/a |
| Gordonbush Lodge | 30 | 30 | 30 | 30 | 30 | 30 | 30 | n/a | n/a |
| Moulin Cottage | 30 | 30 | 30 | 30 | 30 | 30 | 30 | n/a | n/a |
| Kilbraur | 30 | 30 | 30 | 30 | 30 | 30 | 30 | n/a | n/a |

~~Note 1 to Table 1: The standardised wind speed at 10 metres height within the site refers to wind speed at 10 metres height derived from those at hub height, calculated in accordance with the method given in the Guidance Notes.~~

~~Note 2 to Table 1: As in the simplified assessment method of ETSU-R-97, no limit values are included at the higher wind speeds of 11 and 12 m/s~~

~~**Table 2: Between 23:00 and 07:00 hours (Noise Level in dB $L_{A90, 10\text{-min}}$)**~~

| Location | Wind Speed at Ten Metres Height, m/s, within the site averaged over 10 minute periods | | | | | | | | |
|----------|---|---|---|---|---|---|----|----|----|
| | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |

| | L_{A90} Decible Levels | | | | | | | | |
|------------------|--|----|----|----|----|----|----|----|----|
| Ascoile | 20 | 25 | 29 | 32 | 33 | 33 | 33 | 33 | 33 |
| Home Cottage | 19 | 24 | 28 | 31 | 32 | 32 | 32 | 32 | 32 |
| Keepers Cottage | 18 | 22 | 27 | 29 | 30 | 30 | 30 | 30 | 30 |
| Gordonbush Lodge | 19 | 24 | 28 | 30 | 31 | 31 | 31 | 31 | 31 |
| Moulin Cottage | 20 | 24 | 29 | 30 | 31 | 31 | 31 | 31 | 31 |
| Kilbraur | 18 | 22 | 27 | 29 | 30 | 30 | 30 | 30 | 30 |

Table 2

| Location | Easting | Northing |
|------------------|---------|----------|
| Ascoile | 282388 | 911191 |
| Home Cottage | 283540 | 910178 |
| Keepers Cottage | 284462 | 909584 |
| Gordonbush Lodge | 284596 | 909817 |
| Moulin Cottage | 282480 | 910888 |
| Kilbraur | 282377 | 910024 |

Note 1 to Table 2: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Note:

For the purposes of this condition, a “dwelling” is a building within Use Class C3 & C4 of the Town and Country Planning (Use Classes) Order 1987 which lawfully exists or had planning permission at the date of this consent.

Reason: To protect the amenity of the area.

~~Note to Tables 1 and 2 : The wind speed standardised to 10 metres height within the site refers to wind speed at 10 metres height derived in accordance with the method given in the attached Guidance Notes.~~

~~Note to Table 3: The geographical coordinate 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~~

Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to 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).

Guidance Note 1

- a) Values of the $L_{A90,10 \text{ minute}}$ noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type I, or BS EN 61672 Class I 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 in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- b) The microphone should be mounted at 1.2 - 1.5 metres above ground level, fitted with a two-layer wind shield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the Company shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
 - c) The $L_{A90,10 \text{ minute}}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
 - d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at 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 Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.
 - e) Data provided to the Local Planning Authority in accordance with 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 assessment of the levels 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).

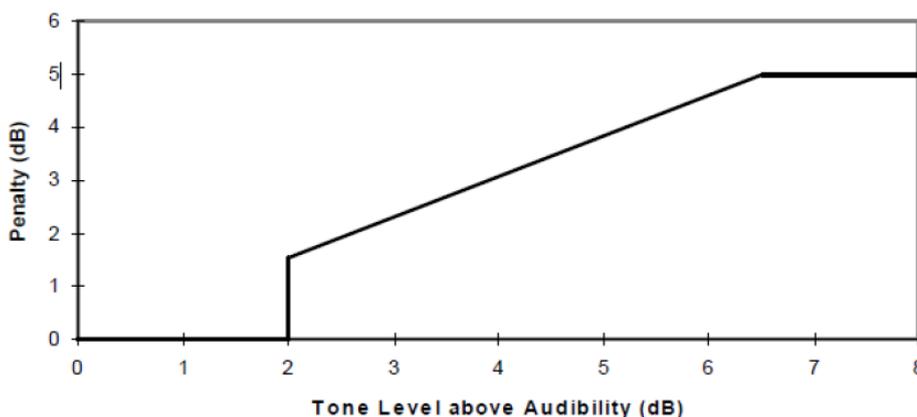
Guidance Note 2

- a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)
- b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (b) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. ~~In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.~~

- c) For those data points considered valid in accordance with Guidance Note 2(b), values of the $L_{A90,10 \text{ minute}}$ noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

- a) Where, in accordance with the approved assessment protocol under paragraph (b) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- b) For each 10 minute interval for which $L_{A90,10 \text{ minute}}$ data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- d) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.
- f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

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

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

- g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (~~ec~~) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (~~ce~~) of the noise condition then the development fails to comply with the conditions.

Definitions

| | |
|-----------------------------|--|
| The Company | Means SSE Generation Limited, incorporated under the Companies Acts (Registered Number 02310571) and having its registered office at 55 Vastern Road, Reading Berkshire, RG1 8BU, or such other person as from time to time has the benefit of the consent granted under section 36 of the Electricity Act 1989. |
| Commencement of Development | Means the implementation of the consent and deemed planning permission by the carrying out of a material operation within the meaning of section 26 of the Town and Country Planning (Scotland) Act 1997. |
| First Commissioning Date | Means the date on which electricity is first exported to the grid network on a commercial basis from any of the wind turbines forming part of the Development. |
| Final Commissioning Date | Means the earlier of the (i) the date on which electricity is exported to the grid on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the Development erected in accordance with this consent or (ii) the date falling eighteen months from the First Commissioning Date. |
| the Development | The Gordonbush Extension wind farm with a generating capacity exceeding 50 MW, comprising an <u>151</u> turbine wind-powered electricity generating station, located on land approximately 9.5km to the north-west of Brora in the planning authority area of Highland Council, as described in the Application and Environmental Statement (submitted on 30 June 2015), and Further Environmental Information (submitted 6 October 2016) <u>and s.36C application dated 29 January 2019</u> . |
| National Public Holiday | Means: New Year's Day, if it is not a Sunday or, if it is a Sunday, 3rd January. 2nd January, if it is not a Sunday or, if it is a Sunday, 3rd January. Good Friday. Easter Monday. The first Monday in May. The first Monday in August. The third Monday in September. 30th November, if it is not a Saturday or Sunday or, if it is a Saturday or Sunday, the first Monday following that day. Christmas Day, if it is not a Sunday or, if it is a Sunday, 27th December. Boxing Day, if it is not a Sunday or, if it is a Sunday, 27th December. |