

- Annex 1 Description of Development;
- Annex 2 (Part 1) Conditions attached to section 36 consent and
(Part 2) Conditions attached to Deemed Planning Permission;
- Annex 3 Part 1 - Site Layout; and Part 2 (referenced in Condition 12).
- Annex 4 Appropriate Assessments in respect of:
- the River Spey Special Area of Conservation ("SAC")
 - the Darnaway and Lethen Forest Special Protection Area ("SPA"); and
 - the Anagach Woods SP

Annex 1 Part 1: Description of development

The wind powered electricity generating station known as Rothes III with a generating capacity exceeding 50MW, as depicted in Figure 1.2 ~~of the EIA Report~~ (attached at Annex 3 – Part 1), subject to the exclusion of the Excluded Development described in Part 2 of this Annex.

The principal components of the wind farm and ancillary development comprise:

- 28 turbines, turbines numbered ~~9, 13 and 14 will have a maximum tip height of 149.9 metres~~, turbines numbered 1, 2, 3, 4, 5, 6, 7, ~~9, 13, 14~~ and 29 will have a maximum tip height of 200 metres and turbines numbered 8, 10, 11, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 which will have a maximum tip height of 225 metres and their foundations and associated crane hard standing areas;
- External transformer housing;
- Site tracks;
- Crane pads;
- Two substations;
- Underground electricity cables;
- Temporary construction and storage compounds;
- Up to six temporary borrow pits; and
- Associated works/infrastructure.

Part 2- Excluded Development

The following exclusions are made from this consent:

- 1 turbine, numbered 15, (as depicted on Figure 1.2 ~~of the EIA Report~~ (attached at Annex 3 – Part 1);
- Any access tracks associated with the turbine numbered 15; and
- Any crane hard standing areas associated with the turbine numbered 15

Annex 2 part 1 - Section 36 consent conditions

1. Notification of Date of First Commissioning and Final Commissioning

(1) Written confirmation of the date of First Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after that date.

(2) Written confirmation of the date of Final Commissioning shall be provided to the Planning Authority and the Scottish Ministers no later than one calendar month after that date.

Reason: *To allow the Planning Authority and Scottish Ministers to calculate the date of expiry of the consent.*

2. Commencement of development

(1) The Commencement of the Development shall be no later than five years from the date of this consent, or in substitution, such other period as the Scottish Ministers may hereafter direct in writing.

(2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and the 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 and to allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.*

3. Non-assignment

(1) This consent shall 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) or refuse assignation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure.

(2) The company shall notify the Planning Authority in writing of the name of the assignee and principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of their consent to the assignation.

Reason: *To safeguard the obligations of the consent if transferred to another company.*

4. Serious incident reporting

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, and 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.*

5. Radar Mitigation

(1) No wind turbine shall be erected unless and until an *Air Traffic Control Radar Mitigation Scheme ("ATCRMS") to address the impact of wind turbines upon air safety has been submitted to and approved in writing by the Scottish Ministers in conjunction with the Ministry of Defence (MOD).

(2) No wind turbine erected as part of this development shall be permitted to rotate its rotor blades about its horizontal axis, other than for the purpose of testing radar mitigation for this development for specific periods as defined in the approved ATCRMS or otherwise arranged in accordance with provisions contained the in approved ATCRMS, until:

(a) those mitigation measures required to be implemented prior to any wind turbine being permitted to rotate its rotor blades about its horizontal axis as set out in the approved ATCRMS have been implemented; and

(b) any performance criteria specified in the approved ATCRMS and which the approved ATCRMS requires to have been satisfied prior to any wind turbine being permitted to rotate its rotor blades about its horizontal axis have been satisfied and Scottish Ministers, in conjunction with the Ministry of Defence, have confirmed this in writing.

(3) Thereafter the development shall be operated strictly in accordance with the details set out in the approved ATCRMS for the lifetime of the development, provided the Radar remains in operation.

Reason: *In the interests of aviation safety*

*The Air Traffic Control Radar Mitigation Scheme ("ATCRMS") is a scheme designed to mitigate the impact of the development upon the operation of the Primary Surveillance Radar at RAF Lossiemouth ("the Radar") and the air traffic control operations of the MOD which are reliant upon the Radar. The ATCRMS shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar and shall be in place for the lifetime of the development provided the Radar remains in operation.

6. Aviation Lighting

(1) Prior to commencing construction of any wind turbine generators, anemometry masts, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the Company must submit an aviation-lighting scheme for the approval of Scottish Ministers in conjunction with the Civil Aviation Authority and the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as required under the Air Navigation order 2016 and, or, as determined necessary for aviation safety by the Ministry of Defence and, or, as directed by the Civil Aviation Authority.

This should set out:

(a) Details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with.

(b) The locations and heights of all wind turbine generators in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

(2) Thereafter, the Company must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the life time of the development.

Reason: *In the interest of aviation safety*

Annex 2 part 2 - Deemed planning permission conditions

7. Commencement of development

(1) The development must be begun not later than the expiration of 5 years beginning with the date of this permission.

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

Reason: *To comply with section 58 of the Town and Country Planning (Scotland) Act 1997.*

8. Details of the turbines

(1) No development shall commence until the external finish and colour of the turbines and any anemometry masts have been submitted to and approved in writing by the Planning Authority. No development shall commence until the Planning Authority has approved in writing the sound power and tonality of the turbine model selected. Thereafter, the turbines/anemometry masts shall be installed in accordance with the approved details.

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

(3) No wind turbine or anemometry mast shall have any text, sign or logo displayed on any external surface of the wind turbines/anemometry mast unless approved in advance in writing by the Planning Authority or if required by law.

Reason: *To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts of the candidate turbines assessed in the Environmental Impact Assessment Report and in the interests of the visual amenity of the area.*

9. Details of other infrastructure

No development of the substation building, associated compounds, foul drainage provision, water supply, or any construction-compound boundary fencing, external lighting and parking areas shall commence until details of their external appearance, dimensions, and surface materials have been submitted to and approved in writing by the Planning Authority. The development shall not proceed other than in accordance with the approved details.

Reason: *To ensure that the environmental impacts of the substation, control building, associated compounds and associated development forming part of the Development conform to the impacts assessed in the Environmental Impact Assessment Report and in the interests of the visual amenity of the area.*

10. Decommissioning

(1) Upon the expiration of a period of 35 years from Final Commissioning, the wind turbines shall be decommissioned and removed from the site.

(2) No development shall commence unless and until a Provisional Decommissioning Method Statement (PDMS) has been submitted for the written approval of the Planning Authority. The PDMS shall set out proposals for the removal of all surface elements of the Development except for the access tracks and the turbine foundations more than 1 metre below ground level. The PDMS shall provide for the restoration of the site following the removal of the Development and for the timing of all operations.

(3) Not later than 24 months before the expiry of this permission a Decommissioning Method Statement in accordance with the principles of the Provisional Decommissioning Method Statement shall be submitted for the written approval of the Planning Authority. The Decommissioning Method Statement shall be implemented as approved.

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.*

11. Bond or other form of financial guarantee

(1) No development shall commence unless and until the Company has delivered to the Planning Authority, a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authority which secures the anticipated cost of performance of the obligations contained in the Provisional Decommissioning Method Statement ("PDMS") submitted in accordance with Condition 10. The bond or other form of financial guarantee shall thereafter be maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations.

(2) The value of the bond or other form of financial guarantee shall be agreed between the Company and the Planning Authority or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs, taking into account any salvage value of the development infrastructure, of all decommissioning and restoration and aftercare obligations contained in the PDMS.

(3) The value of the bond or other form of financial guarantee shall be reviewed by agreement between the Company and the Planning Authority or, failing agreement, determined (on application by either party) 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.

Reason: *To secure the performance of the obligations of the Company as to decommissioning and removal of the Development as well as for any aftercare and restoration of the Development by ensuring that suitable financial provision has been made for the performance of those obligations in the event of the Company's default*

12. Micrositing

(1) The turbines shall be erected and the site tracks and other infrastructure constructed in the positions indicated in Figure 1.2 (8298-DRW-DES-0001-Site 1.2-Site Layout – v2.0) of the EIA (attached at Annex 3 – Part 1) save that the location of any turbine, track or associated infrastructure may be varied from the indicated position without further recourse to the planning authority by up to 50 metres, subject to the following restrictions: -

(a) No development shall take place until a finalised post-consent layout is approved in writing by the planning authority in consultation with SEPA, having regard to minimising the proposed development's impact on peat. The approved layout may be varied with the consent of the planning authority in consultation with SEPA;

(b) No development shall take place within 50 metres of any water course with the exception of any watercourse crossings;

(c) The advice of the Ecological Clerk of Works has been sought before any such variation is made;

(2) Furthermore, the position of Substation 2 may be varied to the position shown on AI Figure 1.2 (attached at Annex 3 – Part 2) or within 50 m of that position.

Reason: *to control environmental impacts while taking account of local ground conditions and to ensure the impact on peat is minimised such that the release of its embodied carbon is kept to a minimum.*

13. Construction and Environmental Management Plan including Construction Method Statement

(1) No Development shall commence until a Construction and Environmental Management Plan ("CEMP") which shall include a Construction Method Statement ("CMS") has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot, RSPB and SEPA. The CEMP shall include:

(a) a site waste-management plan (dealing with all aspects of waste including forestry removal and forest waste other than peat produced during the construction period), 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 (including details of whether tracks are to be cut or floating), car parking, material stockpiles, oil storage, lighting columns, and any construction-compound boundary fencing;

(c) details of borrow-pit excavation, including excavation times, any noise monitoring required, and proposals to address complaints relating to blasting noise and vibration;

(d) a dust-management plan;

(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 of oil and fuel on the site;

(g) soil storage and management;

(h) a peat-management plan including peat site investigation to identify areas where floating access track is to be constructed;

- (i) a drainage-management strategy, demonstrating how all surface water and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources including assessment of risk to the private water supply to the dwelling called "Treetops";
- (j) sewage treatment and disposal;
- (k) temporary site illumination;
- (l) the upgrading of the access into the site and the creation and maintenance of associated visibility splays;
- (m) the method of construction of access tracks including floating track design, and construction;
- (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, anemometry 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 and other construction areas
- (t) a wetland-ecosystems (Ground Water Dependent Terrestrial Systems) survey and mitigation plan;
- (u) a species-protection plan for goshawk, merlin, capercaillie, black grouse and Scottish crossbill;
- (v) an ornithological-monitoring plan;
- (w) a pre-construction and construction fish-monitoring programme;
- (x) a water-quality monitoring plan;
- (y) measures to protect the boundary stones marked on EIAR figure 9.1 as 16a-c and 20a-b during construction; and
- (z) details of all construction works on the site and the timing of these works.

(2) The CEMP shall be implemented as approved

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 EIA Report accompanying the application, or as otherwise agreed, are fully implemented*

14. Construction traffic management

(1) No development shall commence until a construction-traffic-management plan ("CTMP") has been submitted to, and approved in writing by, the planning authority in consultation with Transport Scotland. The CTMP shall include the following:-

(a) Information on materials, plant, equipment, components and labour required during construction as well as details of escorts for abnormal loads, access and egress arrangements for abnormal loads, concrete wagons and heavy goods vehicles (including potential out of hours deliveries) and a local signage scheme and the scheduling and timing of abnormal load movements. A communications protocol with stakeholders including the public will also be detailed;

(b) A scheme for reviewing the condition of the section of road between the A96 / Reiket Lane Roundabout and the site access junction. This shall include requirements for before-and after-construction-traffic reviews of the road and verge infrastructure and shall outline how damage resulting from construction traffic shall be repaired and a programme for making good any damage.

(2) The works shall thereafter be carried out in accordance with the approved CTMP.

Reason: *To ensure that construction activities will not have a detrimental effect on the road network or the safety of all road users.*

15. Abnormal Load Access

(1) No abnormal-load deliveries shall be made to site until the following have been provided to the planning authority and the planning authority in consultation with Transport Scotland has given its approval in writing to:-

(a) an updated survey of the proposed route for abnormal loads on the trunk and local-road network and any accommodation measures required including, but not limited to, the removal of street furniture, junction widening and traffic management;

(b) a structural survey of the section of the abnormal-load delivery route from the A96 / Reiket Lane Roundabout through to the site access junction;

(c) the documented results of a test run undertaken from the Port of Inverness through to the site access; and

(d) details of the additional signing or temporary traffic-control measures necessary due to the size or length of any loads being delivered or removed during the delivery period of the wind-turbine construction materials.

(2) The works shall thereafter be carried out as approved above in part (1) above.

(3) Where intervention works are required to improve the structural capacity of infrastructure on the section of road referred to in letter (b) of this condition, these shall be delivered by the Company to the standard and specification approved by the planning authority (and the council in its role as roads authority).

(4) The Roads Authority and Transport Scotland shall be invited to attend the test run referred to in letter (c) of this condition.

(5) The details supplied in letter (d) of this condition must be provided by a traffic-management consultant whose appointment is approved by the planning authority in consultation with Transport Scotland.

(6) The Company shall consult all affected road and structure authorities through the abnormal-load permitting process via the ESDAL portal. No abnormal load delivery shall be made to the

site until the planning authority in consultation with Transport Scotland has confirmed that the consultation has been carried out to the appropriate standard.

Reason: *To ensure that abnormal loads can be transported in safety and to minimise the disruption to other road users, residents and businesses in the area.*

16. Ecological Clerk of Works

(1) No development shall commence unless and until an Ecological Clerk of Works (EcoW) approved by the Planning Authority has been appointed by the Company. The terms of the appointment shall:-

(a) Impose a duty to monitor compliance with the ecological and hydrological commitments required in terms of conditions 12, 17 and 13 ("the EcoW Works") and with legislation on the protection of the environment;

(b) Require the EcoW to report to the Company's nominated construction project manager and Planning Authority any incidences of non-compliance with the commitments monitored as part of the EcoW Works or with legislation for the protection of the environment at the earliest practical opportunity; and

(c) Require the EcoW to submit a monthly report to the Planning Authority summarising works undertaken on site and incidents of micro-siting in accordance with condition 11.

(2) The EcoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity, and for the duration of any period of post-construction restoration works approved as part of the Construction Environment Management Plan under condition 13.

(3) 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. 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*

17. Habitat Management Plan

(1) No development shall commence until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot, SEPA and RSPB.

(2) The HMP shall set out proposals for the management of the habitat of the windfarm site for enhancement of habitat for capercaillie and woodland grouse during the periods of construction, operation and decommissioning of the Development and during the restoration of the site after the Development has been removed.

(3) Unless otherwise approved in advance in writing with the Planning Authority, the approved HMP shall be implemented in full.

Reason: *In the interests of the protection of the habitats of those species identified in the EIA Report.*

18. Programme of Archaeological Works

(1) No development shall commence until an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the Planning Authority. The WSI shall include details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the WSI will be provided and agreed throughout the implementation of the programme of archaeological works.

(2) Should the archaeological works reveal the need for post-excavation analysis, a post-excavation research design (PERD) for the analysis, publication and dissemination of results and archive deposition shall be submitted to the planning authority for its written approval.

(3) The WSI and any PERD shall be implemented as approved.

Reason: *To safeguard and record the archaeological potential of the area.*

19. Compensatory Planting

No development shall commence unless and until a woodland compensatory planting plan (CPP) in accordance with the Scottish Government Control of Woodland Removal Policy (or such replacement as may be in place at the time that the CPP is submitted for approval) has been submitted to and approved in writing by the Planning Authority in consultation with Forestry Scotland (FS). The CPP shall provide details of the planting of woodland within the Site. The CPP shall include:-

(a) The location and details of the proposed planting, timescales for implementation and its maintenance for the operational period of the Development; and

(b) A silvicultural proposal for compensatory planting and a protection plan for the life of the development.

Reason: *to enable appropriate woodland removal to take place in accordance with the current Scottish Government Control of Woodland Removal Policy.*

20. Construction Hours

(1) Construction work shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or on national public holidays or bank holidays (see definitions) other than concrete pouring if started within those hours, turbine erection and emergency works. The Company shall notify the Planning Authority of such works if carried out outside the permitted hours within two working days of their occurrence.

(2) Heavy Goods Vehicles (HGV) movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 07.00 to 19.00 Monday to Friday, and 07.00 to 16.00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or on national public holidays or bank holidays unless otherwise agreed in writing by the Planning Authority.

(3) Turbine delivery may be made out with these construction hours, where necessary, and as agreed in writing in advance with the Planning Authority.

Reason: *In the interests of local amenity.*

21. Aviation Safety

(1) Prior to the Commencement of Development the Company shall provide the Planning Authority and Ministry of Defence, Defence Geographic Centre with the following information: -

- (a) the date of the expected commencement of the erection of the wind turbine generators;
- (b) the date of the expected commencement of operation of any wind turbine generators;
- (c) the maximum height of any construction equipment to be used in the erection of the wind turbines generators; and
- (d) the position of the turbines and any masts in latitude and longitude.

(2) The Company shall notify Ministry of Defence in writing of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the Development.

Reason: *In the interests of aviation safety.*

22. Noise (including Excess Amplitude Modulation)

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 Table 1 attached to these conditions and:

- (a) 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 Company shall, at its expense, employ an independent consultant and provide a written protocol to be approved by the Planning Authority. The protocol shall describe the procedure to assess the level and character 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 as far as possible the time or meteorological conditions to which the complaint relates and time or conditions relating to tonal noise or excess amplitude modulation if applicable. Measurements to assess compliance with the noise limits shall be undertaken in accordance with the assessment protocol which shall be approved in writing by the Planning Authority.
- (b) 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 protocol within two months of the date of the approval of the protocol by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis, such data to be provided in a format to be agreed with the Planning Authority. Certificates of calibration of the equipment shall be submitted to the Planning Authority with the report.
- (c) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 5 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 initial assessment unless otherwise agreed by the Planning Authority.

Table 1: At all times – Noise limits expressed in dB LA90,10 minute and apply for standardised 10 m height wind speeds up to 12 m/s as determined within the site averaged over 10 minute periods

LOCATION	Noise Limit (dB LA90)
Burn of Rothes	31
Heatherlea	34
Lynes	34
Knocknagore	33
Lyne of Knockando	32
Aldivonie	32

Table 2: Coordinate locations of the dwelling listed in Table 1

LOCATION	Easting	Northing
Burn of Rothes	325273	847814
Heatherlea	322947	844545
Lynes	321693	844349
Knocknagore	318143	845004
Lyne of Knockando	317602	845267
Aldivonie	317063	845397

Note to Table 2: The geographical coordinate references are provided for the purpose of identifying the general location of dwelling to which the noise limits apply. Reason: To mitigate and monitor potential noise impacts from the Development.

23. Access Plan

No development shall commence until an Access Plan has been submitted to and approved in writing by the Planning Authority. The Access Plan will include the consideration of the upgrade of the existing tracks, the formation of new tracks and other improvements to provide enhanced access opportunities and improvements to track surfaces across the proposed development area.

Reason: *to improve public access to the site.*

Guidance Notes for Noise Condition – Condition 21

These notes are to be read with and form part of the planning condition on noise. The measured data is to be split into bins as described below. The rating level for each bin is the arithmetic sum of the wind farm noise level plus any tonal penalty applied in accordance with 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). IOAGPG is "A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise" or any update of that report current at the time of measurement.

Note 1 – Data Collection

(a) Values of the LA₉₀,10-minute noise index should be measured in accordance with the IOAGPG. Measurements shall be undertaken in such a manner to enable a tonal penalty to be calculated and to capture data suitable for analysis of excess amplitude modulation for selected periods where a tonal or excess-amplitude-modulation assessment is required.

(b) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second (m/s) and arithmetic mean wind direction in degrees from north in each successive 10- minutes period in a manner to be agreed in writing with the Planning Authority. The wind speed 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 are correlated with the noise measurements determined as valid. The Company shall continuously log arithmetic mean nacelle anemometer wind speed, arithmetic mean nacelle orientation, arithmetic mean wind direction as measured at the nacelle, arithmetic mean rotor revolutions per minute and whether each wind turbine is running normally during each successive 10-minutes 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 Universal Time (UT).

Note 2 – Data Analysis

- (a) The independent consultant shall identify a sub-set of data having had regard to:-
- the conditions (including time of day and corresponding wind directions and speeds) at times in which complaints were recorded;
 - the nature/description recorded in the complaints if available;
 - information contained in the written request from the local planning authority;
 - likely propagation effects (downwind conditions or otherwise);
 - the results of the tonality/excess-amplitude-modulation analysis where relevant.

In cases where it is possible to identify patterns of clearly different conditions in which complaints have arisen additional sub-sets may be considered provided this does not introduce unreasonable complexity in the analysis and can be justified by the independent consultant.

- (b) Within each of the sub-set(s) of data identified, data shall be placed into separate 1 m/s wide wind speed bins.

Note 3 – Tonal Penalty

(a) Where, in accordance with the protocol, the noise contains or is likely to contain a tonal component, a tonal audibility shall be calculated for each ten-minute period using the following procedure.

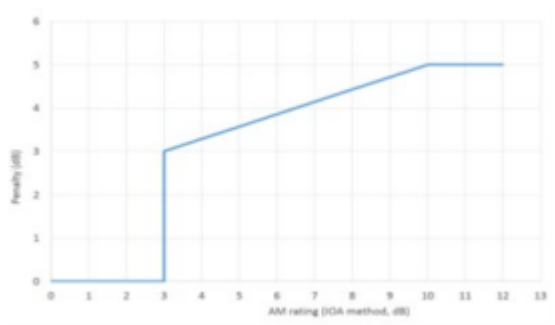
(b) For each 10-minute period for which a tonal assessment is required this shall be performed on noise immissions during 2-minutes of each 10-minute period. The 2-minute periods should be spaced at 10-minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure").

(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. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted. Where data for a ten-minute period are corrupted, that period shall be removed from the tonal analysis.

(d) The tone level above audibility for each ten-minute period shall be placed in the appropriate data sub-set and wind speed bin.

Note 4 – Amplitude Modulation

Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation is considered by the Local Planning Authority to be present in the noise immissions at the complainant's property, the Company shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess Amplitude Modulation. The scheme shall be based on best available techniques and shall be implemented as approved.



Note 5 – Calculation of Rating Level

(a) The LA90 sound pressure level for each data sub-set and wind speed bin is the arithmetic mean of all the 10 minute sound pressure levels within that data subset and wind speed bin except where data has been excluded for reasons which should be clearly identified by the independent consultant. The tonal penalty for each bin is the arithmetic mean of the separate 10-minute tonal audibility levels in the bin converted to a penalty in accordance with Fig 17 on page 104 of ETSU-R-97. The assessment level in each bin is normally the arithmetic sum of the bin LA90 and the bin tonal penalty.

(b) If the assessment level in every bin lies at or below the values set out in the Table(s) attached to the conditions then no further action is necessary. In the event that the assessment level is above the limit(s) set out in the Tables attached to the noise conditions in any bin, 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. Correction for background noise need only be undertaken for those wind speed bins where the assessment level is above the limit.

(c) The Company shall ensure that all the wind turbines in the development are turned off for such periods 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 1, with the wind farm switched off, and determining the background noise (L3) in each bin as required in the protocol. At the discretion of the consultant and provided there is no reason to believe background noise would vary with wind direction, background noise in bins where there is insufficient data can be assumed to be the same as that in other bins at the same wind speed.

ii. The wind farm noise (L1) in each bin shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

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

iii. The rating level shall be calculated by adding the tonal penalties to the derived wind farm noise L1 in that bin.

iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalties in every bin lies at or below the values set out in the Tables attached to the condition at all wind speeds then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Table(s) attached to the condition then the development fails to comply with the planning condition in the circumstances represented by that bin.

Definition of terms in conditions and related guidance notes

"The Application" means the application submitted by the Company on 1 February 2019.

"Bank Holiday" means:

- New Year's Day, unless it is a Sunday, in which case, 3rd January;
- 2nd January, unless it is a Sunday, in which case 3rd January;
- Good Friday;
- The first Monday in May;
- The first Monday in August;
- 30th November, 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; and
- Boxing Day, unless it is a Sunday, in which case 27th December.

"Commencement of Development" means the date on which Development shall be taken as having begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997.

"the Company" means Rothes III Limited, company registration number SC307540 and registered address C/o Harper Macleod LLP, The Ca'd'oro, Glasgow, G1 3PE or such other person for the time being entitled to the benefit of the consent under section 36 of the Electricity Act 1989.

"The Development" means Rothes III Wind Farm as described in part 1 of Annex 1 and authorised by this consent and deemed planning permission.

"dwelling" means a building within Use Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 which lawfully exists or had planning permission at the date of this consent and deemed planning permission.

"Excess Amplitude Modulation" means the modulation of aerodynamic noise produced at the frequency at which a blade passes a fixed point and occurring in ways not anticipated by ETSU-R-97, The Assessment and Rating of Noise from Wind Farms, at page 68.

"HES" means Historic Environment Scotland.

"Final Commissioning" means the earlier of (a) the date 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 (b) the date 18 months after the date of First Commissioning, unless a longer period is agreed in writing in advance by the Planning Authority.

"First Commissioning" means the date on which electricity is first exported to the grid on a commercial basis from any of the wind turbines forming part of the development.

"National Public Holiday" means Easter Monday and the third Monday in September.

"NatureScot" means Scottish Natural Heritage now operating as NatureScot.

"Planning Authority" means Moray Council or any successor as planning authority.

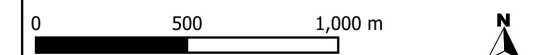
"SEPA" means the Scottish Environment Protection Agency.

Legend

- Proposed Rothes III Development Area
- Proposed Rothes III Turbines
 - 200m to tip
 - 225m to tip
 - Deleted Turbine (T15)
- Proposed Rothes III Crane Pad
- Proposed Rothes III Additional Crane Pad Area
- Proposed Rothes II Blade Laydown Area
- Proposed Rothes III track
- Existing Track to be Upgraded
- Proposed Rothes III Substation
- Proposed Rothes III Construction Compound
- Proposed Rothes III Borrow Pit Search Area
- Rothes I turbine
- Rothes II turbine
- ▲ Existing anemometry mast
- Existing Rothes I & II track

Notes:

- a) Information on this map is directly reproduced from digital and other material from different sources. Minor discrepancies may therefore occur. Where further clarification is considered necessary, this is noted through the use of text boxes on the map itself.
- b) For the avoidance of doubt and unless otherwise stated:
 1. where a line recorded in the key demarcates a boundary on this plan, the boundary edge is the outside edge of the line.
 2. where a line or feature recorded in the key of this plan is also shown as a line or feature by the Ordnance Survey, and that line or feature is located in a different position on the ground than shown by the Ordnance Survey, then the line or feature shall be deemed to follow the position as existing on the ground.
 3. this plan should be used for identification purposes only, unless specifically stated above or in accompanying documentation.
 4. Loco2gen Consultancy Ltd. accepts no responsibility for the accuracy of data supplied by third parties



A3 Horizontal Scale 1:25,000

CRS: British National Grid (EPSG:27700)

Produced: Emma Ballantyne
 Reviewed: Frances Cunningham
 Approved: Frances Cunningham

Date: 27/05/24 Revision: 2.0

8298-DRW-DES-0001-Site 1.2-Site Layout-v2.0

**Rothes III Wind Farm
 Figure 1.2
 Site Layout**

Loco2gen Consulting Ltd

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