

**ELECTRICITY ACT 1989 AND**  
**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**  
**CONSENT AND DEEMED PLANNING PERMISSION BY THE SCOTTISH MINISTERS FOR**  
**THE CONSTRUCTION AND OPERATION OF THE**  
**CARRAIG GHEAL**  
**WIND POWERED ELECTRICITY GENERATING STATION**  
**IN**  
**ARGYLL AND BUTE**

**Consent and deemed planning permission**

1. The Scottish Ministers, in exercise of the powers conferred by section 36 of the Electricity Act 1989 and section 57(2) of the Town and Country Planning (Scotland) Act 1997 and of all other powers enabling them in that behalf hereby: -

1.1 consent, subject to the conditions set out in paragraphs 5.1 to 5.6, to the construction and operation by the Company of the Carraig Gheal wind powered electricity generating station , as described in paragraph 4 below; and

1.2 direct, subject to the conditions set out in paragraphs 6.1 to 6.54 , that planning permission for the Development shall be deemed to be granted.

**Determination**

2. In reaching their decision, the Scottish Ministers have taken into account the environmental information submitted with the Application, including the Environmental Statement and subsequent Addenda, the representations made by statutory consultative bodies and others, in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000; the application; SPP6; and Scottish Government energy and climate change policy.

3. As the Planning Authority has not objected to the Application, the Scottish Ministers have considered all objections and other material considerations and do not think it appropriate to cause a public inquiry before reaching their decision. In reaching their decision they have had regard to all relevant considerations and, subject to the conditions of this consent and deemed planning permission, are satisfied that it is appropriate for the Company to construct and operate the generating station in the manner set out in the Application. The Scottish Ministers also note that the Development is consistent with Government policy on the promotion of renewable energy.

**Description of the Development**

4. The proposed Carraig Gheal wind farm would be located on Fernoch Farm approximately 8km west of Kilchrenan on the north-west side of Loch Awe. The

development shall have a maximum capacity of 60MW and shall comprise a wind powered electricity generating station at Carraig Gheal in Argyll and Bute including:

- (i) not more than 20 turbines, 9 towers up to 65m with an upper blade tip height of up to 110m and 11 towers up to 80m with an upper blade tip height of up to 125m
- (ii) a control building with a grid sub station
- (iii) two anemometry wind monitoring masts
- (iv) underground cabling and transformers
- (v) substation and control room facilities
- (vi) turbine foundations
- (vii) areas of hard standing
- (viii) access tracks and passing places
- (ix) temporary site compound facilities

all as specified in the Application, the Environmental Statement and Addenda; and references in this consent and deemed planning permission to "the development" shall be construed accordingly.

### **Conditions of section 36 consent**

5. The consent granted in accordance with section 36 of the Electricity Act 1989 is subject to the following conditions:

#### **Timing and operation**

5.1 The consent is for a period from the date of this consent until the date occurring 25 years after the date of the Final Commissioning of the Development. Written confirmation of the date of Final Commissioning of the Development shall be provided by the Company to the Planning Authority, National Air Traffic Services and to Scottish Ministers no later than 1 calendar month after that event.

*Reason: To define the duration of the consent.*

5.2 The commencement of the development shall be no later than the date occurring 5 years after the date of this consent, or (in substitution) no later than such date as the Scottish Ministers may hereafter direct. If Commencement of the Development does not occur by such date, then by no later than the date occurring 6 months after such date, the site and the ground shall be fully reinstated by the Company to the specification and satisfaction of the Scottish Ministers, following consultation with the planning authority.

*Reason: To make sure work is undertaken within a reasonable time period.*

5.3 The Company shall not be permitted to assign the consent set out in paragraph 1.1 above without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may grant consent (with or without conditions) or refuse such authorisation 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.

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

5.4 Within 12 months after the end of the period of the consent as provided for in condition 5.1, those parts of the Development requiring decommissioning and restoration in accordance with the conditions of this consent shall be removed and the land restored, in accordance with the decommissioning scheme and detailed restoration and aftercare scheme required by conditions 6.23 and 6.24.

*Reason: to limit the lifetime of the Development.*

5.5 In the event that any wind turbine installed and commissioned fails to produce electricity on a commercial basis to the public network for a continuous period of 6 months, then, unless otherwise agreed in writing with the Scottish Ministers, after consultation with the Planning Authority and SNH, such wind turbine shall be deemed to have ceased to be required. If deemed to have ceased to be required, the wind turbine and its ancillary equipment shall be dismantled and removed from the site by the Company by no later than the date occurring 6 months after the end of the said continuous 6 months period, and the ground fully reinstated to the specification and satisfaction of the Scottish Ministers after consultation with the Planning Authority and SNH.

*Reason: to ensure the removal of non-functional equipment and plant.*

5.6 At least three months prior to commencement of development, the Company should undertake fish surveys to establish pre-construction baseline data and continue through the construction, operational and decommissioning phases. The methodology should be submitted to and approved by the Scottish Ministers in consultation with The Fisheries Research Service.

*Reason: to monitor fish stocks.*

## **Planning Conditions**

6. The direction set out in paragraph 1.2 is subject to the following planning conditions:-

### **Development in Accordance with Notified Scheme**

6.1 The Development shall be undertaken in accordance with the Application (except in so far as amended by the terms of this consent and direction or as subsequently agreed in writing by the Planning Authority in consultation with SNH and SEPA). The Development shall be undertaken in its entirety, in one continuous phase, with no partial implementation. Construction activities shall be completed within an 18 month period from the Commencement of the Development unless otherwise agreed in writing by the Planning Authority.

*Reason: To ensure the Development is carried out in accordance with the Application documentation and within a fixed period of time to limit disruption to the community.*

## Construction Method Statements

6.2 Development shall not commence until written approval is obtained from the Planning Authority, following consultation with SEPA, SNH, and the Scottish Ministers (acting through their Species Team (in respect of protected species only) and the trunk roads authority (in respect of roads only) for detailed site-specific construction Method Statements for all significant work activities. The said Method Statements, which shall include detailed contractor arrangements, monitoring and contingency proposals for implementation, shall cover and incorporate:

- i) a track construction plan;
- ii) proposals for the phasing of operations, including the provision of information on the construction timetable which takes into account the implications of times of year when high rainfall is more likely;
- iii) an Environmental Management and Pollution Prevention Plan (comprising arrangements to protect groundwater, private water supplies, surface water, mitigate against silt-laden run-off from temporary and permanent access tracks, spoil storage and other engineering operations, construction noise, dust, oil pollution, arrangements for concrete batching, including provision for an Incident Response Plan (in the event of a pollution incident);
- iv) measures to avoid any significant adverse impacts on fish;
- v) details of tree felling;
- vi) restoration following substantial completion of construction activity;
- vii) access, signing and re-routing arrangements for recreational users during construction activity;
- viii) a detailed construction drawing showing the revised main access;
- ix) Construction activity undertaken within peat;
- x) details of excavations and other earthworks;
- xi) arrangements for storage of materials including the storage and use of oils and the management of other potential pollutants;
- xii) details of vehicle access and movements which could lead to sedimentation in the water environment;
- xiii) full details of the drainage proposals for the site, including foul drainage arrangements for the control building, discharge of surface waters from wheel cleaning and drainage for the storage areas and compounds, together with the provisions for the avoidance of sedimentation and pollution and the monitoring and mitigation of erosion;
- xiv) mechanisms to ensure sub-contractors and all other parties on the site are managed and aware of issues and provisions relating to pollution, including emergency procedures. An appropriately qualified environmental scientist should be present during construction to provide specialist advice;
- xv) measures for dealing with all the waste streams that arise for the operational phase;
- xvi) provision of welfare facilities on site during construction and the means of disposal of sewage effluent;
- xvii) mitigation and reinstatement proposal;
- xviii) emergency site procedures for the disturbance or fatality of any otter and water vole; and

xix) notification procedures including notification to the Scottish Ministers of serious health and safety, planning or environmental incident resulting from the development.

The Development shall be undertaken in accordance with the said approved method statements, unless otherwise agreed in writing by the Planning Authority.

*Reason: To ensure work is carried in accordance with the commitments made in the Environmental Statement and supplementary information; and in the interests of amenity, pollution prevention and public safety.*

## **Financial Bond**

6.3 At least 1 month prior to the Commencement of Development, the Company shall provide to the Planning Authority written details of the bond or other financial provision which it proposes to put in place to cover all site restoration costs at the end of the period of this consent. The Company shall also provide an independent confirmation by a Chartered Surveyor (whose appointment for this task has been approved by the Planning Authority) that the amount of the bond or financial provision so proposed is sufficient to meet the full estimated costs of decommissioning, dismantling, removal, disposal, site restoration, remediation and incidental work as well as associated professional costs. No work shall commence on site until written confirmation has been given by the Planning Authority to the Company to the effect that the proposed bond or other financial arrangement is satisfactory and the Company has confirmed to the Planning Authority that it has been put in place.

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

## **Roads**

6.4 No development shall be commenced until written approval for any work to be carried out to a public road is obtained from the relevant Roads Authority.

*Reason: To ensure approval is obtained from the roads authority, in the interests of road accessibility and public safety.*

6.5 No work shall commence on site until consent has been granted by Forestry Commission Scotland for the formation of a proposed shared access route from the south of the site which will also form a Timber Haul Route.

*Reason: Consent will be required from Forestry Commission Scotland to enable the access route to be formed.*

## **Traffic**

6.6 Prior to the commencement of development on the site, the Company shall obtain written approval from the planning authority, following consultation with the

trunk roads authority and Strathclyde Constabulary, for a traffic management plan. This plan shall include:

- i) details of routing of construction traffic and construction workers' traffic;
- ii) provision of temporary car parks, and wheel wash facilities;
- iii) controlled routing of heavy vehicles, including those movements required for routing and emergency maintenance throughout the operational lifespan of the wind farm;
- iv) arrangements for police escort or other escort approved by Strathclyde Constabulary of abnormal loads;
- v) details of any speed restrictions required;
- vi) temporary site signage identifying routes for all site vehicles and advising drivers of all necessary information; and
- vii) the control of construction related traffic including enforcement procedures;

Such provisions in the approved plan shall be fully implemented.

*Reason: to minimise disruption arising as a result of traffic movements.*

## **Design and Siting**

6.7 Each turbine and all new tracks shall be positioned as indicated by the Company on Figure A2 submitted to Scottish Ministers and as held by the Planning Authority. At least three months prior to Commencement of the Development confirmation of the final micro siting of turbines shall be submitted to and approved by the Planning Authority. Prior to the turbines becoming operational, the Developer shall submit location details for each turbine as erected in the form of Global Positioning System co-ordinates to the Planning Authority.

*Reason: to ensure micro-siting decisions take account of environmental considerations.*

6.8 The site shall not be permanently illuminated by lighting without the prior approval in writing of the Planning Authority.

*Reason: to prevent unnecessary illumination of the site.*

6.9 Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on any part of the turbines, other buildings or structures within the site without the written approval of the Planning Authority.

*Reason: to prevent advertisements being displayed on the turbines, buildings and structures, in order to protect the visual amenity of the area.*

6.10 Details of the turbines, including make, model, design, size, transformer location, power rating, sound levels, anemometer masts and associated apparatus, shall be provided to the Planning Authority prior to the Commencement of the Development. All wind turbines shall be finished in a matt grey white colour or similar

as agreed in writing with the Planning Authority ( in consultation with the Civil Aviation Authority ) and the colour and finish shall not be altered thereafter without Planning Authority consent. For the avoidance of doubt, hub height will not exceed 80 metres and tip height of the turbines hereby granted permission shall not exceed 125 metres. The blades of all the turbines shall rotate in the same direction. The Development shall thereafter be implemented in accordance with the approved details.

*Reason: to protect visual amenity.*

6.11 The control building shall be faced in natural stone/smooth cement or wet dash render painted a recessive colour (or other natural/recessive finish as agreed in writing by the Planning Authority) with the roof finished in natural slate or a good quality slate substitute, samples or full details of which shall be submitted for prior written approval of the Planning Authority prior to control building works commencing.

*Reason: To secure an appropriate appearance in the interests of amenity.*

6.12 At least three months prior to the Commencement of the Development, details of materials, external finishes, elevations, layout plan and colours for all ancillary elements, including transformers, switchgear/metering building, compound and fencing shall be submitted to and approved by the Planning Authority. The development shall be implemented in accordance with the duly approved details.

*Reason: To ensure that the design is not intrusive to the visual amenity.*

## **Construction**

6.13 At least 3 months prior to the Commencement of the Development, details of the temporary contractors' site compounds, including their surfacing and drainage and any temporary structures to be erected, shall be submitted to and approved in writing by the Planning Authority. This element of the Development shall be carried out in accordance with the approved plans.

*Reason: to ensure a visually compatible and effective design of the temporary contractor compounds.*

6.14 No turbine shall be sited closer than 50 metres to a water course unless otherwise approved by the Planning Authority in consultation with SEPA.

*Reason: to ensure watercourses are protected.*

6.15 At least 3 months prior to the Commencement of the Development, a report should be submitted to and approved by the Planning Authority (in consultation with SEPA) identifying known and un-registered water supply sites, together with details of mitigation measures required to protect water supplies.

*Reason: to ensure protection of water supplies.*

6.16 The Company shall undertake all works within the Water Environment (Controlled Activities) (Scotland) Regulations 2005 and the terms of the "Guidelines for Preventing Pollution from Civil Engineering Contracts" as amended and published by SEPA and shall ensure that there are safeguards against pollution of groundwater or any watercourse from all construction activities and on-going operational activities. In particular all containment and contingency measures in relation to disposal of any foul drainage, oil storage and management, gearbox oil change arrangements and any other necessary pollution avoidance arrangements shall be detailed and require the prior written approval of the Planning Authority in consultation with SEPA and SNH. The Company should also refer to, and comply with relevant guidance in CIRIA 648 "Control of Water Pollution from Linear Construction Projects-Technical Guidance" and CIRIA C649 'Control of Water Pollution from Linear Construction Projects-Site Guidance' which can be found at [www.ciria.org.uk](http://www.ciria.org.uk).

*Reason: to safeguard and protect the local environment.*

6.17 Access to the site by heavy goods vehicles shall be restricted to 0700 to 1800 on Mondays to Fridays and from 0700 to 1200 on Saturdays with no such access on Sundays and local and public holidays. Any work on site out with these times shall only take place with the prior written approval of the Planning Authority. Except in the case of an emergency, written notification shall be submitted at least 4 weeks prior to such works commencing. The appointed contractor shall adopt "Best Practical Means" in controlling noise levels and shall follow guidance contained within 8S5228 Part 1 - 1997 - Noise and Vibration Control on Construction and Open Sites and any subsequent amendments.

*Reason: To restrict noise nuisance generated by the development work, in the interests of safeguarding public amenity.*

6.18 Controlled waste, namely peat, soils, rock and other materials produced as a result of construction works or excavation or other operations on site, shall be disposed of only at a licensed facility or re-used strictly in accordance with the Waste Management Licensing Regulations 1994 ( as amended).

*Reason: to ensure waste is disposed of in accordance with waste management legislation and best practice techniques, in the interests of public amenity.*

6.19 Prior to Commissioning of the Development, all wires and cables between the wind turbines and the site electricity sub-station shall be laid underground and the ground reinstated within two months of completion of the said works to the satisfaction of the Planning Authority.

*Reason: To reduce visual intrusion of overhead cables, poles and pylons, in the interests of visual amenity.*

6.20 All temporary contractors' site compounds including site offices, containers, machinery and equipment and temporary performance masts shall be removed no later than 6 months following the Final Commissioning of the Development. Any works required for the reinstatement of the land in particular the material storage



compound /laydown area shall be carried out within 3 months of the removal of the compounds or masts, in accordance with a scheme detailing vegetation replacement techniques and timing, which shall previously have been submitted to and approved in writing by the Planning Authority.

*Reason: to ensure temporary compounds do not leave a footprint on site.*

6.21 For all new tracks on SEI Figure A2 a variation of their indicated position by less than 50 metres either side of the centre of the track shall only be permitted following the approval of the Ecological Clerk of Works. Details of any variation over 50m shall only be permitted following written approval of the planning authority.

*Reason: to ensure micro-siting decisions take account of environmental considerations.*

## **Restoration**

6.22 Prior to the Commencement of the Development, a detailed restoration method statement and a detailed restoration monitoring plan shall be submitted for the approval of the Planning Authority in consultation with SNH. The restoration method statement shall provide restoration proposals for those areas disturbed by construction works, including the site entrance, access tracks, hard standings and other construction areas. Restoration of construction disturbed areas shall be implemented within 6 months of the commissioning of the wind farm, or as otherwise agreed with the Planning Authority. The restoration monitoring plan shall include a programme of visits to monitor initial vegetation establishment and responses to further requirements, and long term monitoring as part of regular wind farm maintenance.

*Reason: To ensure that disturbed areas of the site are reinstated.*

6.23 No development shall take place until a strategy for the restoration and removal of the components of the Development as specified in condition 6.25 has been submitted to and approved in writing by the Planning Authority. At least 12 months prior to the decommissioning of the wind farm, a detailed restoration and aftercare scheme for those parts of the site to be restored shall be submitted to the Planning Authority for approval. This scheme shall be implemented by the Company as approved by the Planning Authority.

*Reason: To ensure that a suitable plan is in place for the restoration of the site.*

6.24 Within 2 months of the date of the Final Commissioning of the Development, an indicative scheme for the ultimate reinstatement of the site, including the removal of all wind turbines and ground reinstatement, shall be submitted for the prior written approval of the Planning Authority in consultation with SNH and SEPA. Such scheme will be reviewed and amended as necessary taking into account scheme operation and monitoring at least twelve months prior to actual decommissioning and reinstatement works.

*Reason: To ensure an indicative scheme is submitted by the developer and approved by the Planning Authority for the decommissioning of the wind farm.*

6.25 Within 24 months following the end of the period of the consent, all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site, and the land shall be restored and subject to aftercare, in accordance with the restoration and aftercare scheme. For the purposes of this condition 'restored' means the removal of all wind turbines, initial layer of turbine foundations, and all buildings and ancillary development. Notwithstanding this requirement, no later than one year prior to commencement of the restoration and aftercare scheme, the Planning Authority, following consultation with SNH, shall review the retention of other hard standings, cables/ducts and access tracks within the context of the restoration strategy, landscape strategy and access strategy to identify any elements to be retained on site or requiring alternative reinstatement.

*Reason: For the avoidance of doubt, to ensure that a plan is in place for the reinstatement of the site and to ensure it will be reinstated to the satisfaction of the Planning Authority.*

### **Archaeology**

6.26 Prior to the Commencement of Development, the Company shall prepare and submit an archaeological mitigation plan which shall be subject to prior approval in writing by the Planning Authority. The Development shall thereafter be implemented in accordance with the approved mitigation plan. The said plan shall provide for:

- i) a written scheme of investigation in accordance with SODD Circular 4/1998 and NPPG 5; and
- ii) proposals for the avoidance of known archaeological features, for a watching brief during construction, and for the excavation, recording and analysis of features identified through the watching brief;

The monitoring, protection and repair measures shall be implemented in accordance with the approved scheme, unless otherwise agreed in writing with the planning authority.

*Reason: to ensure compliance with commitments made in the Environmental Statement and subsequent schemes developed following the consultation process.*

### **Aviation and Communication**

6.27 At least 3 months prior to the Commencement of the Development, a written scheme shall be submitted to and approved in writing by the Planning Authority. Such scheme shall address the potential for interference of the operation of the Development with television and radio reception and include measures to be taken to remedy any such interference. Such measures as set out within the approved scheme shall be fully implemented.

*Reason: to minimise interference to local television and radio reception as a result of the operation of the wind farm.*

6.28 At least 3 months prior to the Commencement of the Development, 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 containing the following detailed information:

- date of commencement of the development;
- date of completion of the development;
- position of the masts in latitude and longitude;
- the exact position of the turbine towers in latitude and longitude;
- a description of all structures over 300 feet high
- the maximum extension height of any construction equipment;
- height above ground level of the tallest structure;
- if the site will be lit

*Reason: To notify the relevant aviation authorities of the milestone dates and site installation details, in the interests of public safety.*

6.29 Within 14 days of the Commissioning of the Development, the Company shall provide written confirmation of the following details to Defence Estates and National Air Traffic Services.

- i) Date of completion of construction
- ii) The height above ground level of the highest potential obstacle (anemometry masts or wind turbine)
- iii) The position of that structure in latitude and longitude; and
- iv) The lighting details of the site.

*Reason: to ensure the impact of the Development upon the safe passage of aircraft is minimised as far as possible, in the interests of public safety.*

## **Ecology**

6.30 Prior to the Commencement of the Development, an Ecological Clerk of Works shall be appointed at the expense of the Company for the period from the Commencement of the Development until the Final Commissioning of the development and again from the commencement of the decommissioning of the wind farm until the completion of the restoration of those parts of the site to be restored in accordance with the conditions of this consent. The Ecological Clerk of Works will be a member of the Institute of Ecology and Environmental Management. He/she will be appointed by the Company, subject to the approval of the planning authority, following consultation with SNH.

*Reason: to minimise disturbance to nature conservation interests within the wind farm site.*

6.31 All watercourse crossings must be designed to be allow the free passage of otter and water vole. The designs must be submitted to and approved by the Planning Authority in consultation with SNH and SEPA before commencement of the development.

*Reason: to ensure protection of otter and water voles.*

## **Ornithology**

6.32 The Company shall undertake the following ornithological monitoring from the date of this consent. Monitoring of upland breeding birds will be commenced before the felling of any trees and shall be continued in the 1st, 2nd, 3rd, 5th, 10th and 15th years following the final Commissioning of the Development. The monitoring is to be carried out in accordance with detailed proposals as submitted by the Company to the Scottish Ministers and approved by the Scottish Ministers after consultation with the Planning Authority, SNH and such other parties as the Scottish Ministers see fit. The findings of these surveys shall be collated into two reports following the monitoring activities in the 5th and 15th years and shall contain all of the original data (in formats agreed by the Scottish Ministers after consultation with SNH). They shall be submitted to the Scottish Ministers, the Planning Authority and SNH within 12 months of the end of the period to which they relate, unless the Scottish Ministers agree to an extension. The Scottish Ministers may decide, following consultation with SNH and the Planning Authority, that mitigation measures are required. Any mitigation measures shall be implemented by the Company in full within the timescale specified by the Scottish Ministers.

*Reason: to inform the understanding of the impact of wind farms on breeding birds, and to mitigate potential impacts on bird populations.*

6.33 No work shall commence on site until the Company has agreed appropriate programmes of bird monitoring (on a reference site close to the development) and mitigation including a timetable for implementation in conjunction with SNH. This agreement shall be submitted to and approved by the Planning Authority in consultation with SNH, and shall be in place before work begins.

*Reason: to ensure ornithological monitoring is in place prior to commencement of development.*

6.34 All construction works in the North East of the site adjacent to the diver lochs and their associated habitats should be conducted out with the red throated diver breeding season i.e 1 April to 30 September.

*Reason: to protect red throated diver breeding grounds.*

6.35 Turbines 9 and 14 must not be micro sited to the North or East of the positions as detailed on the site plan ( figure A2), these are already situated close to Diver lochs.

*Reason: to ensure these turbines are not located any closer to Diver lochs.*

6.36 The company shall carry out on-going monitoring of red throated diver flight lines and breeding locations and success. The monitoring is to be carried out in accordance with detailed proposals as submitted by the Company and approved by the Planning Authority in consultation with SNH.

*Reason: to monitor red throated diver activity.*

6.37 Overhead works ( grid connection ) should be phased to mitigate disturbance during the bird breeding season. Sections of the overhead line with the potential of posing a risk to breeding birds should be identified by the Company and agreed by the planning authority in consultation with SNH, the identified sections should be marked with bird diverters to preclude collisions and electrocution.

*Reason: to protect breeding birds.*

6.38 Potentially disturbing works during the planning, construction and operational phases should be scheduled in line with the protection afforded to birds in the Wildlife and Countryside Act 1981 ( as amended ) part 1 sections 1 and 5. If works on the site are not completely curtailed during the breeding season, then a set back distance of 300m between any nesting loch/red throated diver sites and any works activities should be imposed between 1 April and 30 September. A continual watching brief for breeding activity outwith this period should be conducted and if any such activity is identified the 300m exclusion zone should be enforced.

*Reason: to protect breeding birds and red throated diver breeding grounds.*

6.39 The company shall undertake post construction monitoring to standards in accordance with SNH post construction monitoring guidance.

*Reason: To aid in the collective understanding of the impacts of wind farms on birds.*

## **Peat Management**

6.40 No Development shall commence until a Peat Stability Assessment and Mitigation Statement has been submitted to and approved by the Planning Authority, in consultation with SNH and SEPA. Best practice and any mitigation measures, including any micro-siting amendments to the location of turbine bases or access tracks and the impact upon peat land habitat interest together with mitigation measures to address drying of the site, in particular erosion of drainage channels, shall be set out in the Statement for approval by the Planning Authority. This Statement shall also include proposals for the safe temporary storage of peat until such times as it is used for restoration of the shoulders of roads and tracks, around turbine bases and for other post-construction restoration, with any surplus peat thereafter being removed from the site. The Statement shall also include a rapid reaction strategy for dealing with the consequences of a slide event. The Development will be carried out in accordance with the approved Peat Stability Assessment and Mitigation Statement.

*Reason: To safeguard the environment and public safety.*

6.41 At least 3 months prior to the Commencement of the Development, a scheme showing the details of peat/soil stripping at the Site and the storage and proposed use and replacement of peat, topsoil and subsoil shall be submitted to the Planning Authority for approval. All soil stripping and storage and replacement operations shall

accord with the details as approved by the in Planning Authority consultation with SEPA and the scheme shall be implemented in full. In particular the scheme shall be incorporated in the construction method statement setting out the measures to protect and store peat.

*Reason: To minimise impacts on sensitive peat habitat.*

6.42 The Company shall undertake an on-going assessment and call out service provided by professionally qualified geotechnical personnel, whose appointment has been approved by the Planning Authority. The Company shall develop and adopt a formalised reporting procedure which records ground conditions, site workings, monitoring results and construction progresses pertinent to the stability of all development works. In addition, results of this monitoring shall be fed into a Geotechnical Risk Register to be submitted to the Planning Authority at quarterly intervals per annum. Should the risk of peat failure be identified, the Company shall install and monitor ground conditions using suitable geotechnical instrumentation as recommended by the geotechnical personnel and approved by the Planning Authority.

*Reason: To minimise environmental impacts arising from peat slide.*

6.43 The Company shall submit to the Planning Authority for its approval, a contingency plan to detail level of response to observed poor ground conditions. The performance of the ground shall be assessed against design assumptions. Where the works perform better than expected or as expected there will be no need for contingencies to be implemented. Where findings indicate that the ground is performing outside the expected limits and that a potentially adverse situation might develop, corrective actions shall be implemented in accordance with the contingency plan.

*Reason: To minimise environmental impacts arising from peat slide.*

6.44 The Company's geotechnical personnel as approved in terms of condition 6.42 shall undertake regular inspections of the Site, the first inspection taking place within one year of the date of this consent and deemed planning permission. This inspection shall include a walkover inspection of the site with a report on ground stability produced and submitted to the Planning Authority. Where the report identifies a risk of peat failure, measures shall be implemented in accordance with the contingency plan approved in terms of condition 6.43.

*Reason: To minimise environmental impacts arising from peat slide.*

6.45 No extraction of peat shall be undertaken from any part of the site other than in accordance with the construction method statements referred to in condition 6.2.

*Reason: To minimise environmental impacts arising from peat slide.*

6.46 Any peat excavated on Site may only be dealt with in one of the following manners:

- i) used for the immediate restoration of the shoulders of roads and tracks;
- ii) spread around turbine bases; and
- iii) batched and stored in the on-site borrow pits for a maximum of three months,

Any peat not dealt with as set out above must be removed from the Site immediately.

*Reason: To minimise the risk of a peat slide incident.*

6.47 Notwithstanding the provision of condition 6.46 excess peat excavations shall not be placed onto the peat surface until the adequacy of the ground to support the load has been determined by the geotechnical personnel and the Planning Authority has given its approval.

*Reason: To minimise the risk of a peat slide incident*

6.48 All water discharged from excavations shall be directed into a suitably designed drainage system which complies with statutory requirements. All discharge of water shall be into a formalised drainage path which shall form part of a site-wide drainage network. The drainage network design must be submitted for approval to the Planning Authority in consultation with SEPA.

*Reason: To minimise the risk of a peat slide incident and avoid the pollution of water courses.*

6.49 During the period of consent, all excavations shall be suitably supported to prevent collapse and where peat is present to prevent the Development of tension cracks. Peat removed from drainage ditches as part of maintenance shall be considered as excavated peat.

*Reason: To minimise the risk of a peat slide incident.*

## **Noise**

6.50 Noise measurements shall be carried out according to the procedures described in ETSU-R-97. The Company shall record wind speed and wind direction data continually and shall retain the data which has been recorded for a period of no less than 12 months. The data shall include the average wind speed in metres per second for each 10-minute period. The measuring periods shall be set to commence on the hour and in 10-minute increments thereafter. The data shall be collated on a Microsoft Excel Spread sheet or similar spread sheet software in electronic format. In any case when the wind speed is measured at a height other than 10 metres above the ground level, the data shall be supplemented by adjusted values that allow for wind shear, normalised to 10 metre height. Details of the wind shear calculation shall be provided to the Planning Authority.

*Reason: To provide monitoring data to inform the Planning Authority of wind speeds on site.*

6.51 Noise from the wind turbines should be limited to a Rating Level, measured under free-field conditions, of 40 dB LA90, or 5 dB above the pre-established

prevailing Background Noise Level, for sensitive day-time hours, whichever is the greater, at any residential property existing at the date of this consent and deemed planning permission. Sensitive day-time hours are defined as Monday- Friday 1800 to 2300 hours; Saturday 1300 to 2300 hours and Sundays 0700 to 2300 hours. Noise limits are to be set at the nearest residential property.

*Reason: To ensure acceptable noise levels are achieved in the interests of the amenity of adjacent residents and the public accessing the area.*

6.52 Noise from the wind turbines should be limited to a Rating Level, measured under freefield conditions, of 43 dB LA90, or 5 dB above the pre-established prevailing Background Noise Level for night-time hours, whichever is the greater, at any residential property lawfully in existence at the date of this consent and deemed planning permission. Night-time hours are defined as 2300 to 0700 hours. Noise limits are to be set at the nearest residential property.

*Reason: To ensure acceptable noise levels are achieved in the interests of the amenity of adjacent residents and the public accessing the area.*

6.53 The rating level shall be calculated from the measured noise level plus a correction to account for any tonal components in the noise to be derived according to the procedure outline in ETSU-R-97.

*Reason: To ensure acceptable noise levels are achieved, in the interests of adjacent residents and the public.*

6.54 At the request of the planning authority, and following a complaint to the planning authority relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall measure the level of noise emission from the wind farm at the property to which the complaint relates. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive of the schedule on pages 95-97 inclusive, and Supplementary Guidance Notes to the Planning Obligation, pages 99-109 of ETSU-R- 97.

*Reason: to safeguard the noise amenity of local residents in accordance with ETSU-R-97.*

## **Definitions**

7 In this consent and deemed planning permission:-

"the Application" means the application and Environmental Statement submitted by the Company on 15 November 2005 and as amended by the supplementary environmental information submitted by the company on 20 October 2005, 27 February 2006 and 11 October 2007.

"Commencement of the development" means the date on which development shall be taken as begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997. Where such term is used in conditions in this consent, it shall



not include such activities or works as may be agreed in writing with the Planning Authority to be excluded, including works necessary to give effect to the conditions of this consent, site investigations or surveys.

"Commissioning of the development" means the date on which the first turbine generator forming part of the Development first supplies electricity on a commercial basis;

"Company" means Green Power (Carraig Gheal) Ltd

"Construction Period" means the period from the commencement of the development until the site compounds have been reinstated in accordance with the conditions of this consent;

"Decommissioning of the wind farm" means the date on which those elements of the Development agreed in accordance with condition 6.25 have been permanently decommissioned and removed from the site, in accordance with the conditions of this consent;

"the Development" means a wind powered electricity generating station at Carraig Gheal as described in paragraph 4 above;

"Environmental Statement" means the Environmental Statement submitted by Green Power (Carraig Gheal) Ltd on 15 November 2005 and as amended by the SEI submitted as part of the application as defined above;

"Final Commissioning of the Development" means the date on which all wind turbine generators forming the Development have supplied electricity on a commercial basis or such earlier date as the Scottish Ministers deem the Development to be complete;

"Operational Period" means the period from the date of the final commissioning of the development until the last date on which any of the wind turbine generators supplies electricity on a commercial basis;

"Planning Authority" means Argyll and Bute Council;

"SEI" means the environmental information supplementary to the Environmental Statement submitted on 20 October 2005, 27 February 2006 and 11 October 2007;

'SNH' means Scottish Natural Heritage

'SEPA' means Scottish Environment Protection Agency

"Site" means the area of land outlined in black on Figure A2 attached to this consent;

"wind turbine noise level" means the rated noise level due to the combined effect of all the wind turbines at the Carraig Gheal wind farm, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R-97, pages 99 -109;

"background noise level" means the ambient noise level already present within the environment (in the absence of noise generated by the development) as measured and correlated with wind speeds;

"night hours" means 23:00 - 07:00 hours on all days;

"quiet waking hours" means 18:00 - 23:00 hours on all days, plus 07:00 - 18:00 on Sundays and public holidays and 13:00 - 18:00 hours on Saturdays;

"noise sensitive premises" means premises, the occupants of which could be exposed to noise from the wind farm and includes hospitals, residential homes, nursing homes, etc

**COLIN IMRIE**

**Head of Energy Consents**

A member of the staff of the Scottish Ministers

13 June 2008