
From: Rachael Edmunds <Rachael.Edmunds@banksgroup.co.uk>
Sent: 29 February 2016 17:12
To: Hughson M (Magnus)
Cc: 'Findlay, Ruth'; Siue Allen; Gill Steele (gill.steele@ironsidefarrar.com); Hughes A (Allen); 'NATSwindfarms@nats.co.uk'; Andrew Liddell
Subject: Kype Muir Wind Farm - condition 6 - NATS PRMS
Attachments: 20160229-ES-RCM-KypeMuirWindFarmCondition6-HughsonM.PDF

Magnus,

Please find attached the NATS Primary Radar Mitigation Scheme and accompanying cover letter to part discharge condition 6 of the Kype Muir Wind Farm consent.

If you have any questions/queries regarding the attached please do not hesitate to contact me.

Regards,
Rachael



Our Ref: RCM/CKM RE/S/713/PL/2

29 February 2016

Magnus Hughson
 The Scottish Government
 Local Energy and Consents
 5 Atlantic Quay
 150 Broomielaw
 Glasgow
 G2 8LU

Dear Magnus

KYPE MUIR WIND FARM CONDITION 6 – NATS PRIMARY RADAR MITIGATION SCHEME

Condition 6 of the Kype Muir Wind Farm Section 36 consent states:

Prior to the commencement of development, a Primary Radar Mitigation Scheme setting out measures to be taken to minimise the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport; Cumbernauld and Lowther Hill must be submitted to, and approved in writing by the Scottish Ministers, in consultation with Glasgow Airport Limited and NATS (En-Route) plc ("NERL"). The approved Primary Radar Mitigation Scheme must be implemented in full.

Due to the nature of the issues covered by this condition it requires four separate actions, namely:

1. Submission and approval of a Primary Radar Mitigation Scheme (PRMS) for impacts upon NATS (En-Route) PLC operations;
2. Submission and approval of a PRMS for impacts upon Glasgow Airport Limited's operations;
3. Implementation in full of the approved NATS PRMS; and
4. Implementation in full of the approved Glasgow Airport PRMS.

Please find enclosed the PRMS for the adverse impacts on the primary surveillance radar at Lowther Hill, Glasgow and Cumbernauld and associated air traffic operations of NATS.

We have titled this PRMS 'Part 1 - NATS'. The Glasgow Airport PRMS (which will be submitted separately) will be titled 'PRMS Part 2 – Glasgow Airport'.

Can you please confirm that based upon the information enclosed with this letter part 1 of condition 6 (as set out above – submission and approval of a PRMS for impact upon NATS operations) can be discharged. We appreciate that this will only discharge part of condition 6 and that there are still three other elements of the condition that require to be discharged prior to commencement of development.



Yours sincerely

REDACTED

Rachael Macleod
Senior Development Planner

DD: 0844 264 4595

E: rachael.macleod@banksgroup.co.uk

Enc: Kype Muir Wind Farm: Primary Radar Mitigation Scheme (Part 1 – NATS)

cc. Ruth Findlay, South Lanarkshire Council
Gill Steele, Ironside Farrar
Sue Allen, Ironside Farrar
NATS

**KYPE MUIR WIND FARM: PRIMARY RADAR MITIGATION SCHEME
(PART 1 - NATS)**

**ERECTION OF 26 132M (MAXIMUM) HEIGHT WIND TURBINES & ANCILLARY
INFRASTRUCTURE AT KYPE MUIR WIND FARM**

**PRIMARY RADAR MITIGATION SCHEME FOR THE ADVERSE IMPACTS TO THE
PRIMARY SURVEILLANCE RADAR AT LOWTHER HILL, GLASGOW AND
CUMBERNAULD AND ASSOCIATED AIR TRAFFIC OPERATIONS OF NATS (EN
ROUTE) PLC ("NATS") (CONDITION 6)**

NATS UNIQUE CRM NUMBER 2348

INTRODUCTION

1. Planning permission was granted on 21 May 2014 by Scottish Ministers ("Planning Authority").
2. The planning permission included the following conditions

Prior to the commencement of development, a Primary Radar Mitigation Scheme setting out measures to be taken to minimise the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport; Cumbernauld and Lowther Hill must be submitted to, and approved in writing by the Scottish Ministers, in consultation with Glasgow Airport Limited and NATS (En-Route) plc ("NERL"). The approved Primary Radar Mitigation Scheme must be implemented in full.

3. NATS is the provider of en route Air Navigation Services for United Kingdom Airspace. NATS is regulated by the Civil Aviation Authority and has a duty under licence to provide safe and efficient air traffic management operations. The developer accepts that without appropriate technical mitigation measures, the development will cause an unacceptable impact on the primary radar of NATS located at Lowther Hill, Glasgow and Cumbernauld and associated air traffic control operations.
4. The developer has been in discussions with NATS regarding potential mitigation for the adverse aviation impacts of the development. This document is the Primary Radar Mitigation Scheme for the purposes of the above planning condition in respect of the planning permission.

MITIGATION SCHEME REQUIREMENTS

5. No blades shall be fitted to any turbine until the relevant Planning Authority (following consultation with NATS) has provided written confirmation that the later of the following has occurred:
 - 5.1 the technical mitigation measures described at Annex 1 ("**Mitigation Measures**") to this document have been fully installed and integrated into NATS' infrastructure and validated by NATS;
 - 5.2 arrangements have been entered into with NATS for the on-going maintenance, management, renewal update and decommissioning of the Mitigation Measures throughout life of the wind farm at the developer's expense and until such time as the turbines have been permanently dismantled. Such arrangements shall effectively bind future operators and owners of the development.

6. Following the discharge of each of the requirements at paragraph 5 and at least 4 weeks prior to the first blades being fitted to any turbine, the developer shall provide the Planning Authority (and copied to NATS - contact details below) with a schedule of intended dates for blades to be fitted to each turbine and for each turbine to be first operated. If any of the dates will be materially different from those set out in the submitted schedule, then notice of the revised date(s) shall as soon as reasonably practicable be provided to the Planning Authority in writing by the developer (copied to NATS).
7. The turbines shall not be sited more than 50 metres in any direction from their original location as described in the co-ordinates given at Annex 2 without the prior consent of the Planning Authority (following consultation with NATS).
8. The developer shall not operate any of the turbines in any period unless it has procured through arrangements with NATS that the Mitigation Measures are provided, maintained, managed, renewed, updated and decommissioned as necessary for the life of the operation of the development (or any part thereof) at the developer's expense unless the Planning Authority confirms in writing following consultation with NATS that such Mitigation Measures are no longer required.
9. The turbines shall not be operated by any person other than Banks Renewables (Kype Muir Wind Farm) Limited (Company Number 6917667] of Inkerman House, St John's Road, Meadowfield, Durham, DH7 8XL or a Permitted Person unless the Planning Authority has confirmed in writing that it is satisfied that such person has entered into direct arrangements with NATS for the long term provision, maintenance, management, renewal, update and decommissioning of the Mitigation Measures (save where the Planning Authority has confirmed in writing following consultation with NATS that such arrangements are no longer required). A Permitted Person means any party engaged by the developer to provide works and/or services in relation to the construction and/or operation and maintenance of any turbines comprised in the development, provided that the developer retains the right at all times to determine when the turbines are operational.
10. In the event that mitigation is no longer required and in any event when all of the turbines have permanently ceased operation and been removed from the site, the Developer shall arrange for the decommissioning of the Mitigation Measures at its expense.

NATS contact details:

NATS (En Route) plc Safeguarding Department
NATS
Corporate & Technical Centre
4000 Parkway
Whiteley
Fareham
Hampshire
PO15 7FL
E-mail: nerlsafeguarding@nats.co.uk

**SIGNED FOR AND ON BEHALF OF BANKS RENEWABLES (KYPE MUIR WIND FARM)
LIMITED:**

REDACTED

NAME: Rachael Macleod

TITLE: Senior Development Planner

DATE: 29 February 2016

PRMS ANNEX 1
Mitigation Measures

The implementation, maintenance, management, renewal and update of a mitigation solution for the impacts of the development on the primary radar of NATS at Lowther Hill, Glasgow and Cumbernauld and associated air traffic management operations through the creation of a plot suppression zone, along with the continued provision of an infill radar feed from Edinburgh Airport and Kincardine, integrated into the infrastructure of NATS in relation to the airspace affected by the development, as may be amended or upgraded where reasonably required.

**PRMS ANNEX 2
Turbine Co-ordinates**

Turbine	Easting	Northing
1	270717	638122
2	271087	638023
3	271407	637789
4	270544	638992
5	270816	638699
6	271136	638515
7	271480	638380
8	271785	638177
9	271879	637789
10	270694	639448
11	271014	639180
12	271339	639001
13	271752	638823
14	272058	638645
15	272255	638354
16	272340	637882
17	271124	639878
18	271506	639437
19	271843	639333
20	272182	639143
21	272605	638956
22	272650	638312
23	271517	639855
24	272012	639807
25	272317	639623
26	272652	639406

From: Hughson M (Magnus)
Sent: 18 March 2016 16:59
To: Rachael Macleod
Subject: Kype Muir - partial discharge - part 1 of condition 6
Attachments: Kype Muir - condition 6.pdf

Rachael,

Please find a letter confirming the partial discharge by Scottish Ministers of condition 6 for Kype Muir Wind Farm.

Regards,

Magnus Hughson

The Scottish Government
Local Energy and Consents
5 Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

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Energy and Climate Change Directorate
Energy Division

T: 0300 244 1252
E: magnus.hughson@scotland.gsi.gov.uk



Rachael Macleod
Senior Development Planner
Banks Group
2nd Floor, Block C
Brandon Gate
Leechlee Road
Hamilton
Lanarkshire
ML3 6AU

18 March 2016

Dear Rachael,

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND) REGULATIONS 2000.
SECTION 36 – KYPE MUIR WIND FARM - DISCHARGE OF CONDITION 6**

I refer to your email dated 29 February 2016 regarding the discharge of condition 6 for Kype Muir Wind Farm.

6. *Prior to the commencement of development, a Primary Radar Mitigation Scheme setting out measures to be taken to minimise the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport, Cumbernauld and Lowther Hill must be submitted to, and approved in writing by, the Scottish Ministers, in consultation with Glasgow Airport Limited and NATS (En-Route) plc ("NERL"). The approved Primary Radar Mitigation Scheme must be implemented in full.*

I confirm that the Scottish Ministers are now content that the first of the four requirements of condition 6 has been met. I am therefore pleased to inform you that the following part of condition 6 is now discharged:

Submission and approval of a PRMS for impacts upon NATS (En-Route) PLC operations;

Yours sincerely,

REDACTED

REDACTED

Magnus Hughson
Local Energy and Consents

From: Frances Nicholson <Frances.Nicholson@banksgroup.co.uk>
Sent: 14 December 2016 16:33
To: Hughson M (Magnus)
Cc: 'kirsteen.macdonald@glasgowairport.com'; Andrew Liddell
Subject: Kype Muir Wind Farm; Condition 6; Primary Radar Mitigation Scheme
Attachments: Kype Muir Wind Farm_Primary Radar Mitigation Scheme _14 December 2016.docx

Dear Magnus,

Please find attached information seeking to discharge Condition 6 of the Kype Muir Wind Farm Section 36 Consent;

1. Glasgow Airport Limited Primary Radar Mitigation Scheme (PRMS); made in agreement between Banks Renewables (Kype Muir Wind Farm) Limited and Glasgow Airport Limited.

For assurance purposes, you should receive confirmation from Glasgow Airport Limited stating that the terms of the PRMS are agreed

Upon receipt of the confirmation from Glasgow Airport Limited, and if you deem the information attached to this email satisfactory to discharge Condition 6, please could you confirm in writing that this condition has been discharged via reply to this email?

If you have any queries or require additional information please do not hesitate to contact me at the earliest opportunity. As this is a suspensive condition, and works cannot commence on site until it has been discharged, I would greatly appreciate your prompt attention on this matter.

Kind regards,
Frances

Frances Nicholson
Development Planner

BANKSGroup
development with care

DDI: 0191 378 6283 | **M:** 07808093055 | **T:** 0844 209 1515 | **E:** Frances.Nicholson@banksgroup.co.uk | **W:** www.banksgroup.co.uk

Banks Group, Inkerman House, St John's Road, Meadowfield, Durham, DH7 8XL

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1 PRIMARY RADAR MITIGATION SCHEME

1. Glasgow Airport Limited has identified an appropriate mitigation solution in order to address the adverse aviation impacts of the Kype Muir Wind Farm (the "**Development**") on the Airport's air traffic control system and operations, including the Primary Surveillance Radar, for the permitted twenty five year lifetime of the Development.
2. The scheme includes procurement, operation and maintenance of a new Terma Scanter 4002 radar to be incorporated into Glasgow Airport's air navigational system. The mitigation solution is capable of mitigating the Development in addition to meeting the necessary technical, operational and regulatory requirements of an Air Traffic Control system.
3. The Developer has agreed to fund the mitigation solution and related services.
4. Subject to ongoing compliance, the scheme will remain in operation for the permitted twenty five year life of the Development or until Glasgow Airport and the Developer agree that the mitigation scheme is no longer required.



By post and email

Scottish Ministers

FAO: Magnus Hughson
Local Energy and Consents
Scottish Government
4th Floor
Atlantic Quay
150 Broomielaw
Glasgow
G2 8LU

19th December 2016

Dear Sirs

**GLASGOW AIRPORT
KYPE MUIR WIND FARM (THE "DEVELOPMENT")**

We refer to the consent under Section 36 of the Electricity Act 1989 and deemed planning permission under section 57(2) of the Town and Country Planning (Scotland) Act 1997 for the construction and operation of the Kype Muir wind powered electricity generating station dated 21 May 2014 (the "**Consent**") issued to Banks Renewables (Kype Muir Wind Farm) Limited (the "**Developer**").

We refer to Condition 6 of the Consent and we can confirm that the terms of the Primary Radar Mitigation Scheme submitted to you by the Developer on 14 December 2016 are agreed with Glasgow Airport Limited and, once implemented, will adequately minimise the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport.

Yours faithfully

REDACTED

Kirsteen MacDonald
Safeguarding Manager
For and on behalf of Glasgow Airport Limited

Copy (by email only) to Banks Renewables (Kype Muir Wind Farm) Limited

From: Hughson M (Magnus)
Sent: 21 December 2016 10:27
To: Frances Nicholson
Cc: Rachael.MacLeod@banksgroup.co.uk
Subject: Kype Muir - partial discharge - part 2 of Condition 6
Attachments: u414062_21-12-2016_10-08-30.pdf

Frances/Rachael

Please find attached a letter confirming the discharge of the second of four parts of Condition 6, for Kype Muir Wind Farm.

Regards,

Magnus Hughson

The Scottish Government
Energy Consents Unit
5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU.

From: Frances Nicholson [mailto:Frances.Nicholson@banksgroup.co.uk]
Sent: 19 December 2016 16:41
To: Hughson M (Magnus)
Subject: FW: Kype Muir - partial discharge - part 1 of condition 6

Frances Nicholson
Development Planner

BANKSGroup
development with care

DDI: 0191 378 6283 | **M:** 07808093055 | **T:** 0844 209 1515 | **E:** Frances.Nicholson@banksgroup.co.uk | **W:** www.banksgroup.co.uk

Banks Group, Inkerman House, St John's Road, Meadowfield, Durham, DH7 8XL

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From: Magnus.Hughson@gov.scot [mailto:Magnus.Hughson@gov.scot]
Sent: 19 December 2016 16:04
To: Frances Nicholson <Frances.Nicholson@banksgroup.co.uk>
Subject: RE: Kype Muir - partial discharge - part 1 of condition 6

Frances,

Regarding the discharge of condition 6 for Kype Muir Wind Farm, it was previously discussed with Rachael MacLeod that the condition would be split into four parts (see email below).

As such, the emails submitted by Glasgow Airport means the requirements for the second part of the condition has been met, and Scottish Ministers can now discharge this. A formal letter will follow in due course.

2) Submission and approval of a PRMS for impacts upon Glasgow Airport Limited's operations;

Regards,

Magnus Hughson

The Scottish Government
Energy Consents Unit
5 Atlantic Quay, 150 Broomielaw, Glasgow, G2 8LU.

From: Rachael Macleod [<mailto:Rachael.MacLeod@banksgroup.co.uk>]
Sent: 01 March 2016 09:57
To: Pacitti F (Frances)
Cc: Hughes A (Allen); Hughson M (Magnus); Frances Nicholson
Subject: Kype Muir/Middle Muir - programme and key dates

Fran,

Following our discussion last week please find attached a slide which sets out the key programme dates for Kype Muir and Middle Muir.

You will note from the attached that we are looking to have all our pre-commencement section 36/planning conditions discharged by November this year to allow us to start on site early 2017. Based on our discussion and my review of the consents it is our understanding that the only real input the Energy Consents Unit (ECU) will have into this element of the projects is in relation to discharging the aviation conditions and at Kype Muir commenting on the compensatory planting conditions. (Please let me know if this is not the case.) Our target dates for submissions in relation to these conditions are:

- Middle Muir aviation – March 2016
- Kype Muir aviation – although there is only one aviation condition attached to the Kype Muir consent, due to the fact that the condition covers the submission/approval of a Primary Radar Mitigation Scheme (PRMS) and implementation for both NATS and Glasgow Airport we are looking to make 4 submissions in relation to this condition. These submissions will address the following:
 1. Submission and approval of a PRMS for impacts upon NATS (En-Route) PLC operations;
 2. Submission and approval of a PRMS for impacts upon Glasgow Airport Limited's operations;
 3. Implementation in full of the approved NATS PRMS; and
 4. Implementation in full of the approved Glasgow Airport PRMS.

We have just submitted the NATS PRMS, with the Glasgow Airport PRMS likely to be submitted in May. Will you be able to issue us with partial discharge of the condition based on the various elements? We are fully aware that we will need 4 partial discharges in relation to this condition prior to commencement of development.

- Kype Muir compensatory planting – July/August 2016

If you have any questions/queries about the programme that we are working to please do not hesitate to contact myself or Frances Nicholson (copied into this email) who is the project planner for Middle Muir.

Regards,
Rachael

Rachael Macleod
Senior Development Planner



DDI: 0844 264 4595 | **M:** 07736 827339 | **T:** 0844 209 1535 | **E:** Rachael.MacLeod@banksgroup.co.uk | **W:** www.banksgroup.co.uk

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Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

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Frances Nicholson
Banks Group
Inkerman House
St John's Road
Meadowfield
Durham
DH7 8XL

21 December 2016

Dear Frances,

**THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) (SCOTLAND)
REGULATIONS 2000.
SECTION 36 – KYPE MUIR WIND FARM - DISCHARGE OF CONDITION 6**

I refer to your email dated 14 December 2016 regarding the discharge of condition 6 for Kype Muir Wind Farm.

6. *Prior to the commencement of development, a Primary Radar Mitigation Scheme setting out measures to be taken to minimise the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport, Cumbernauld and Lowther Hill must be submitted to, and approved in writing by, the Scottish Ministers, in consultation with Glasgow Airport Limited and NATS (En-Route) plc ("NERL"). The approved Primary Radar Mitigation Scheme must be implemented in full.*

Although there is only one aviation condition attached to the Kype Muir consent, due to the fact that the condition covers the submission/approval of a Primary Radar Mitigation Scheme (PRMS) and implementation for both NATS and Glasgow Airport, the Energy Consents Unit agreed with Banks Renewables on 1 March 2016 that Banks would make four submissions in relation to this condition. These submissions will address the following:

1. *Submission and approval of a PRMS for impacts upon NATS (En-Route) PLC operations;*
2. *Submission and approval of a PRMS for impacts upon Glasgow Airport Limited's operations;*
3. *Implementation in full of the approved NATS PRMS; and*
4. *Implementation in full of the approved Glasgow Airport PRMS.*

Part one of the condition was discharged on 18 March 2016. Following the submission of the letter of support from Glasgow Airport Limited on 19 December 2016, I confirm that **Scottish Ministers are now content that part two of the four requirements of condition 6 has been met.** I am therefore pleased to inform you that the following part of condition 6 is now discharged:

2. Submission and approval of a PRMS for impacts upon Glasgow Airport Limited's operations.

Yours sincerely,

REDACTED

Magnus Hughson
Energy Consents Unit