

**KYPE MUIR WIND FARM EXTENSION: DRAFT VARIED CONDITIONS**

**FILE NOTE**  
RE/S/812/PL1

ANNEX 2

CONDITIONS

**Part 1- Conditions attached to section 36 consent**

**1. Duration of the Consent**

The consent is for a period from the date of this consent until the date occurring ~~25-30~~ years after the Final Commissioning of the Development. Written confirmation of the date of the Final Commissioning of the Development must be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that event.

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

**Commented [RE1]:** Amended to reflect the request to extend the period of consent from 25 to 30 years.

**2. Commencement of the Development**

The Commencement of the Development shall be no later than ~~five-seven~~ years from the date of this consent, or such other period as the Scottish Ministers may hereafter direct in writing. Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month before that date

*Reason: To ensure that ~~the~~ development is commenced within a reasonable period.*

**Commented [RE2]:** Amended to ensure that have 5 years to implement any variation to the consent.

**3. Non-assignment**

The Company must not assign the consent without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may grant authorisation, with or without conditions. The consent, must not be assigned, alienated or transferred otherwise than in accordance with this condition.

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

**4. Serious incident reporting**

In the event of a Serious Health and Safety, Environmental or Planning incident occurring on Site during the period of consent, the Company must notify Scottish Ministers within 24 hours of the incident occurring

*Reason: To keep Scottish Ministers informed of compliance with Health and Safety legislation*

#### **5. Aviation Radar NATS**

No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Scottish Ministers in order to avoid the impact of the development on the Primary Radar of the Operator located at Lowther Hill, Cumbernauld and Glasgow and associated air traffic management operations.

*Reason: In the interests of aviation safety.*

#### **6. Aviation Radar NATS**

No blades shall be fitted to any turbine until the approved Primary Radar Mitigation Scheme has been implemented and the Development shall thereafter be operated fully in accordance with such approved Scheme.

*Reason: In the interests of aviation safety.*

#### **7. Aviation Glasgow Airport**

Prior to the commencement of development, a Radar Mitigation Scheme setting out measures to be taken to prevent the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport must be submitted to, and approved in writing by, the Scottish Ministers, in consultation with Glasgow Airport Limited.

*Reason: In the interests of aviation safety.*

#### **8. Aviation Glasgow Airport**

The turbines must be erected in accordance with the approved Radar Mitigation Scheme and the Development must thereafter be operated at all times fully in accordance with the approved Radar Mitigation Scheme

*Reason: In the interests of aviation safety*

### **Part 2 - Conditions attached to the deemed Planning Permission**

#### **9. Duration of the Consent**



This planning permission shall expire and cease to have effect after a period of ~~28-33~~ years from the date of Final Commissioning. Upon the expiration of a period of ~~25-30~~ years from the date of Final Commissioning, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of condition ~~4950~~ of this permission. Written confirmation of the date of Final Commissioning shall be submitted in writing to the Planning Authority no later than one calendar month after the date of Final Commissioning.

**Commented [RE3]:** Amended to reflect the request to extend the period of consent from 25 to 30 years.

*Reason: To define the duration of the consent The ~~3328~~ year cessation date allows for a 3 year period to complete decommissioning and site restoration work.*

#### 10. Implementation in accordance with approved plans and requirements of this consent

The Development must be carried out in accordance with the terms of the Application ~~or where has been varied through the S.36C Application~~ and the accompanying Environmental Statements including all mitigation and monitoring measures stated in it, the conditions attached to the deemed planning permission and any Planning Application (PA) plans, schemes or similar documents required to be obtained by those conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

**Commented [RE4]:** To reflect the request for a variation to the original consent.

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

#### 11. Financial Guarantee

Except to any extent specifically permitted in writing by the Planning Authority, there shall be no commencement of development or operations at the site until the Guarantee (after mentioned) has been delivered to the Planning Authority and the Planning Authority has confirmed receipt of it.

There will be a validly executed guarantee in an appropriate form that incorporates all the Guarantee Criteria and has been approved in writing by the Planning Authority ("the Guarantee") lodged with the Planning Authority for the period from the date of commencement of development to a date no earlier than 24 months after the date of completion of the restoration and /or aftercare ("the Guarantee Period") unless otherwise agreed in writing with the Planning Authority. If this Condition has not been complied with for any reason, operations at the site will cease until this Condition has been complied with.

In this Condition (i) a "guarantee in an appropriate form" means a bond or a deposit agreement, or at the Planning Authority's discretion, such other form of surety that has been confirmed as acceptable to the Planning Authority and (ii) "Restoration Sum" means the sum confirmed in writing by the Planning Authority from time to time to cover the full value of the restoration

and aftercare works set out in the restoration schemes as approved by the Planning Authority from time to time during the Guarantee Period.

The Guarantee Criteria which a guarantee must meet is:-

- (i) that the sum which can be claimed by the Planning Authority is the Indexed Restoration Sum which is (a) the Restoration Sum plus (b) an amount equal to an annual increase in the Restoration Sum by the same percentage increase in PubSec Index ( non-housing building) or, in the event that the PubSec Index ( non-housing building) is no longer in force, such other replacement index as is in force published as at the date on which the Restoration Sum was determined and the relevant anniversary of that date;
- (ii) that any financial institution, bank or building society against whom the Planning Authority can make a claim is of sound financial standing and capable of paying the Indexed Restoration Sum;
- (iii) that it is enforceable by the Planning Authority either (a) for the whole Guarantee Period that the Planning Authority is entitled to make a claim on the Guarantee for the Indexed Restoration Sum (b) on a breach of the restoration and aftercare conditions set out in this Consent; (c), for a breach of the requirements set out at (i) and (ii) of this Guarantee Criteria (d) for a breach of the requirement for a Guarantee to be in place for the Guarantee Period (such claim being permitted for a period up to [one month] after the date of expiry of the Guarantee) and (e) on the insolvency of the party carrying out the operations permitted by the Consent.

*Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.*

## 12. Design and operation of turbines

Development shall not commence until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour which should be non-reflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The turbines tip height shall not exceed consented turbine height above ground level. A turbine other than the candidate turbine assessed in the environmental statement may not be installed without the prior approval of the planning authority

Prior to the erection of turbines, the Company shall confirm in writing to the Planning Authority that the selected turbine model will not exceed the predicted wind turbine noise limits determined in Tables 1 and 2 of condition **28** below.

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

**Commented [RE5]:** Amended to reflect that the anemometer mast has been removed from the proposed development.

All wind turbine blades shall rotate in the same direction.

None of the wind turbines, ~~anemometers~~, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority.

*Reason: In the interests of amenity and in order to retain effective planning control.*

### 13. Design of sub-station and its Associated Ancillary Development

Construction of the sub-station, including its ancillary elements, shall not commence until final details of the external appearance, dimensions, and surface materials of the sub-station building, associated compounds, any construction compound boundary fencing, external lighting and parking areas have been submitted to and approved in writing by the Planning Authority. The sub-station building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.

*Reason: In order to retain effective planning control.*

### 14. Ground Investigations

Ground investigations shall be undertaken prior to Commencement of Development to inform the final site design and site management plans. There shall be no Commencement of the Ground Investigation Works and associated felling until an Environmental Management Plan for the ground investigations works and details of the associated felling have been submitted to the Planning Authority and an Environmental Clerk Of Works (ECOW) has been appointed in relation to the Ground Investigation Works. The ground investigation works and associated felling shall be implemented in accordance with submitted documents, unless amendments are approved in writing by the Planning Authority.

*Reason: To ensure the environmental impacts are minimised.*

### 15. Micro-siting

All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Revised Layout Plan (Construction) at Annex 4. Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless approved in advance, in writing by the Planning Authority (in consultation with SEPA and SNH) micro-siting is subject to the following restrictions:

- a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on the plan referenced as above;
- b. No wind turbine, building, mast or hardstanding is to be moved more than 70 metres from the position shown on the plan referenced as above;
- c. No access track shall be moved more than 70 metres from the position shown on the plan referenced as above;
- d. No micro-siting shall take place within areas of peat of greater depth than at the position shown on the plan referenced as above;
- e. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems or breach the 50m water buffer zones (Turbines shall not be moved closer than 50 plus rotor sweep from watercourses);
- f. No micro-siting shall locate a turbine closer to a residential property;
- g. No micro-siting shall locate a turbine outwith the consented application boundary;
- h. All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW);
- i. If the micro-siting variation is between 50 metres and 70 metres it shall only be permitted following written approval of the Planning Authority;

**Commented [RE6]:** Added in to ensure that it is clear that the 50m standoff for turbines relates to the rotor sweep not the position of the foundation.

No later than one month after the date of Final Commissioning, an updated site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoWs or Planning Authority's approval, as applicable.

*Reason: To minimise environmental impact and in order to retain effective planning control.*

## 16. Borrow Pit Material

Development shall not commence until intrusive site investigations are undertaken to identify the availability of suitable stone material from proposed borrow pits on site. Information submitted must include data to demonstrate the borrow pit material structural characteristics and the suitability of the material is fit for purpose. This information must be submitted to the Planning Authority, prior to the commencement of Development, for approval prior to the implementation of the borrow pit in consultation with SEPA.

All imported material that is required to be brought onto site must be accompanied by certification from a suitably U.K.A.S. accredited laboratory to confirm that it is free from contamination.

If any off-site borrow pit is proposed, information relating to the quantities, proposed vehicle trips and delivery routes between the proposed borrow pit site and the wind farm site must be submitted to the Planning Authority, prior to the delivery of any imported material. Should these routes not be covered by the approved traffic management plan prepared in accordance with condition 29 then a revised traffic management plan must be submitted for the approval of the Planning Authority and approved in writing prior to the delivery of any imported material. Thereafter the approved revised traffic management plan must be implemented.

*Reason: To minimise environmental impact and in order to retain effective planning control.*

#### **17. Borrow Pits – Scheme of Works**

Development shall not commence until a site specific scheme for the working and restoration for each borrow pit forming part of the development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include —;

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

The approved scheme shall thereafter be implemented in full.

*Reason: To minimise disturbance to residents in the vicinity of the wind farm.*

#### **18. Borrow Pits — Blasting**

No blasting is to take place until a scheme to address site blasting has been submitted to, and approved in writing by, the planning authority. The approved scheme must be implemented. No changes can be made to the approved scheme unless approved in writing by the Planning Authority. This scheme must make provision for—:

- a. blast monitoring locations;
- b. the type of monitoring equipment to be used;
- c. frequency of monitoring;
- d. the methods to be employed to minimise the effects of overpressure arising from blasting, having regard to blast design, methods of initiation and the weather conditions prevailing at the time;
- e. limits on air overpressure levels at specified properties; and
- f. submission of blasting records to the Planning Authority.

Unless otherwise approved in writing by the Planning Authority, no blasting is to take place except between the following times —:

- a. 10.00am to 12.00pm and 2.00pm to 4.00pm on Mondays to Fridays, and
- b. 10.00am to 12.00pm on Saturdays.



with no audible activity taking place on a Sunday or local or national bank holiday.

Ground vibration from blasting must not exceed a peak particle velocity of 6mm/second at the blast monitoring locations. The measurement is to be the maximum of three mutually perpendicular directions taken at the ground surface.

*Reason: To minimise disturbance to residents in the vicinity of the wind farm.*

#### **19. Borrow Pit – Operational noise**

In the event that Borrow Pits are operational the noise levels must be restricted to 65dB LA (1 hr) or background LA90 (1 hr) + 10dBA, whichever is the greater, and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, is to be considered as Borrow Pit noise.

*Reason: To minimise disturbance to residents in the vicinity of the wind farm.*

#### **20. Environmental Clerk of Works**

Development shall not commence until the Planning Authority has approved in writing an independent Environmental Clerk of Works (ECoW) in consultation with SNH and SEPA, and the terms of appointment of that ECoW. The terms of appointment shall—  
:

- a. impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plan and the Habitat Management Plan approved in accordance with conditions 23 and 36~~7~~,] and other plans approved in terms of condition 26 ("the ECoW works");
- b. require the ECoW to report to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- c. require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- d. require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

An approved ECoW shall be appointed on the approved terms throughout the period from 3 months prior to Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of condition 25 (post construction condition).

*Reason: To ensure compliance with all commitments made in the Environmental Statement and in order to retain effective planning control.*





## 21. Environmental Clerk of Works Decommissioning

No later than 3 months prior to decommissioning of the development or the expiration of this consent (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the development to the Planning Authority for approval in consultation with SNH and SEPA. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the development.

*Reason: To ensure compliance with all commitments made in the Environmental Statement and in order to retain effective planning control.*

## 22. Otter Protection Plan

No work shall be undertaken within a 30m buffer zone surrounding the otter layup area located within Auchingiloch Glen as shown on the Otter Buffer Plan Ref; - HJBffA812/127).

*Reason: To minimise adverse impacts on protected species.*

## 23. Construction Method Statement

Development shall not commence until a Construction Method Statement (CMS) has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The CMS, which must incorporate good practice methods from the Scottish and UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the Environmental Statements (ES), must be submitted no less than two months prior to the commencement of the development unless the Planning Authority agrees otherwise. Thereafter, all the measures described in the approved CMS must be implemented. The method statement must include, but is not limited to, the following—;

- a. a plan of the construction operations at an appropriate scale;
- b. a plan to an appropriate scale showing the location of any contractor's site compound and lay down areas required temporarily in connection with the construction of the development;
- c. a method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
- d. track design approach;
- e. maps of tracks indicating double and single tracks and position of passing places;
- f. the full extent of any anticipated track footprint, including the extent of supporting 'geogrid' below road stone and cabling at the edges of the track;

- g. details of track construction, floating track construction over peat more than 1 m deep and gradients of 1:10 or less steep; details of track construction for peat less than 1m deep, or on gradients steeper than 1:10, cross slopes or other ground unsuitable for floating roads;
- h. procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from Ecological Clerk of Works (ECoW);
- i. details of peat soil stripping, storage and re-use. All soils stored on site must be in accordance with 883882;
- j. a management plan for minimising the emission of dust from the construction and operation of the development;
- k. evidence of compliance with the Planning Authority's Sustainable Drainage Systems design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria in appendices 1 to 4 of that design criteria guidance;
- l. a coloured plan showing the sustainable drainage apparatus serving the site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction (Design and Management) Regulations is to be provided on this drawing;
- m. measures to ensure stability during construction of turbines and infrastructure on peat;
- n. a surface water and groundwater management plan, including a description of and measures to mitigate impact on surface water courses and the hydrology;
- o. provision that watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings must be appropriately sized and overland flow routes must be provided in the event of culvert blockage;
- p. measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works must avoid road construction during high periods of high rainfall;
- q. timing and extent of any necessary re-instatement;
- r. details of the site security gate, wheel wash facility and site entrance hardstanding including measures to ensure all work associated with construction of the access gate, access bellmouth (with associated abnormal load over run area) and wheel wash facility shall be implemented on site prior to commencement of any internal site works;
- s. details of waste management, including recovery and reuse of waste;
- t. details identifying the location of Scottish Water assets and measures to be taken for pollution prevention;
- u. measures to ensure the safety and protection of badgers, bats, black grouse and otters during the construction period;
- v. measures to ensure that the development site shall not be illuminated by lighting unless —
  - the planning authority has given prior written approval;
  - lighting is required during working hours which has been approved by the planning authority, or;

- an emergency requires the provision of lighting.
- w. details of plant warning devices – including that no fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

No changes to the approved CMS shall take place unless with the prior written approval of the Planning Authority.

*Reason: To ensure compliance with all commitments made in the Environmental Statement and in order to retain effective planning control.*

#### **24. Statutory Undertakers' Apparatus**

The Company is responsible for any alterations required to statutory undertakers' apparatus. Where work is being carried out in the vicinity of an overhead line it must be in accordance with Health & Safety Guidance Note GS6 "Avoidance of Danger from Overhead Lines".

*Reason: In the interests of health and safety.*

#### **25. Post-construction**

A post-construction restoration/reinstatement plan shall be submitted for approval by the Planning Authority in consultation with SNH and SEPA. The plan shall include proposals for the working areas not required during the operation of the wind farm, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. The plan should include details of all seed mixes to be used for the reinstatement of vegetation. The approved plan shall be implemented to the satisfaction of the planning authority within 6 months of Final Commissioning of any part of the development unless otherwise agreed by the Planning Authority.

*Reason: In the interests of amenity and in order to retain effective planning control.*

#### **26. Environmental Management Plan**

Prior to commencement of Development an Environmental Management Plan (EMP) must be submitted for the approval of the Planning Authority in consultation with SEPA. The EMP must take account of SEPA's letters dated 28 November 2014, 28 April 2015, 3 June 2015 and Scottish Government's Marine Scotland Science's letter dated 11 November 2015 and must include —;

- a. water quality assessments (with baseline sampling at least 1 year prior to commencement of the development);
- b. biological assessments consisting of macro-invertebrate surveys over 2 seasons (autumn and spring) prior to, during and post construction;
- c. a mitigation plan for the protection of Ground Water Dependent Terrestrial Ecosystems (GWDTE);
- d. details of how micro-siting will be implemented and controlled in relation to avoiding impacts on deep peat and GWDTEs.;
- e. mitigation measures detailed in the ES and the associated Construction Method Statement.

Thereafter the EMP must be implemented in full and in accordance with the timescales set out in the plan. No changes to the EMP shall take place unless they are with the prior written approval of the Planning Authority.

*Reason: To ensure compliance with all commitments made in the Environmental Statement and in order to retain effective planning control.*

## 27. Construction work

All construction work associated with the Development must be carried out in accordance with the current BS 5228, 'Noise control on construction and open sites' and all audible construction activities shall be limited to—;

- Monday to Friday 7.00am to 7.00pm,
- Saturday 8.00am to 1.00pm;

with no audible activity taking place on a Sunday or local or national bank holiday – without prior written approval of the Planning Authority.

Outwith these hours, certain works, such as turbine erection, maintenance to turbines, emergency works, dust suppression and the testing of plant and equipment, are permitted so long as the noise associated with these works is not audible at any noise sensitive premises. The reception of materials or equipment, with the exception of turbine blades, nacelles and towers, is not permitted outwith of the stipulated hours.

*Reason: To minimise disturbance to residents in the vicinity of the wind farm.*

## 28. Noise

1) The rating level of noise emissions from the combined effects of the wind turbines (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Tables 1 and 2 attached to these conditions, unless otherwise agreed in writing with the planning authority and:

**Commented [RE7]:** Have added in this caveat to allow for a change in circumstances during the operational lifetime of the wind farm, such as a property becoming financially involved or one of the neighbouring operational wind farms ceasing operation (with the additional 5 year operational period being sought for Kype Muir Extension and the lag in time to construction, Kype Muir which has an impact on the Kype Muir Extension noise limits could be decommissioned 8-10 years ahead of Kype Muir Extension).

A) Prior to the First Commissioning, the Company shall submit to the Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

B) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the Company shall, at its expense, employ an independent consultant approved, as per the list referenced at part A of this condition, by the Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property (or a suitable alternative location agreed in writing with the Planning Authority) in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Authority shall set out at least the date, time and location that the complaint relates to. Within 14 days of receipt of the written request of the Local Authority made under this paragraph (B), the Company shall provide the information relevant to the complaint logged in accordance with paragraph (H) to the Local Authority in the format set out in Guidance Note 1 (e).

C) Where there is more than one property at a location specified in Tables 1 and 2 attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the Tables attached to these conditions, the Company shall submit to the Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent consultant. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's dwelling.

D) Prior to the commencement of any measurements by the independent consultant to be undertaken in accordance with these conditions, the Company shall submit to the Planning Authority for written approval the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken. Where the proposed measurement location is close to the wind turbines, rather than at the complainant's property (to improve the signal to noise ratio), then the Company's submission shall include a method to calculate the noise level from the wind turbines at the complainant's property based on the noise levels measured at the agreed location (the alternative method). Details of the alternative method together with any associated guidance notes deemed necessary, shall be submitted to and agreed in writing by the Planning Authority prior to the commencement of any measurements. Measurements to assess compliance with the noise limits set out in the Tables attached to these conditions or approved by the Planning Authority pursuant to paragraph (C) of this condition shall be undertaken at the measurement location approved in writing by the Planning Authority.

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



i) the range of meteorological and operational conditions (the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions.

ii) a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the information provided in the written request of the Planning Authority under paragraph (8), and such others as the independent consultant considers necessary to fully assess the noise at the complainant's property. The assessment of the rating level of noise immissions shall be undertaken in accordance with the assessment protocol approved in writing by the Planning Authority and the attached Guidance Notes.

F) The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Planning Authority made under paragraph (B) of this condition unless the time limit is extended in writing by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

G) Where a further assessment of the rating level of noise immissions from the Development is required pursuant to Guidance Note 4(c) of the attached Guidance Notes, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (F) above unless the time limit for the submission of the further assessment has been extended in writing by the Planning Authority.

H) The Company shall continuously log wind speed and direction at the permanent meteorological mast erected in accordance with this consent and shall continuously log power production, nacelle wind speed, nacelle wind direction and nacelle orientation at each wind turbine, all in accordance with Guidance Note 1(d). The data from each turbine and the permanent meteorological mast shall be retained for a period of not less than 24 months. The Company shall provide this information in the format set out in Guidance note 1(e) of the Guidance Notes to the Planning Authority on its request within 14 days of receipt in writing of such a request.

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

Table 1 - Between 07:00 and 23:00 - Noise level dB LA90, 10-minute

**Commented [RE8]:** Have updated tables to reflect the new noise limits related to the taller hub heights

Location (easting, northing grid coordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	<b>LA90 Decibel Levels</b>											
High Dykes (266884, 638686)	30	30	30	30	30	30	30	30	32	34	37	39
Gainerhill Cottages (267568, 639679)	30	30	30	30	30	30	33	36	39	42	45	47
Hawkwood Farm (268548, 639523)	30	30	30	30	30	34	33	36	39	44	44	47
Lambhill Steadings (269623, 639718)	35	35	35	35	35	35	35	35	35	37	40	43
Kype Lodge (273490, 638643)	30	30	30	30	30	30	30	30	33	37	44	44
Burnside (266621, 638321)	30	30	30	30	30	30	34	33	35	37	38	40
Glengavel House (266428, 635185)	30	30	30	30	30	30	30	33	36	39	43	47
Hamilton Drive (265800, 637427)	30	30	30	30	30	30	32	34	36	37	39	44
Logan Farm (273922, 635259)	30	30	30	30	30	30	30	30	33	37	44	44

Location (easting, northing grid coordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	<b>LA90 Decibel Levels</b>											
High Dykes (266884, 638686)	30	30	30	30	30	30	30	30	30	32	36	39
Gainerhill Cottages (267568, 639679)	30	30	30	30	30	30	31	33	36	39	42	45
Hawkwood Farm (268548, 639523)	30	30	30	30	30	30	31	33	36	39	42	46
Lambhill Steadings (269623, 639718)	40	40	40	40	40	40	40	40	41	42	48	54
Kype Lodge (273490, 638643)	35	35	35	35	35	35	35	35	35	35	38	44
Burnside (266621, 638321)	30	30	30	30	30	30	30	31	33	35	37	38
Glengavel House (266428, 635185)	30	30	30	30	30	30	30	30	33	36	39	43
Hamilton Drive (265800, 637427)	30	30	30	30	30	30	30	32	34	36	37	39
Logan Farm (273922, 635259)	40	40	40	40	40	40	40	40	40	44	48	54
Hazliebank (270045, 640953)	30	30	30	30	30	30	30	31	34	37	40	45



Table 2 - Between 23:00 and 07:00 - Noise level dB LA90, 10-minute

Location (easting, northing grid coordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
	<b>LA90 Decibel Levels</b>											
High Dykes (266884, 638686)	33	33	33	33	33	33	33	33	33	34	37	40
Gainerhill Cottages (267568, 639679)	33	33	33	33	33	33	33	33	38	44	45	47
Hawkwood Farm (268548, 639523)	33	33	33	33	33	33	33	34	36	39	42	45
Lambhill Steadings (269623, 639718)	35	35	35	35	35	35	35	35	35	35	37	39
Kype Lodge (273490, 638643)	33	33	33	33	33	33	33	33	33	35	39	42
Burnside (266621, 638321)	33	33	33	33	33	33	33	33	33	36	38	40
Glengavel House (266428, 635185)	33	33	33	33	33	33	33	33	33	34	36	39
Hamilton Drive (265800, 637427)	33	33	33	33	33	33	33	33	33	36	39	42
Logan Farm (273922, 635259)	33	33	33	33	33	33	33	33	33	35	39	42

Location (easting, northing grid coordinates)	Standardised wind speed at 10 metres height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
High Dykes (266884, 638686)	33	33	33	33	33	33	33	33	33	33	36	40
Gainerhill Cottages (267568, 639679)	33	33	33	33	33	33	33	33	34	38	41	43
Hawkwood Farm (268548, 639523)	33	33	33	33	33	33	33	33	34	38	41	45
Lambhill Steadings (269623, 639718)	43	43	43	43	43	43	43	42	42	42	42	49
Kype Lodge (273490, 638643)	35	35	35	35	35	35	35	35	35	35	35	37
Burnside (266621, 638321)	33	33	33	33	33	33	33	33	33	33	36	38
Glengavel House (266428, 635185)	33	33	33	33	33	33	33	33	33	33	34	36
Hamilton Drive (265800, 637427)	33	33	33	33	33	33	33	33	33	33	36	39
Logan Farm (273922, 635259)	43	43	43	43	43	43	43	43	43	44	44	47
Hazlebank (270045, 640953)	33	33	33	33	33	33	33	33	33	35	38	41





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

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

### 29. Traffic Management Plan

Development shall not commence until a detailed Traffic Management Plan (TMP) has been approved in writing by the roads authority. The TMP must be produced in consultation with Roads and Transportation Services and Police Scotland and include a program indicating phasing of construction of the project. The TMP must include a travel plan to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The approved TMP must be complied with.

The Company shall notify the Planning Authority in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. Any changes to the TMP must be approved in advance in writing by the Planning Authority, in consultation with Roads and Transportation Services and Police Scotland.

*Reason: In the interests of road safety.*

### 30. Site Access

~~Development shall not commence until the road works upgrade programme required for abnormal loads (described at Chapter 13.52 of the ES), from the 8743 through Lambhill Road to the site entrance, has been completed to the Planning Authority's approval.~~

~~*Reason: In the interests of road safety.*~~

**Commented [RE9]:** The works to Lambhill Road have now been completed in relation to Kype Muir Wind Farm so this condition is no longer necessary.

### 304. Abnormal Load Route Assessment

Development shall not commence until an Abnormal Load Route Assessment (ALRA) is undertaken and the report and any recommendations, including a programme for the implementation of the recommendations, are submitted to the Planning Authority, for written approval. The approved ALRA must thereafter be implemented.

Any requirements must be implemented prior to the delivery of the abnormal loads.



*Reason: In the interests of road safety.*

### **321. Abnormal Load Route Assessment**

All wind turbine components must be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment.

*Reason: In the interests of road safety.*

### **323. Bridge Assessment**

Development shall not commence until Bridge Assessments, including a programme for any required remedial measures, have been submitted to, and approved in writing by, the Planning Authority for the bridges listed below. Any remedial works must be implemented in accordance with the approved programme.

(a) Cander (b) Glassford (c) Old Castle (d) Browns

These assessments must be carried out in accordance with the Design Manual for Roads and Bridges and must include the full Technical Approval process, the assessment, the assessment check appropriate to the category of structure, assessment certificate, assessment check certificate appropriate to the category of structure and preparation of the assessment report. Preliminary results must be submitted to the Planning Authority for approval before finalising the report.

*Reason: In the interests of road safety.*

### **334. Bridge Assessment**

If a bridge has been assessed as not capable of carrying the proposed loads those loads must not cross the bridge until remedial measures have been approved in writing by the Planning Authority and implemented.

All remedial measures must be carried out in accordance with the Design Manual for Roads and Bridges and the relevant Eurocodes and must include the full Technical Approval process, the design, the design check appropriate to the category of structure, design certificate, the design check certificate appropriate to the category of structure and the procurement of the physical works through to completion on site. The Planning Authority are the Technical Approval Authority.

*Reason: In the interests of road safety.*

### **354. Bridge Assessment**



All of the bridges on the proposed abnormal delivery route must be monitored for defects during the period that abnormal loads are transported in accordance with the Design Manual for Roads and Bridges, with Principal Inspections being carried out jointly between the Company and the Planning Authority on the occasions detailed below—;

- a. prior to the transportation of the first abnormal load identified in the Abnormal Road Route Assessment
- b. at four weekly intervals for the duration of the period of delivery of abnormal loads identified in the Abnormal Load Route Assessment
- c. after the transportation of the last abnormal load identified in the Abnormal Load Route Assessment

Following the first inspection a report must be prepared for each bridge and must include a full description of the condition of all the bridge elements before transportation of the first abnormal load. The type and extent of any defects must be clearly marked on drawings and supported by photographs. This report is to form the basis for the defects monitoring regime and must be updated after every inspection.

If, during an inspection, a defect is observed that gives the Planning Authority cause for concern, no further abnormal loads must cross the bridge until the issue has been resolved to the satisfaction of the Planning Authority.

*Reason: In the interests of road safety.*

### **356. Bridge Assessment**

Any proposals, including calculations for a bridge requiring to be overlaid with a steel plate or similar to ensure that the load exerted on the structure does not exceed that from normal construction and use vehicles must be forwarded to the Planning Authority for approval and the approved proposals must be implemented prior to abnormal loads being transported over the bridge.

Vehicles carrying abnormal loads must cross any such bridge at a maximum speed of 5mph. No braking, gear changing or manual steering of the rear trailer is permitted on the bridge. Only one vehicle carrying an abnormal load is permitted on the bridge at any one time. All reasonable steps must be taken to ensure that no other vehicle is on the bridge at the same time as the abnormal load.

*Reason: In the interests of road safety.*

### **376. Habitat Management Plan**

At least 3 months prior to commencement of the Development—;

(a) the draft Habitat Management Plan (HMP) must be finalised and submitted to the Planning Authority for approval in consultation with SNH, SEPA and Forestry Commission Scotland.



The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare of the site. and shall provide for the maintenance, monitoring and reporting of bog habitats and qualifying species associated with the Muirkirk and North Lowther Uplands SPA on site. The HMP should be prepared in accordance with:

- SNH letter dated 8 April 2015 to help reduce potential collision risk to SPA hen harriers, and to monitor impacts, and explore reducing the extent of the Hen Harrier enhancement area proposed to the south of the site.
- SEPA letters dated 28 November 2014 and 3 June 2015 relating to forestry and habitat restoration
- RSPB letter dated 15 April 2015 relating to a programme of post construction bird monitoring to be agreed with RSPB and SNH

(b) A Habitat Management Group (HMG) must be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring and the HMG shall include representatives of South Lanarkshire Council, RSPB, SNH and Forestry Commission Scotland and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims.

(c) Notwithstanding the above:

- Site clearance activities and where possible, construction must take place outwith the bird breeding season (March-July) inclusive unless otherwise approved in advance in writing by the Planning Authority in consultation with SNH.
- The HMP is to operate for the full lifespan of the wind farm, including decommissioning.
- The mitigation identified in the HMP must be fully implemented.
- Surveillance and monitoring results of species and habitat must be carried out in accordance with the approved plan and submitted to the HMG.

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

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

*Reason: To ensure compliance with all commitments made in the Environmental Statement and in order to retain effective planning control.*

### **387. Access Management Plan**

No development shall commence until a detailed Access Management Plan (AMP) has been submitted to, and approved in writing by, the Planning Authority. The AMP shall be produced in consultation with the local authority's Countryside and Greenspace Services and



**Commented [RE10]:** References may need updated to reflect consultation responses received in relation to the variation application.

a programme of community consultation shall be undertaken on a draft AMP. Proposals shall incorporate and identify the local authority's Core Path and Wider Network and provide signage where the network identifies links. The approved AMP must be implemented in full within the timescales set out.

*Reason: In the interests of amenity and in order to retain effective planning control.*

### **398. Programme of Archaeological Works**

At least 1 month prior to commencement of the Development the Company must have secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation. The written scheme must have been agreed to by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the programme of archaeological works must be fully implemented and all recording and recovery of archaeological resources within the site must be carried out to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

*Reason: To minimise adverse impacts on archaeology on site to ensure development conforms to Environmental Statement.*

### **3940. Replanting of Forestry**

Development shall not commence until a woodland planting scheme to compensate for the removal of a maximum of **82134** hectares of existing woodland ("the Replanting Scheme") has been submitted to, and approved in writing by, the Planning Authority in consultation with Forestry Commission Scotland.

The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Replanting Scheme for approval. The replanting Scheme must include—;

- a. details of the location of the area to be planted;
- b. details of land owners and occupiers of the land to be planted;
- c. the nature, design and specification of the proposed woodland to be planted;
- d. details of all consents required for delivery of the Replanting Scheme and timescales within which each will be obtained;
- e. the phasing and associated timescales for implementing the Replanting Scheme;
- f. proposals for the maintenance and establishment of the Replanting Scheme, including annual checks, replacement planting, fencing, ground preparation and drainage; and
- g. proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme.

**Commented [RE11]:** Updated total felling figure as a result of the proposed development.

As per the original condition have proposed the total felling figure for the proposed development is used as the actual felling figures will only be finalised post-consent once the turbines are selected, and the HMP is currently only in draft form. It will not be until post-consent that this is finalised and the exact on-site replanting and habitat areas will be agreed.

The approved Replanting Scheme (or, as the case may be, an approved amended Replanting Scheme) shall be implemented in full, unless otherwise agreed in writing by the Planning Authority after consultation with Forestry Commission Scotland.

*Reason: To secure replanting to mitigate against effects of deforestation arising from the development*

#### **404. Forestry Replanting Delivery**

Unless otherwise agreed in writing by the Planning Authority, the Development shall not be commissioned to supply electricity on a commercial basis until all relevant consents necessary for implementation of the approved Replanting Scheme referred to in condition 40 in accordance with the phasing and timescales set out therein have been obtained.

In the event that there is no reasonable prospect of the relevant consents necessary for implementation of the approved Replanting Scheme being obtained, then the Company shall submit an amended Replanting Scheme to the Planning Authority for approval in consultation with Forestry Commission Scotland. Unless otherwise agreed in writing by the Planning Authority, the Development shall not be commissioned to supply electricity on a commercial basis until all relevant consents necessary for implementation of the approved amended Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained.

*Reason: To secure replanting to mitigate against effects of deforestation arising from the development*

#### **412. Forest Plan**

There shall be no commencement of any deforestation, as set out in conditions 40 and 41 of this consent, associated with construction of the Development until a Forest Management Plan covering the 28 year consent period had been approved in writing by the Planning Authority in consultation with SNH, Forestry Commission Scotland, and RSPB. Unless otherwise agreed with the Planning Authority the approved plan must be implemented.

*Reason: To minimise adverse impacts on forestry.*

#### **432. Private Water Supplies**

Development shall not commence until a method statement has been submitted to, and approved in writing by, the Planning Authority. The method statement shall contain details of all mitigation measures to be carried out to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the Development. The method statement shall include water

quality sampling methods and shall specify abstraction points. The approved method statement shall thereafter be implemented in full.

*Reason: To maintain secure and adequate quality water supply to all properties with private water supplies which may be affected by the development.*

#### **434. Waste Management Plan**

At least 2 months prior to commencement of the Development a Site Waste Management Plan shall be submitted for the approval of the Planning Authority in consultation with SEPA and thereafter all work must be carried out in accordance with the approved plan. The Site Waste Management Plan shall be prepared and implemented in accordance with SEPA's letter dated 28 April and 3 June 2015.

*Reason: To minimise environmental impact and in order to retain effective planning control.*

#### **445. Peat Slide Risk**

Development shall not commence until an updated Peat Slide Risk Assessment has been approved in writing by the Planning Authority in consultation with SNH and SEPA. The PSRA shall:

- a. be informed by detailed ground investigation to identify areas of deep peat which will follow Best Practice Guidance including quantitative stability assessment;
- b. set out the depth of peat at each turbine location and across the site;  
set out mitigation measures *if* higher risk areas are identified following the
- c. detailed ground investigation and quantitative stability assessment. Turbine locations should be adjusted towards areas of shallowest peat (preferably areas less than 2m of peat);
- d. set out method statement;
- e. describe how important areas of peat will be protected during construction

and thereafter the mitigation measures shall be undertaken in accordance with the terms of the approved assessment.

The assessment should be carried out in accordance with the Scottish Government's 2007 Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments.

*Reason: To minimise adverse impacts on peat and ensure development conforms to Environmental Statement.*

#### **465. Peat Management Plan**



Development shall not commence until a Peat Management Plan has been submitted to, and approved by, the Planning Authority in consultation with SEPA. All work must be carried out in accordance with the approved plan. The Peat Management Plan shall be in accordance with SEPA's letter dated 28 April and 3 June 2015.

*Reason: To minimise adverse impacts on peat and ensure development conforms to Environmental Statement.*

#### **476. Construction**

During the construction period:-

- a. no work shall be undertaken within a 20m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing by the Planning Authority;
- b. crack layout shall minimise disruption to water courses;
- c. existing drainage routes shall be maintained through sensitive placement of soil heaps and where necessary temporary drains;
- d. silt traps shall be provided on all existing drainage routes affected by site works;
- e. a suitable design for the watercourse crossings shall be put forward and agreed in writing by the planning authority in consultation with SEPA;
- f. any disturbance of watercourses shall be minimised utilising cofferdam temporary works;
- g. cable trenches shall only be constructed in limited sections to reduce drainage of groundwater and prevent additional drainage routes being created;
- h. cable trenches shall be plugged to prevent the creation of new drainage paths;
- i. the scheduling of works shall minimise disruption and working within wet weather;
- j. temporary works interception drains shall be constructed to prevent potential contamination of runoff and groundwater;
- k. stockpiling of materials on wet ground and near drainage channels shall not take place, unless agreed in writing by the planning authority;
- l. backfilled trenches shall be re-vegetated temporary silt traps shall be constructed to treat runoff;
- m. sulphate resistant concrete shall be used to prevent leaching of chemical.

*Reason: To minimise environmental impact and in order to retain effective planning control.*

#### **487. Redundant Turbines**

If, after the Date of Final Commissioning but before the Decommissioning Date, any wind turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the Planning Authority, the Company shall;

- (i) by no later than the date of expiration of the 12 month period, submit a scheme to the Planning Authority setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and



- (ii) implement the approved scheme within six months of the date of its approval, all to the satisfaction of the Planning Authority.

*Reason: To ensure that any redundant wind turbine is removed from Site, in the interests of safety, amenity and environmental protection.*

#### **489. Snow Clearance**

Only mechanical means of snow clearance shall be used to clear access tracks, unless otherwise agreed in writing by the Planning Authority.

*Reason: To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval.*

#### **4950. Site Decommissioning, Restoration and Aftercare**

The Development will cease to generate electricity on the Decommissioning Date and the Site will thereafter be decommissioned and restored in accordance with this consent. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the Decommissioning Date without prior written approval of the Planning Authority in consultation with Scottish Ministers.

Development shall not commence until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions. No later than;

- (i) if the Decommissioning Date is the Original Decommissioning Date 3 years prior to Original Decommissioning Date or
- (ii) if the Decommissioning Date is the Early Decommissioning Date, within one month after the Early Decommissioning Date.

A detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy shall be submitted to the Planning Authority for written approval in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan must provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

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

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

The approved plan and works within the Decommissioning Method Statement shall be implemented and overseen by an ECoW.

*Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and maintain effective planning control.*

#### **540. Aviation Safety**

Development shall not commence until the Company has provided the Ministry of Defence, Defence Geographic Centre and NATS with the following detailed information and has provided evidence to the Planning Authority of having done so:

- a. estimated date of commencement of each phase of construction (followed by actual date once known);
- b. estimated date of completion of each phase of construction (followed by actual date once known)
- c. the height above ground level of the tallest structure;
- d. the maximum extension height of any construction equipment
- e. the height and position of the turbines in latitude and longitude
- f. the height and position of the masts in latitude and longitude



g. site lighting, if appropriate

*Reason: In the interests of public safety.*

### **521. Aviation Lighting**

No turbines may be erected until a scheme for aviation lighting has been submitted to, and approved in writing by, the Planning Authority. ~~The scheme shall include details of infra-red aviation lighting to be applied.~~ No lighting other than that described in the scheme may be applied at the site, other than as required for health and safety purposes, unless otherwise agreed in advance and in writing by the Planning Authority.

**Commented [RE12]:** Deleted to reflect the requirement for visible aviation lighting on the turbines.

The Development shall thereafter be operated fully in accordance with the approved scheme.

*Reason: In the interests of public safety.*

### **523. Deer Management Statement**

Development shall not commence until a deer management statement has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH. —The deer management statement shall set out proposed long term management of deer using the wind farm site and shall provide for the monitoring of deer numbers on site from the period from Commencement of Development until the date of completion of restoration. The approved deer management statement shall thereafter be implemented in full.

*Reason: In the interests of good land management and the management of deer.*

R Edmunds/LJH  
18 May 2018