

MATTERS TO BE ADDRESSED BY SECTION 75 PLANNING OBLIGATION

Measures to include the provision of a bond or other form of financial guarantee, to secure the cost of performance of all decommissioning, restoration and aftercare obligations set out in the conditions attached to the decision.

MATTERS TO BE ADDRESSED BY LEGAL OBLIGATION UNDER THE LOCAL GOVERNMENT (SCOTLAND) ACT 1973

Measures to secure the provision of the Local Contractor Policy, procurement aims, paid apprenticeship scheme, footpath improvement fund and Eagle Conservation Programme.

CONDITIONS ATTACHED TO SECTION 36 CONSENT**Condition 1 Notification of Date of First Commissioning and Final Commissioning**

- (1) This consent is for a period of thirty years from the date when electricity is first exported to the electricity grid network on a commercial basis from the last of the wind turbines constructed as part of the development. Written confirmation of the Date of First Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.
- (2) Written confirmation of the Date of Final Commissioning shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that date.

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

Condition 2 Commencement of Development

- (1) The Development shall be commenced no later than five years from the date of this consent, or such other period as the Scottish Ministers may direct in writing.
- (2) Written confirmation of the intended Date of Commencement of Development shall be provided to the Scottish Ministers and the Planning Authority as soon as is practicable after deciding on such a date and in any event no later than one calendar month prior to the Commencement of Development.

Reason To ensure that the consent is implemented within a reasonable period and to allow the Planning Authority and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.

Condition 3 Assignment

- (1) This consent shall not be assigned, alienated or transferred without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment (with or without conditions) or refuse the assignment.
- (2) In the event that the assignment is authorised, the Company shall notify the Planning Authority and Scottish Ministers in writing of principal named contact at the assignee and contact details within fourteen days of the consent being assigned.
- (3) The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with this condition.

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

Condition 4 Serious Incident Reporting

In the event of any serious or material breach of health and safety or environmental obligations relating to the Development causing harm to the environment (including harm to humans) during the period of this consent, written notification of the nature and timing of the incident shall be submitted to the Scottish Ministers within twenty-four hours of the incident occurring, including confirmation of remedial measures taken and/or to be taken to rectify the breach.

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

Condition 5 Aviation Radar

(1) No turbine tower of any turbine may be erected, unless and until such time as the Planning Authority receive confirmation from the Highlands and Islands Airports Limited in writing that either:

(a) no IFP Scheme is required; or

(b) (i) the Civil Aviation Authority has evidenced its approval to Highlands and Islands Airports Limited of the IFP Scheme (if such approval is required); and

(ii) the IFP Scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use *by aircraft*.

Reason Mitigation is required to ensure that there will be no unacceptable impacts on the safe operation of Stornoway Airport's radar.

Definitions – Condition 5

“AIRAC” means Aeronautical Information Regulation Control.

“AIS” means Aeronautical Information Services.

“IFP Scheme” means a scheme to address the potential impact of the turbines on the instrument flight procedures of Stornoway Airport.

CONDITIONS ATTACHED TO DEEMED PLANNING PERMISSION

Condition 6 Commencement of Development

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

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

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

Design of Infrastructure

Condition 7 Implementation in Accordance with Approved Plans and Requirements

(1) Except as otherwise required by the terms of the Section 36 consent and deemed planning permission, and as permitted under the micrositing provisions of condition 12, the Development shall be undertaken in accordance with the Site Layout appended to this consent and the environmental mitigation detailed in the Environmental Impact Assessment Report and Supplementary Environmental Information.

(2) Any proposed deviation from the detail provided within these documents must be submitted to and approved in writing by the Planning Authority.

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

Condition 8 Design and Operation of wind turbines

(1) No turbines shall be erected until full details of the proposed wind turbines (including the size, type, external finish and colour), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. For the avoidance of doubt the details of the turbines shall not exceed the parameters (including the size, type, external finish and colour) assessed in the EIA Report and SEI and the submission shall demonstrate that all wind turbine blades shall rotate in the same direction.

(2) Thereafter, the wind turbines, any anemometry masts and all associated apparatus shall be constructed and operated in accordance with the approved details.

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

Condition 9 Design of sub-stations and ancillary development

(1) There shall be no commencement of development on any sub-station until final details of the external appearance, dimensions, and surface materials of that substation and control room buildings, any above ground electrical equipment, associated compounds, construction compound boundary fencing, external lighting and parking areas have been submitted to, and approved in writing by, the Planning Authority.

(2) Thereafter, the substations and control room buildings, any above ground electrical equipment, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.

Reason To ensure that the environmental impacts of the sub-stations and ancillary development forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.

Condition 10 Design of works to Eishken road (including bridge replacement)

(1) No works (excluding ground investigation works) shall take place on the site until a schedule of works to upgrade and widen Eishken road, including the replacement of the existing road bridge to the west of Loch Sgiobacleit and outline design information for the extent of the adopted road, has been submitted to and approved in writing by the Planning Authority. The schedule of works shall include a timetable for implementation of the proposed works.

(2) Thereafter, the approved works will be constructed in full and in accordance with the approved timetable, prior to the commencement of the remainder of the development (excluding ground investigation works).

Reason To ensure that the Eishken road upgrade works (including the replacement bridge) are designed and constructed in an appropriate manner, consistent with industry good practice, and ensuring the safety of all road users.

Condition 11 Signage

No part of the Development shall display any name, logo, sign or advertisement (other than health and safety signage) unless otherwise approved in writing by the Planning Authority.

Reason In the interests of the visual amenity of the area and road safety.

Condition 12 Micro-siting

- (1) All wind turbines, buildings, masts, borrow pits, areas of hardstanding and tracks shall be constructed in the locations shown on plan reference SEI Figure 3.1a-l and at the grid references set out in SEI Chapter 2 and SEI Chapter 3. The locations of wind turbines, buildings, masts, borrow pits, areas of hardstanding and tracks may be adjusted by micro-siting within the approved redline boundary shown on plan reference SEI Figure 1.2. Any such micro-siting is subject to the following restrictions:
 - (a) no wind turbine, building, mast, borrow pit, hardstanding, energy storage facility, or track shall be moved more than 75 metres from the position shown on plan reference SEI Figure 3.1a-l and at the grid references set out in SEI Chapter 2 and SEI Chapter 3;
 - (b) no micro-siting shall take place within areas of peat either (a) of greater depth than the original position shown on plan reference SEI Figure 3.1a-l and at the grid references set out in SEI Chapter 2 and SEI Chapter 3, and/or (b) that is greater than 1 metre deep, with the exception of any floated infrastructure, unless otherwise agreed by the Planning Authority in consultation with SEPA;
 - (c) No micrositing shall take place within areas hosting Groundwater Dependant Terrestrial Ecosystems;
 - (d) No micro-siting shall take place to a location situated closer towards any eagle nests or roost sites within the application site, as identified in the SEI, than the original locations;
 - (e) No wind turbine foundation shall be positioned higher than 20 metres Above Ordnance Datum (AOD) than the position for that turbine shown on the Site Layout Plan; and
 - (f) No infrastructure other than as required for a water course crossing shall be micro-sited to within 50 metres of a water course as shown on OS data 1:50,000 digital data set.
- (2) All micro-siting permissible under this condition shall be submitted to and approved in writing by the Environmental Clerk of Works ("EnvCoW"), the Geotechnical Clerk of Works ("GCoW") and the Planning Authority, in advance of any works or development associated with the micro-siting request being implemented.
- (3) No later than one month after the Date of First Commissioning, unless otherwise first agreed in writing by the Planning Authority, an updated site layout plan showing the final position of all wind turbines, buildings, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development shall be submitted to the Planning Authority. The plan shall also specify areas where micrositing has taken place and, for each instance, be accompanied by copies of the EnvCoW or Planning Authority's approval, as applicable.

Reason To control environmental impacts while taking account of local ground conditions.

Construction Management

Condition 13 Planning Monitoring Officer

- (1) There shall be no Commencement of Development until the terms of appointment, by the Company, of an independent and suitably qualified environmental consultant as Planning Monitoring Officer ("PMO") have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

- (a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;
 - (b) require the PMO to submit a report every two months to the Planning Authority summarising works undertaken on site, alongside a summary of the incidents recorded and reported by the EnvCoW and GCoW; and
 - (c) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity, and no later than 10 working days following the incidence of non-compliance.
- (2) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.

Reason To ensure compliance with the planning permission and the conditions attached to it.

Condition 14 Environmental Clerk of Works

- (1) There shall be no Commencement of Development until the terms of appointment of an independent Environmental Clerk of Works (“EnvCoW”) by the Company have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:
- (a) impose a duty to monitor compliance with the ecological and hydrological commitments provided in Chapter 17: Schedule of Mitigation of the EIA Report and Supplementary Environmental Information, any micro-siting under condition 12, the Construction and Environmental Management Plan approved under condition 16, the Habitat Management Plan approved under condition 23, the Otter and Reptile Species Protection Plans approved under condition 24, and consider and approve any micro-siting requests in accordance with the provisions of condition 12 (“the EnvCoW works”);
 - (b) require the EnvCoW to report to the nominated construction project manager any incidences of non-compliance with the EnvCoW works at the earliest practical opportunity;
 - (c) require the EnvCoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
 - (d) require the EnvCoW to report to the Planning Authority any incidences of non-compliance with the EnvCoW works at the earliest practical opportunity, and no later than 10 working days following the incidence of non-compliance.
- (2) The EnvCoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.
- (3) No later than 18 months prior to the Date of Final Generation or the expiry of this consent (whichever is the earlier), details of the terms of appointment of an EnvCoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to the Planning Authority for written approval. The EnvCoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction, decommissioning, restoration and aftercare phases.

Condition 15 Geotechnical Clerk of Works

- (1) There shall be no Commencement of Development until the terms of appointment by the Company of an independent and suitably qualified

engineer as a Geotechnical Clerk of Works (“GCoW”) have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

- (a) impose a duty to monitor compliance with the geotechnical commitments set out in the Construction and Environmental Management Plan approved under condition 16, the Peat Management Plan, and the Peat Landslide Hazard Risk Assessment, and consider and approve any micro-siting requests in accordance with the provisions of condition 12;
 - (b) require the GCoW to report to the nominated construction project manager any incidences of geotechnical risks at the earliest practical opportunity;
 - (c) include a requirement for a geotechnical risk register (GRR), that should be updated following regular inspection and monitoring of stored peat, and other stored soils; and
 - (d) require the GCoW to report to the Planning Authority, SEPA and NatureScot any incidences of peat land slips at the earliest practical opportunity, and no later than 10 working days following the incidence of non-compliance.
- (2) The GCoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction works and post-construction site reinstatement works.

Reason To secure effective monitoring of and compliance with the mitigation related to geotechnical matters, particularly peat land slip and management measures associated with the Development during the construction, restoration and aftercare phases.

Condition 16 Construction and Environmental Management Plan

- (1) There shall be no Commencement of Development until a Construction and Environmental Management Plan (CEMP) containing site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to, and approved in writing by, the Planning Authority.
- (2) The CEMP shall contain:
 - (a) a site Waste Management Plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
 - (b) a site Health and Safety Plan;
 - (c) a Peat Management Plan and Peat Landslide Hazard Risk Assessment;
 - (d) a Soil Storage Management Plan;
 - (e) a Habitat Management Plan;
 - (f) details of the formation of the construction compounds, welfare facilities, any areas of hardstanding, turning areas, internal access tracks (including bridges and water crossings), car parking, material stockpiles, oil storage, lighting and lighting columns, and any construction compound boundary fencing;
 - (g) a Dust Management Plan;
 - (h) site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
 - (i) 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;

- (j) a Pollution Prevention and Control Plan/ Method Statement, including arrangements for the storage and management of oil and fuel on the site;
 - (k) a Drainage Management Strategy, demonstrating how all surface and waste water arising during and after development is to be managed and prevented from polluting any watercourses or sources;
 - (l) a 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;
 - (m) an Access Management Plan;
 - (n) an Accommodation Strategy;
 - (o) an updated Schedule of Mitigation;
 - (p) a Construction Method Statement for the following:
 - i. crane pads;
 - ii. turbine foundations;
 - iii. working cable trenches;
 - iv. erection of the wind turbines and meteorological masts;
 - v. energy storage compound formation and installation of energy storage equipment;
 - vi. substation compound formation, erection of associated buildings and ancillary infrastructure;
 - vii. watercourse crossings;
 - (q) details of post-construction restoration/ reinstatement of the working areas not required during the operation of the Development; and
 - (r) timetabling details.
- (3) No development shall take place unless in accordance with the approved CEMP, which shall be implemented in full, unless otherwise approved in advance in writing by the Planning Authority.

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

Condition 17 Watercourse Crossings

- (1) To protect and where possible improve the water environment, all replacement watercourse crossings that form part of the Development shall be bottomless culverts or bridges, unless otherwise first agreed with the Planning Authority, in consultation with SEPA.
- (2) To protect and where possible improve the water environment, all new watercourse crossings that form part of the Development shall be of the type outlined in Technical Appendix 10.4 of the EIA Report, unless otherwise first agreed with the Planning Authority, in consultation with SEPA.
- (3) The final design of the Abhainn Cheothadail bridge crossing shall be constructed in accordance with details that shall have first been submitted to and approved in writing by the Planning Authority. These details shall demonstrate that the bridge crossing has been designed to accommodate without constriction the 1 in 200 year flood event including an up to date and appropriate allowance for climate change.

Reason To protect and where possible improve the water environment.

Condition 18 Borrow Pits – Scheme of Works

- (1) There shall be no Commencement of Development until a scheme for the working and restoration of 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 measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and ground water dependent terrestrial ecosystems from drying out;
 - (d) a programme of implementation of the works described in the scheme; and
 - (e) details of the reinstatement, restoration and aftercare of the borrow pits to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.
- (2) No development shall take place unless in accordance with the approved scheme, which shall be implemented in full and in line with the timescales set out in the approved scheme.

Reason To ensure that excavation of materials from the borrow pits is carried out in a manner that minimises the impact on amenity and the environment, and to secure the restoration of borrow pits at the end of the construction period.

Condition 19 Borrow Pits – Blasting

- (1) No blasting shall take place until a scheme specifying blasting monitoring locations is submitted to and approved in writing by the Planning Authority. Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at the blasting monitoring locations approved in the scheme. The measurement is to be taken from the nearest appropriate receptors (taken at the ground surface). No blasting shall take place unless in accordance with the scheme as approved, which shall be implemented as approved.
- (2) Unless otherwise approved in writing in advance by the Planning Authority, blasting shall only take place between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on a Public Holiday (unless otherwise approved in advance in writing by the Planning Authority).

Reason To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

Condition 20 Construction Hours

- (1) Construction work shall only take place between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or Public Holiday (unless otherwise approved in advance in writing by the Planning Authority). Outwith these hours and in respect of the construction of the Development, only maintenance works, emergency works, and limited construction works on the site as specified are permissible, unless otherwise approved in advance in writing by the Planning Authority. The construction works shall be limited to concrete pours, wind turbine erection, dust suppression, and the testing of plant and equipment only.
- (2) HGV movements (excluding abnormal loads) during construction of the wind farm shall be limited to 07.00 to 19.00 Monday to Friday, and 07.00 to 16.00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or Public Holiday (unless otherwise approved in advance in writing by the Planning Authority). Outwith these hours, HGV movements are to be limited to wind turbine delivery (unless otherwise approved in advance in writing by the Planning Authority).

Reason *In the interests of local amenity.*

Traffic Management

Condition 21 Construction Traffic Management Plan

- (1) There shall be no Commencement of Development until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Planning Authority. The Traffic Management Plan shall include, but not be limited to the following:**
 - (a) the routeing of all HGV traffic associated with the Development on public roads;**
 - (b) measures to ensure that the specified routes are adhered to, including monitoring procedures;**
 - (c) a construction programme;**
 - (d) a temporary signage schedule;**
 - (e) a road condition survey and “Wear and Tear” agreement, to cover damage and repairs to the public road by reason of damage caused to public roads by excessively heavy, or other extraordinary, vehicles or traffic related to the Development;**
 - (f) details of the public road access junctions, including visibility splays; and**
 - (g) identification of a nominated person to whom any road safety issues can be referred.**
- (2) No development shall take place unless in accordance with the approved Construction Traffic Management Plan, which shall be implemented in full, unless otherwise approved in advance in writing by the Planning Authority.**

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

Condition 22 Abnormal Loads Route Assessment

- (1) No abnormal load deliveries shall take place until an Abnormal Load Route Assessment Report has been submitted to and approved in writing by the Planning Authority. The Abnormal Load Route Assessment Report shall include:**
 - (a) Details of a communications strategy to inform the relevant communities of the programme of abnormal load deliveries;**
 - (b) Details of any accommodation measures required for the local road network including the removal and replacement of street furniture, junction widening and traffic management;**
 - (c) Details of the route for abnormal loads on the local road networks and any recommendations for delivery of abnormal loads; and**
 - (d) An assessment of the capacity of any bridge crossings on the route to cater for abnormal loads, and details of proposed upgrades, replacements, and mitigation measures required for any bridge crossings.**
- (2) No development shall take place unless in accordance with the details in the approved report, which shall be implemented in full prior the first delivery of an abnormal load.**

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

Habitats and Ecology

Condition 23 Habitat Management Plan

- (1) There shall be no Commencement of Development until a Habitat Management Plan (HMP), taking account of the Outline Habitat Management Plan (Technical**

Appendix 8.5 of the SEI), has been submitted to, and approved in writing by the Planning Authority, in consultation with NatureScot and SEPA.

- (2) The HMP shall include provision for 89ha of peatland restoration, which shall be undertaken in accordance with the Peatland ACTION Technical Compendium (or subsequent revision or replacement guidance), restoration of 611ha of wet heath, through managed grazing methods, and approximately 5ha of riparian tree planting.
- (3) The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the mitigation measures in the outline HMP to be addressed, including the maintenance, monitoring and reporting of peatland habitat on site and measures to protect and enhance habitat for ornithological species, as identified in the EIA Report and SEI.
- (4) The HMP shall include provision for regular monitoring and review to be undertaken against the HMP objectives and reasonable measures for securing amendments or additions to the HMP, in the event that the HMP objectives are not being met.
- (5) Until otherwise approved in advance in writing by the Planning Authority, the approved HMP (as amended from time to time with written approval of the Planning Authority) shall be implemented in full in line with the timescales set out in the approved plan.

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

Condition 24 Pre-construction surveys and Species Protection Plan

- (1) There shall be no Commencement of Development until pre-construction surveys of Otter and Reptiles have been carried out by a suitably qualified person. The surveys shall inform the mitigation measures required to protect them during construction of the Development and shall inform the content of a Species Protection Plan.
- (2) There shall be no Commencement of Development until the Otter and Reptiles Species Protection Plans are submitted to and approved in writing by the Planning Authority in consultation with NatureScot.
- (3) The approved Otter and Reptiles Species Protection Plan shall be implemented in full upon the Commencement of Development.

Reason In the interests of nature conservation.

Condition 25 Eagle Conservation Programme

- (1) There shall be no Commencement of Development until a single consolidated Eagle Conservation Programme for the Development, to include an identified delivery mechanism for its implementation, has been submitted to and approved in writing by the Planning Authority, in consultation with NatureScot and any such other advisors or organisations as may be required at the discretion of the Planning Authority.
- (2) The Eagle Conservation Programme must expand on the outline Eagle Conservation Plan submitted as SEI Technical Appendix 9.5 and set out the measures to be taken to monitor, protect, enhance and better understand the Outer Hebrides populations of golden eagle and white-tailed eagle.
- (3) Thereafter, the Eagle Conservation Programme shall be implemented in full.

Reason To promote eagle conservation efforts in the Outer Hebrides and help with knowledge gathering on these species.

Condition 26 Water Quality and Fish Monitoring Plan

- (1) There shall be no Commencement of Development until an integrated Water Quality and Fish Monitoring Plan (WQFMP) has been submitted to and

approved in writing by the Planning Authority in consultation with the Outer Hebrides Fisheries Trust, Western Isles District Salmon Fisheries Board, and any such other advisors or organisations as may be required at the discretion of the Planning Authority.

- (2) The WQFMP must take account of Marine Scotland Science's guidance and shall include:
 - (a) provision that water quality sampling should be carried out for 12 months prior to Commencement of Development, during construction and for 12 months after construction is complete;
 - (b) key hydrochemical parameters (including turbidity and flow data), the identification of sampling locations (including control sites), frequency of sampling, sampling methodology, data analysis and reporting; and
 - (c) provision that fully quantitative electrofishing surveys (and macroinvertebrate surveys) at sites potentially impacted by the Development, and at control sites, should be carried out prior to the Commencement of Development, during construction and for 12 months after construction is completed, to detect any changes in fish populations.
- (3) Thereafter, the WQFMP shall be implemented in full within the timescales set out in the WQFMP.

Reason To ensure no deterioration of water quality and to protect fish populations within and downstream of the development area.

Condition 27 Bird Protection Plan

- (1) There shall be no Commencement of Development until a Bird Protection Plan has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The Bird Protection Plan shall be informed by pre-commencement bird surveys and shall set out measures to protect Wildlife and Countryside Act 1981 Schedule 1 breeding species (including divers, eagles and other raptors), including post construction ornithology surveys at intervals to be agreed with the Planning Authority in consultation with NatureScot.
- (2) No construction related disturbing activities (to be defined in the Bird Protection Plan) within 1km of eagle nesting areas/ nests shall be undertaken during the breeding season (February to August inclusive) unless pre-construction monitoring can conclude that there are no breeding attempts (at nesting areas/sites within 1km) ongoing or that could take place that year. For the avoidance of doubt, this shall include the extraction of borrow pit 7 and the subsequent construction of the substation compound within that part of the site.
- (3) No construction related disturbing activities, within 500m of eagle roost sites, shall be undertaken from dusk until dawn throughout the year.
- (4) No fencing construction or planting activities (to be defined in the Bird Protection Plan) shall take place within 1km of eagle nesting areas/ nests during the breeding season (February to August inclusive) unless pre-construction monitoring can conclude that there are no breeding attempts (at nesting areas/sites within 1km) ongoing or that could take place that year.
- (5) Any micrositing of fencing shall be based on topography, to minimise collision risk, with fence markers to be added where such risk is identified.
- (6) Fencing within areas suitable for breeding waders shall be of a design to allow movement of wader chicks.
- (7) No extraction shall take place from Borrow Pit No 1 from April to August (unless it can be determined that black-throated diver breeding has ceased or will not take place in the nearby identified loch that year).
- (8) Construction of temporary construction compound 3 (TCC3) (as identified on SEI Figure 3.1) shall only take place outwith the bird breeding season (April to August) and shall include the erection of suitable screening around the

compound, in accordance with details that shall have first been agreed with the Planning Authority. No use of TCC3 shall take place during the breeding season, with the exception of non-disturbing activities, to be defined in the Bird Protection Plan), unless otherwise agreed in advance with the EnvCoW.

- (9) No construction related disturbing activities (to be defined in the Bird Protection Plan) within 300m of active merlin and greenshank and 200m of golden plover and dunlin nesting areas/ nests shall be undertaken during the breeding season (February to August inclusive), unless in accordance with provisions agreed in advance with the EnvCoW, to minimise disturbance to birds.
- (10) The Bird Protection Plan shall include provisions for the preparation and implementation of a Bird Disturbance Management Plan, which shall make provision for post-construction monitoring to inform any requirements for restrictions to operational maintenance, and resulting mitigation and management measures.
- (11) External lighting for the substations shall be minimised, directed away from the nearby lochs, and shall only be used when necessary during the months of extended bird breeding season February to August.
- (12) In the 12 months before construction commences, breeding raptor and diver surveys should be undertaken to inform the Bird Protection Plan (and should also be carried out during construction if construction falls within a breeding season).
- (13) Thereafter, the approved Bird Protection Plan shall be implemented in full within the timescales set out in the approved Bird Protection Plan

Reason To minimise the impacts on birds through the construction, operational and decommissioning of the wind farm.

Archaeology

Condition 28 Programme of Archaeological Works

- (1) There shall be no Commencement of Development until a programme of archaeological works has been implemented, in accordance with a Written Scheme of Investigation which shall be submitted to and approved in writing to the Planning Authority. The Written Scheme of Investigation shall include
 - a. A programme of archaeological works including measures to be taken to protect and preserve any features of archaeological interest in situ.
 - b. An archaeological recording programme, the scope of which shall be dependent on the results of the evaluation, to ensure the recording and recovery of archaeological features which cannot be protected or preserved.
- (2) The approved programme of archaeological works shall be implemented in full in accordance with the timescales included in the Written Scheme of Investigation.
- (3) A procedure for demarcation, which could be achieved through georeferencing data, for all known sites of Cultural Heritage value, as identified within the EIA Report (as amended by the SEI) within 50 metres of the development footprint.

Reason To ensure the protection or recording of archaeological features on the site.

Peat

Condition 29 Peat Management Plan

- (1) There shall be no Commencement of Development until a detailed Peat Management Plan (PMP), taking account of the outline Peat Management Plan (Technical Appendix 10.2 of the EIA Report and SEI) has been submitted

to and approved in writing by the Planning Authority in consultation with SEPA.

- (2) The finalised PMP shall:
 - (a) take account of additional site and ground investigations, and habitat surveys, to minimise the loss of peatlands and reduce carbon loss;
 - (b) incorporate actions, including using micro-siting, to minimise excavated peat volumes, minimise the loss of near natural peatland, and reuse peat in an appropriate manner; and
 - (c) follow good practice for handling, storing and reinstating peat materials.
- (3) The PMP shall thereafter be implemented as approved upon the Commencement of Development.

Reason To ensure that disruption to peat is minimised.

Condition 30 Peat Landslide Management

- (1) There shall be no Commencement of Development until a documented peat landslide rapid reaction strategy has been submitted to and approved in writing by the Planning Authority. The peat landslide rapid reaction strategy shall include:
 - (a) the frequency of peat stability monitoring during the construction process by the Geotechnical Clerk of Works;
 - (b) detail on what should happen (including who should be contacted) should peat movement be detected during construction, prior to a full peat landslide occurring; and
 - (c) detail on what should happen (including who should be contacted) during construction, should a full peat landslide occur.
- (2) The approved peat landslide rapid reaction strategy shall thereafter be implemented as approved upon the Commencement of Development, and be enacted should signs of peat movement be recorded across the site during construction.

Reason To minimise the risk of peat failure arising from the Development.

Noise

Condition 31 Operational Noise

- (1) The rating level of noise immissions from the combined effects of the wind turbines forming part of the Development (including the application of any tonal penalty) when determined in accordance with the Guidance Notes for this condition shall not exceed the values for the relevant integer wind speed set out in, or derived from, Table 1 at any dwelling which is lawfully existing or has planning permission at the date of this consent.

Table 1 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Noise limit, applicable at all wind speeds up to and including 10 m/s
Dwellings situated within the Eishken Estate Lodge Exclusion Zone (which are financially involved with the proposed development), See Table 2.	45dB
All Other Dwellings	35dB

Table 2 – Dwellings Situated within the Eishken Estate Lodge Exclusion Zone.

Property	Easting	Northing
Loch Shell House	132642	912107
The Cottage	132627	912035
Unnamed Property	132643	912027
Burnside Cottage	132617	911967
Unnamed Property	132633	911954
Eishken Lodge	132600	911861
Glenburn Cottage	132666	911865

- (2) The turbines shall be designed to permit individually controlled operation or shut down at specified wind speeds and directions in order to facilitate compliance with noise criteria.
- (3) The Company shall continuously log power production, wind speed and wind direction. These data shall be retained for a period of not less than 24 months. The Company shall provide this information to the Planning Authority within 14 days of receipt in writing of a request to do so.
- (4) Prior to the Date of First Commissioning, the Company shall have submitted to, and received written approval of the Planning Authority to, a list of proposed independent consultants who will 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.
- (5) Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a consultant approved by the Planning Authority in terms of paragraph (4) above to assess the level of noise immissions from the wind farm at the complainant's property. The written request from the Planning Authority shall set out at least the date, time and location to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
- (6) The assessment of the rating level of noise immissions in terms of paragraph (5) above shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph (5) above.
- (7) Where the property to which a complaint is related is not listed in Table 1, the Company shall submit to the Planning Authority for written approval proposed noise limits selected from those listed in Table 1 to be adopted at the complainant's property for compliance checking purposes. The proposed noise

limits are to be those limits selected from Table 1 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 property. The rating level of noise immissions resulting from the combined effects of the wind turbines shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's property.

(8) The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions within two months of the date of the written request of the Planning Authority for compliance measurements to be made under paragraph (7), unless the time limit is extended in writing by the Planning Authority. Certificates of calibration of the instrumentation used to undertake the measurements shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

(9) Where a further assessment of the rating level of noise immissions from the wind farm is required, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (6) above unless the time limit has been extended in writing by the Planning Authority.

Reason To protect nearby residents from undue noise and disturbance and to ensure that noise limits are not exceeded and to enable prompt investigation of complaints.

Residential Amenity

Condition 32 Shadow Flicker

(1) No turbine shall be erected until a scheme for the avoidance or mitigation of shadow flicker at residential properties situated within 10 rotor diameters of any turbine forming part of the Development and which lawfully exist, or for which planning permission has been granted as at the date of this section 36 consent, has been submitted to and approved in writing by the Planning Authority.

(2) Shadow flicker control modules, consisting of light sensors and specialised software, will be installed on the turbines.

(3) The approved mitigation scheme shall be implemented in full in line with the timescales set out in the approved scheme.

Reason To offset any impacts of shadow flicker on residential and commercial property amenity.

Condition 33 Access Management Plan

(1) There shall be no Commencement of Development until an Access Management Plan ("AMP") has been submitted to and agreed in writing by the Planning Authority. The AMP should ensure that public access is retained within and across the Development site during construction, and thereafter that suitable public access is provided during the operational phase of the wind farm.

(2) The approved plan shall be implemented in full upon commencement of development.

Reason In the interests of securing public access rights.

Private Water Supplies

Condition 34 Private Water Supplies

(1) There shall be no Commencement of Development until the Company has submitted to and received the written approval of the Planning Authority for a scheme for the protection, monitoring and mitigation of Private Water Supplies

(PWS) which may be affected by the Development. The scheme shall take account of SEPA LUPS-GU31 guidance and shall detail:

- (a) all mitigation measures to be taken to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of the section 36 consent and which may be affected by the Development;
 - (b) Water quality sampling methods and specified abstraction points;
 - (c) a monitoring regime for the PWSs which shall include for pre and post construction surveys, in addition to construction period testing, of appropriate frequency commensurate with the degree of construction activity taking place;
 - (d) how monitoring results will be assessed including the time taken to undertake such assessment and notification procedures on how the Planning Authority and the affected user of the PWS will be notified of the results; and
 - (e) the short, and where necessary, long term and/or permanent contingency measures that shall be put in place should the supply be adversely affected.
- (2) The approved PWS Scheme shall be implemented and thereafter undertaken and adhered to by the Company unless otherwise agreed in advance in writing by the Planning Authority.

Reason To maintain a secure and adequate water supply to all properties with private water supplies that may be affected by the Development.

Aviation

Condition 35 Aviation Safety

- (1) Prior to the installation of any turbine, the Company shall provide the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information in writing, and provide evidence to the Planning Authority that this has been done:
 - (a) the dates of the expected stages of construction of the Development;
 - (b) the height above ground level of the tallest structure forming part of the Development;
 - (c) the maximum height of any construction equipment; and
 - (d) the position of the wind turbines and masts in latitude and longitude.

Reason In the interests of aviation safety.

Condition 36 Aviation and Other Lighting

- (1) No wind turbines shall be erected until a scheme for aviation lighting for the Development has been submitted to, and approved by, the Planning Authority, in consultation with the Civil Aviation Authority and the Ministry of Defence. The scheme shall include details of aviation lighting which is to be applied.
- (2) No later than the first, third and fifth anniversary of the date of First Commissioning and every five-year anniversary thereafter, the Company shall submit a written review of the Aviation Lighting Scheme to the Planning Authority. Each review shall include:
 - a. An assessment of options available for the reduction in the number of visible lights installed on turbines and the time period when lights are visible;
 - b. An assessment of the potential for installation of an Aircraft Detection Lighting System ("ADLS"), including a statement setting out the current and anticipated regulatory environment in relation to ADLS; and
 - c. An assessment of whether, in the Company's view, it is reasonably practicable to install an ADLS at the Development.

- (3) The review may propose amendment of the Aviation Lighting Scheme. If a review assesses that it is reasonably practicable to install ADLS, provided that such installation shall not require planning permission, such review shall also include the Company's proposals for installation of ADLS together with a proposed timetable for installation. Any proposed amendment shall be compliant with the then current aviation lighting requirements of the Civil Aviation Authority and the Ministry of Defence.
- (4) Any proposed amendment to the Aviation Lighting Scheme shall be subject to the written approval of the Planning Authority, in consultation with the Civil Aviation Authority and the Ministry of Defence, and shall thereafter be installed in accordance with the approved details.
- (5) The Aviation Lighting Scheme, or such alternative scheme as may be approved under part (4), shall thereafter be maintained throughout the operational life of the Development.
- (6) With the exception of substation lighting, no lighting other than that described in the approved scheme for aviation lighting shall be applied within the site, other than that required for health and safety purposes, unless otherwise approved in writing by the Planning Authority or required by law.
- (7) The Development shall be operated in accordance with the approved scheme, or any alternative scheme as may be approved under part (4), unless otherwise approved in writing by the Planning Authority in consultation with the Civil Aviation Authority and the Ministry of Defence, as a result of a periodic review.

Reason In the interests of aviation safety and to minimise visual effects of the Development.

Ongoing Operation and Maintenance

Condition 37 Turbine operation

- (1) The wind turbines shall be maintained in the approved colour(s), free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

Reason In the interests of the visual amenity of the area.

Condition 38 Redundant turbines

- (1) If one or more wind turbines fails to generate electricity on a commercial basis to the public network for a continuous period of 12 months, then unless otherwise approved in writing by the Planning Authority, the Company shall:
 - (a) Within one month of the expiration of the 12 month period, submit a scheme to the Planning Authority setting out how the relevant wind turbine(s) and associated infrastructure will either be repaired or removed from the site and the ground restored; and
 - (b) Implement the approved scheme within 12 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.

Decommissioning, Restoration and Aftercare

Condition 39 Decommissioning, restoration and aftercare strategy

- (1) There shall be no Commencement of Development until an outline decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority. The outline decommissioning, restoration and aftercare strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall include proposals for the removal of the Development, the

treatment of ground surfaces, the management and timing of the works and environmental management provisions.

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

Condition 40 Site Decommissioning, Restoration and Aftercare

- (1) The Development shall cease to generate electricity to the grid network by no later than the date falling 30 years from the date when electricity is first exported to the electricity grid network on a commercial basis from the last of the wind turbines constructed as part of the development.**
- (2) No later than one year prior to the Date of Final Generation or the expiry of the section 36 consent (whichever is earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted for the written approval of the Planning Authority. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, 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 (but is not limited to):**
 - (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases and, including details of measures to be taken to minimise waste associated with the Development and promote the recycling of materials and infrastructure components);**
 - (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) details of measures for 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) details of measures for 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; and**
 - (k) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.**
- (3) The Development shall be decommissioned, the site restored and aftercare undertaken prior to the date falling three years after the Date of Final Generation and in accordance with the approved detailed decommissioning, restoration and aftercare plan.**

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

Guidance Notes for Operational Noise Condition – Condition 31

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

- (a) The LA90,10 minute noise statistic should be measured at the complainant’s property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Planning Authority, and placed outside the complainant’s dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the Company shall submit for the written approval of the Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, such as direct measurement at a height of 10 metres, this wind speed, averaged across all operating wind turbines, and corrected to be representative of wind speeds measured at a height of 10m, shall be used as the basis for the analysis. It is this 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.
- (e) Data provided to the Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

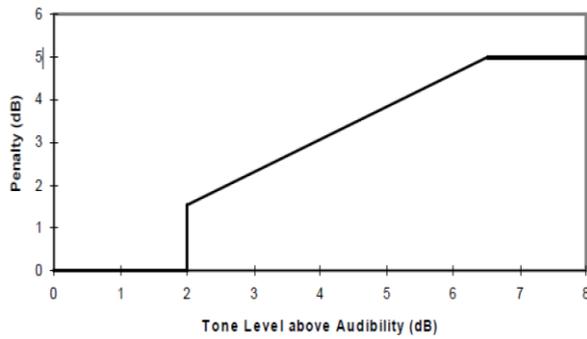
- (f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)
- (b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (6) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute 10- metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the 10- metre height mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

- (a) Where, in accordance with the approved assessment protocol under paragraph (6) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.
- (c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- (d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.
- (e) The average tone level above audibility shall be calculated for each wind speed bin, each bin being 1 metre per second wide and centred on integer wind speeds. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Note 2.
- (f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

- (a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Planning Authority in its written protocol under paragraph (6) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Table attached to the noise conditions or the noise limits for a complainant’s dwelling approved in accordance with paragraph (7) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.
- (d) The Company shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:
- (e) Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the Planning Authority in its written request under paragraph (5) and the approved protocol under paragraph (6) of the noise condition.
- (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

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

- (g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.
- (h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Table attached to the conditions or at or below the noise limits approved by the Planning Authority for a complainant’s dwelling in accordance with paragraph (7) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Table attached to the conditions or the noise limits approved by the Planning Authority for a complainant’s dwelling in accordance with paragraph (7) of the noise condition then the Development fails to comply with the conditions.