

SCHEDULE OF PROPOSED CONDITIONS

General

Condition 1 The consent is for a period of 25 years from the date of first commissioning (being the date on which electricity is first exported to the grid on a commercial basis). Written confirmation of the date of first commissioning shall be provided to the Comhairle as Planning Authority no later than one calendar month after the date of first commissioning.

Reason To define the duration of the consent.

Condition 2 The development detailed in this planning permission must be commenced not later than the expiration of five years beginning with the date on which this permission is granted.

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

Condition 3 The wind turbine shall be constructed in locations Eastings 114009 Northings 904729, Eastings 114155 Northings 904937 and Eastings 114360, Northings 905067. Micro-siting of the wind turbines, ancillary infrastructure or tracks will require the prior written approval of the Comhairle as Planning Authority (in consultation with NatureScot, SEPA, HIAL, MoD, NATS, and/or licence holders of microwave Fixed Links, as determined by the Comhairle as Planning Authority).

Reason To allow flexibility to microsite based on ground conditions, while managing impacts on social, economic and environmental assets.

Condition 4 Throughout the life of the development turbine blades shall rotate in the same direction.

Reason In the interests of visual amenity.

Condition 5 There shall be no borrow pits created within the development site.

Reason In order to define the parameters of the consent.

Turbine Details

Condition 6 There shall be no commencement of development unless 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 and full details of all associated apparatus; have been submitted to and approved in writing by the Comhairle as Planning Authority. The turbines shall be consistent with the candidate turbines or range assessed in the Environmental Impact Assessment, and the tip height shall not exceed 86 metres above ground level. The development 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 turbine is decommissioned.

The wind turbines or any ancillary buildings or above ground fixed plant shall not display any name, logo, sign, or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Comhairle as Planning Authority.

Reason To ensure the turbines, sub-station and associated apparatus' environmental, noise, landscape and visual impacts conform to the assessed Environmental Impact Assessment and in the interests of the visual amenity of the area.

Aviation Lighting

Condition 7 Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 50 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of the Comhairle nan Eilean Siar in conjunction with the Ministry of Defence defining how the

development will be lit throughout its life to maintain civil and military aviation safety requirements as determined necessary for aviation safety by the Ministry of Defence.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason To maintain aviation safety.

Condition 8 The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason To maintain aviation safety.

Construction

Condition 9 Unless with the specific written authority of the Comhairle as Planning Authority, hours of construction operation should be restricted to 08.00 – 19.00 Monday to Friday, 08.00 – 13.00 on Saturdays and no working on Sundays.

Reason To protect the amenity at noise sensitive premises.

Condition 10 The developer should ensure that any construction works are carried out in accordance with BS 5228:2009.

Reason To protect the amenity at noise sensitive premises.

Condition 11 Should any complaints be received in respect of construction works noise levels, the developer shall fully investigate these complaints and if requested by the Planning Authority to establish noise levels at any affected property, shall undertake noise monitoring which shall be carried out by a suitably qualified noise expert or consultant previously agreed in writing by the Planning Authority. The methodology of the assessment shall be carried out in accordance with BS7445:2003, BS 4142:2014+A1:2019 and PAN 1:2011.

Reason To quantify the loss of amenity at noise sensitive premises resulting from the operation of the development.

Condition 12 Should any noise monitoring undertaken in accordance with Condition 11 above demonstrate that construction sound sources are exceeding the background levels by more than 10dB, the developer shall submit a scheme of mitigating measures to the Planning Authority for written agreement within one month of the breach being identified. The

agreed mitigating measures shall be implemented within one month of the written agreement or within any alternative timescale agreed in writing by the Planning Authority and thereafter retained throughout the life of the development unless otherwise agreed in writing by the Planning Authority.

Reason To ensure adequate mitigation is in place to protect amenity at noise sensitive premises.

Noise

Condition 13 At wind speeds not exceeding 10m/s, the wind turbine noise level at the façade of any dwelling or other noise sensitive premises shall not exceed during Day-time hours (0700 - 2300), 35dB LA90, 10min or the Day-time Hours LA90, 10min Background Noise Level plus 5dB(A), whichever is the greater; and during night hours (between 23:00 - 07:00), 38dB LA90, 10min, or the Night Hours LA90, 10min Background Noise Level plus 5dB(A), whichever is the greater.

In this condition:

- *“wind turbine noise level” means the rated noise level due to the combined effect of all the wind turbines, excluding existing background noise level but including any tonal penalty incurred under the methodology described in ETSU-R-97, pages 99-109.*
- *“Background Noise Level” means the ambient noise level already present within the environment (in the absence of noise generated by the development) as measured and correlated with Wind Speeds.*
- *“wind speeds” means wind speeds measured or calculated at a height of 10 metres above ground level on the wind farm site at the wind monitoring mast nearest to the premises of interest.*
- *“Noise Sensitive Premises” means premises, the occupants of which could be exposed to noise from the wind farm and includes hospitals, residential homes, nursing homes, etc.*
- *“dwelling or other noise sensitive premises” means any dwelling or other noise sensitive premises which is lawfully existing or has planning permission at the date of this consent.*

Reason To set maximum noise limits specific to the development in order to protect the amenity at noise sensitive premises.

Condition 14 If any reasonable complaint relating to noise emissions from the wind turbines is made to the Comhairle as Planning Authority and the Comhairle considers that it merits investigation, the operator of the turbine will on written notice by the Comhairle be required to measure, at their own expense, the level of noise emissions from the wind turbine. Noise monitoring shall be carried out by a suitably qualified noise expert or consultant previously agreed in writing by the Comhairle and shall be carried out in accordance with the method statement stated in section 2.0 'Procedure to be followed in the event of a complaint' page 102 of the publication 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97, Department of Trade and Industry, September 1996). A protocol prepared by the appointed noise expert including a timetable for the collection, analysis and reporting of the noise data gathered shall be submitted to the Comhairle for approval within two months of the Comhairle having given notice of monitoring being required. The assessment report shall then be submitted to the Comhairle in accordance with the approved timetable.

Reason To quantify the loss of amenity at noise sensitive premises resulting from the operation of the windfarm.

Condition 15 Should the noise monitoring undertaken in accordance with condition 14 demonstrate that the noise thresholds set by condition 13 or 14 are being exceeded, the operator shall submit a scheme of mitigating measures to the Planning Authority for written agreement within three months of the breach being identified, or within any alternative timescale agreed in writing by the Planning Authority. The agreed mitigating measures shall be

implemented within three months of the written agreement or within any alternative timescale agreed in writing by the Planning Authority and thereafter retained throughout the life of the development unless otherwise agreed in writing by the Planning Authority.

Reason To ensure adequate mitigation is in place to protect amenity at noise sensitive premises.

Shadow Flicker

Condition 16 At the request from the occupier of the affected property, the operator of any turbine producing shadow flicker at any dwelling or other occupied premises which is lawfully existing or has planning permission at the date of this consent shall be shut down and the blades remain stationary until the conditions causing those shadow flicker effects have passed.

Reason To ensure adequate mitigation is in place to protect amenity at sensitive premises.

Drainage

Condition 17 Construction and post construction drainage shall be carried out and managed in accordance with Chapter 7: Hydrology (March 2024) or any subsequent version agreed with the Comhairle as Planning Authority, in consultation with SEPA.

Reason To ensure manage the risks of pollution and environmental impacts on the water environment and ground water dependent habitats during construction and in the subsequent operation of the wind farm.

Habitat and Wildlife

Condition 18 No development shall commence unless and until an Otter Species Protection Plan ("OSPP") has been submitted to and approved in writing by the Comhairle as Planning Authority in consultation with NatureScot. The OSPP shall incorporate the good practice construction mitigations and the measures based on the potential for disturbance, set out as recommendations within Appendix 8.2 of the EIAR 'Protected Species Survey Monan Repower', by IMTeco Ltd February 2024' including pre-construction update surveys. Unless otherwise agreed in advance in writing with the Planning Authority, in consultation with NatureScot, the approved OSPP shall be implemented in full.

Reason In order to ensure adequate protection of Otter, a European Protected Species within the terms of Regulation 39 and 43 of the Conservation (Natural Habitats &c.) Regulations 1994.

Condition 19 Before development commences on site, details of a scheme for monitoring the impact of the development on birds and in particular, Golden Eagle, shall be submitted for the written approval of the Comhairle in consultation with NatureScot. Such monitoring shall include regular recording of bird strike casualties in particular. An annual report, over the first three years of operation summarising the results of monitoring, shall be submitted to the Comhairle for consideration and for suggestions for any remedial, mitigation or compensation action.

Reason In order to establish effective monitoring in the interests of ornithology.

Condition 20 There shall be no commencement of development until the appointment of an Ecological Clerk of Works to advise, oversee and ensure the agreed mitigation measures are implemented. Unless otherwise agreed in advance in writing with the Comhairle as Planning Authority, the measures in the approved plan shall be implemented in full.

Reason In the interests of the protection of the ecological interests of the site, particularly the protected species of golden eagles and otter.

Peat Management

Condition 21 Any peat excavated as a result of the development shall be managed in accordance with Appendix 7.1 Outline Peat Management Plan (April 2024) or any subsequent version agreed with the Comhairle as Planning Authority, in consultation with SEPA.

Reason To ensure that the restoration of peat is undertaken in accordance with best practice in order to comply with policy 5 of National Planning Framework 4.

Construction and Environmental Management Plan

Condition 22 There shall be no commencement of development unless a Construction and Environmental Management Plan (“CEMP”) outlining site specific details of all on-site construction works, post-construction reinstatement, together with details of their timetabling, has been submitted to and approved in writing by the Comhairle as Planning Authority in consultation with NatureScot and SEPA.

The CEMP shall include (but shall not be limited to):

- a) a Site Waste Management Plan (SWMP) 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) details of the formation of the construction compound, welfare facilities, contractor parking, material stockpiles and fuel storage;
- c) a Dust Management Plan;
- d) a Pollution Prevention Plan (PPP) which shall include:
 - Pollution prevention and mitigation measures for all construction works potentially capable of giving rise to pollution to prevent run-off and water pollution of watercourses and associated ecology;
 - Arrangements for the storage of fuels, oils or chemicals and arrangements for refuelling of vehicles within the site.

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

Traffic Management

Construction Traffic Management Plan

Condition 23 At least two months prior to the commencement of the development to which this planning permission relates, a finalised Construction Traffic Management Plan shall be submitted for the approval of the Comhairle as Planning Authority. The Construction Traffic Management Plan shall include:

- a) the finalised work programme;
- b) the routing of construction vehicles;
- c) measures to minimise impacts on other road users;
- d) a programme of inspections to be undertaken at regular intervals during construction stage to ensure any damage to the public road is identified in a timely manner;
- e) proposed parking arrangements for and the estimated number of movements of construction site traffic;
- f) timings for HGV and plant deliveries, specifically with consideration of peak travel times;
- g) measures to be taken to prevent loose or deleterious material being deposited on the public road network;
- h) proposals for sweeping and cleaning of any debris that may be deposited on the public road network during construction; and
- i) measures to prevent surface water from flowing onto the public road during construction.

No development shall commence on the site to which this planning permission relates until the Construction Traffic Management Plan has been approved in writing by the Comhairle as Planning Authority. The development shall thereafter be operated only in full accordance with the approved Traffic Management Plan unless agreed otherwise in writing by the Comhairle as Planning Authority.

Reason In the interests of road and public safety and to finalise traffic management measures.

Condition 24 At least one month before the development to which this planning permission relates commences, the developer shall undertake a pre-construction condition survey of the public road following agreement with Comhairle nan Eilean Siar (Roads and Engineering) as to the extent, date and methodology for same.

Reason In order to establish an agreed baseline condition for the public roads likely to be adversely affected by the development, prior to commencement of the development.

Condition 25 Damage to the public road arising from the development works, shall be repaired in accordance with a programme to be agreed with the Comhairle as Planning Authority.

Reason In order that damage to the public road arising from the development is repaired in a timely manner, to reinstate the road to its pre-construction standard, in the interests of road safety.

Abnormal Loads Route Assessment

Condition 26 There shall be no abnormal load deliveries to the site until an Abnormal Load Route Assessment Report, has been submitted to and approved in writing by the Comhairle as 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 of street furniture, junction widening and traffic management;
- c) Details of the route for abnormal loads on the local and trunk 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.

The details in the approved report shall thereafter 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.

Post-construction Reinstatement

Condition 27 Prior to the commencement of the development to which this planning permission relates, a post construction restoration plan and aftercare strategy shall be submitted to and approved in writing by the Comhairle as Planning Authority. The site shall be restored and aftercare undertaken in accordance with the approved plan and strategy, unless otherwise agreed in writing in advance with the Comhairle as Planning Authority.

Reason To ensure satisfactory restoration of the site in the interests of visual amenity.

Final Decommissioning and Site Restoration

Condition 28 No later than one year prior to the decommissioning of the development or the expiration of this permission (whichever is the earlier) a detailed decommissioning, restoration, and aftercare plan, shall be submitted to the Planning Authority for written approval. The plan shall incorporate the environmental management principles in the Decommissioning of the Operation Scheme identified in Chapter 12 (Other Issues) of the EIAR and will provide detailed proposals for the removal of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions. The development shall be decommissioned, site restored, and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Comhairle as Planning Authority.

Reason To ensure satisfactory restoration of the site in the interests of visual amenity and protection of the water environment and any ground water dependent habitats on cessation of the development.

Condition 29 There shall be no commencement of development unless the developer has delivered a bond or other form of financial guarantee in terms acceptable to the Comhairle as Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in Condition 28 to the Planning Authority. The financial guarantee shall thereafter be maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations. The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in Condition 28. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason To ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this planning permission in the longer-term interests of the environment.