NOTICE OF DECISION

ELECTRICITY ACT 1989

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

THE ELECTRICITY WORKS (ENVIRONMENTAL IMPACT ASSESSMENT)(SCOTLAND) REGULATIONS 2017

As directed by regulation 23(1)(c) of the Electricity Works (Environmental Impact Assessment) (Scotland) 2017, notice is hereby given that Renewable Energy Systems Limited ("the Company") has been granted consent by Scottish Ministers to construct and operate a 9 turbine wind farm which includes Battery Energy Storage known as Sclenteuch Wind Farm, in East Ayrshire and South Ayrshire.

5 turbines would have a maximum tip height not exceeding 200 metres and 4 turbines would have a maximum tip height of 180 metres. The closest settlements to the proposed Development within the East Ayrshire Planning Authority are Waterside, Patna and Dalmellington. In the South Ayrshire Planning Authority, the closest settlements are Straiton and Kirkmichael.

Scottish Ministers have also directed, under Section 57 (2) of the Town & Country Planning Act (Scotland) 1997, that planning permission is deemed to be granted.

Copies of the decision statement and related documentation can be obtained on the Energy Consents website: www.energyconsents.scot under reference ECU00003318.

Copies of the decision statement and related documentation have been made available to both East Ayrshire Council and South Ayrshire Council to be made available for public inspection by being placed on their planning registers

Scottish Government

16 December 2025

Energy and Climate Change Directorate
Energy Consents Unit

E: Alan.Brogan@gov.scot

Scottish Government
Riaghaltas na h-Alba

RES Ltd
Beaufort Court
Egg Farm Lane
Kings Langley
WD4 8LR

16 December 25

Dear Sir or Madam

CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 FOR THE CONSTRUCTION AND OPERATION OF SCLENTEUCH WIND FARM IN THE PLANNING AUTHORITY AREAS OF EAST AYRSHIRE COUNCIL AND SOUTH AYRSHIRE COUNCIL

Application

1. I refer to the application made on 22 July 2022 under section 36 of the Electricity Act 1989 ("the Electricity Act") by Renewable Energy Systems Limited (RES), a company incorporated under the Companies Act with company number 1589961 ("the Company") and having its registered office at Beaufort Court, Egg Farm Lane, Station Road, Kings Langley, Hertfordshire, WD4 8LR for the construction and operation of Sclenteuch Wind Farm (the "Application").

2. This letter contains the Scottish Ministers' decision to grant section 36 consent, subject to conditions, for the development as described at Annex 1.

Planning Permission

3. In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997 the Scottish Ministers may, on granting consent under section 36 of the Electricity Act for the construction and operation of a generating station, direct that planning permission be deemed to be granted in respect of that generating station and any ancillary development.

4. This letter contains the Scottish Ministers' direction that planning permission is deemed to be granted.

Background

5. The Application proposed the construction and operation of Sclenteuch Wind Farm, comprising of:

- Up to 9 three-bladed horizontal axis wind turbines, 5 with a maximum tip height not exceeding 200 metres (namely, wind turbines T1 – T4 & T8) and 4 with a maximum tip height of 180 metres (namely, wind turbines T5 – T7 & T9
- a battery energy storage system ("BESS")
- and associated ancillary development to construct and operate the generating station

The above elements of the scheme comprises "the proposed Development".

6. The proposed Development would have an indicative generating capacity for the wind element of 54 megawatts (MW) and up to 45 MW generated by the BESS. The total combined generating capacity would be more than 50 MW. The Company has sought an operational life for the proposed Development of 50 years.

7. The proposed Development is situated on land across both East Ayrshire and South Ayrshire Council planning areas (the "Planning Authorities"). All infrastructure proposed, apart from wind turbines T1, T2, T3 and T4 and their associated infrastructure and access tracks, will be in East Ayrshire Council planning area.

8. The site is located on the upper slopes of the Doon Valley to the west of the A713 and comprises moorland and peatland with commercial forestry over much of the Application site. The site is proposed to be accessed via an existing access (which is to be upgraded) off the A713 whilst a secondary access will be taken from the south of the site from the B741.

9. The closest settlements to the proposed Development within East Ayrshire are Waterside and Patna, immediately to the east and north, and Dalmellington to the south-east. In South Ayrshire, the closest settlements are Straiton and Kirkmichael. In addition to settlements there are numerous scattered farms and residentials properties, the closest of which is High Keirs in East Ayrshire, adjacent to where the proposed access track shall be routed.

10. The proposed Development falls within two different Landscape Character Types (LCTs) as defined within the East Ayrshire Landscape Wind Capacity Study. Much of the proposed infrastructure lies within LCT17b: Foothills with Forestry west of Doon Valley, whilst an access track section and temporary construction compound lie within LCT10: Upland River Valley.

11. The proposed Development is not located within any Wild Land Areas (WLA). Over half of the site (that within East Ayrshire Council planning area) falls within the Doon Valley Local Landscape Area (LLA) and Sensitive Landscape Area (SLA)

Legislation and Consultation

12. Under paragraph 2(1) of Schedule 8 to the Electricity Act, the relevant planning authority, in this case both East Ayrshire Council and South Ayrshire Council, are required to be notified in respect of a section 36 consent application.

13. In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and The Electricity Works (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 ("the EIA Regulations"), the Application was accompanied by an Environmental Impact Assessment Report ("the EIA Report"). This consisted of four volumes, comprising (1) the EIA Report Chapters, (2) Figures and Visualisations (3) Technical Appendices and (4) Non-Technical Summary, in support of the Application describing the proposed Development and giving an analysis of its environmental effects.

14. To comply with the EIA Regulations, the Scottish Ministers are required to consult the relevant planning authority(s), as well as NatureScot, the Scottish Environment Protection Agency (SEPA) and Historic Environment Scotland (HES) as well as other public bodies likely to be concerned by the proposed Development by reason of that body's specific environmental responsibilities.

15. In accordance with requirements of both the Electricity (Application for Consent) Regulations 1990 ("the Consents Regulations") and the EIA Regulations a notice of the proposed Development was published on the Company's website and advertised in local and national press. The Application was made available in the public domain, and the opportunity given for those wishing to make representations to do so. Notifications were sent to the planning authorities, NatureScot, SEPA and HES. Other relevant organisations likely to have an interest in the proposed Development by reason of their specific environmental responsibilities were also notified.

16. The Scottish Ministers have had regard to the matters set out in Schedule 9 of the Electricity Act in respect of the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna and geological and physiological features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. The Scottish Ministers shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

17. In accordance with section 36(5A) of the Electricity Act, before granting any section 36 consent the Scottish Ministers are also required to:

- obtain SEPA advice on matters relating to the protection of the water environment; and
- have regard to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003.

18. SEPA's advice has been considered as required by section 36(5A) with due regard given to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003. SEPA have no objection to the proposed Development subject to conditions.

19. In its response to the Scottish Ministers, SEPA direct the Company to the Regulations section of the SEPA website for advice on regulatory requirements and good practice advice. In addition, SEPA direct the Company to their guidance on 'Water Run-Off

from Constructions Sites' and to their 'triage framework and standing advice' in relation to all other planning matters.

20. The Scottish Ministers are satisfied that the EIA Report has been produced in accordance with the EIA Regulations. The Scottish Ministers have assessed the environmental impacts of the proposed Development and have taken the Application, EIA Report, representations and consultation responses including those from NatureScot, SEPA, HES and the Planning Authorities into consideration in reaching their decision.

21. The Scottish Ministers consider that there is sufficient information to be satisfied that the Company has had regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna, and geological and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest.

22. Under paragraph 3(3) of Schedule 9 of the Electricity Act, the Scottish Ministers shall avoid, so far as possible, causing injury to fisheries or to stock of fish in any waters. The Scottish Ministers are satisfied that this is the case and more generally that the requirements of paragraph 3 have been met.

23. The Scottish Ministers have had regard to the requirements regarding publicity and consultation laid down in the Consents Regulations and the EIA Regulations and are satisfied the public as well as statutory and other consultees have been afforded the opportunity to consider and make representations on the proposed Development.

Public Inquiry

24. In accordance with paragraph 2(2) of Schedule 8 to the Electricity Act, where the relevant planning authority objects to an application and that objection is not withdrawn, the Scottish Ministers shall cause a public inquiry to be held, unless the Scottish Ministers propose to accede to the application subject to such modifications or conditions as will give effect to the objection of the planning authority.

25. Neither of the Planning Authorities objected, therefore, a public inquiry under paragraph 2(2) is not a statutory requirement. However, Paragraph 3 of Schedule 8 to the Electricity Act provides that where objections or copies of objections have been sent to the Scottish Ministers by other parties, they must consider those objections together with all other material considerations with a view to determining whether a public inquiry should be held. If they think it appropriate to do so, they must cause a public inquiry to be held.

26. The Scottish Ministers have considered the objection raised by Dalmellington Community Council as well as representations in objection made by members of the public. Taking account of those objections, the EIA Report, consultation responses and representations from other parties, the Scottish Ministers are satisfied there is sufficient information to be able to make an informed decision on the Application, and can weigh the conflicting issues, without recourse to hold a public inquiry.

Summary of the Consultation Responses

Statutory consultees

27. **South Ayrshire Council** does not object to the proposed Development, subject to agreement of appropriately worded conditions.

28. **East Ayrshire Council** does not object to the proposed Development subject to agreement of appropriately worded conditions.

29. **NatureScot** does not object. Following an initial response, which set out significant daytime and nighttime effects on Wild Land Qualities 1,3 and 4 of the Merrick WLA, NatureScot acknowledged the change in policy context for wild land in Scotland following the adoption of the Fourth National Planning Framework (NPF4), specifically Policy 4(g) which sets out national planning policy on WLA. As a result, NatureScot advised that the effects of the proposed Development on the qualities of the WLA would not be a significant consideration for Scottish Ministers as the proposed Development is located outside the WLA.

30. NatureScot provided advice on potential impacts and mitigation for protected species, birds and peat, recommending that a Breeding Bird Protection Plan (BBPP) be developed alongside the Company's proposed Construction and Environment Management Plan (CEMP). This should detail the proposed preconstruction surveys for breeding birds encompassing areas of suitable nesting habitat within potential disturbance distance of proposed works.

31. NatureScot notes and agrees with the mitigation suggested in respect of potential impact on bats and advises that turbine blades should be feathered while idling to reduce their rotation speed as this can reduce bat fatalities by up to 50% without the loss of output. NatureScot further advise that a programme of postconstruction monitoring should be implemented to determine the efficiency of the mitigation.

32. NatureScot welcomes the Company's commitment to conduct preconstruction surveys for otters, red squirrel and their dreys, pine marten and their dens and water vole and their burrows.

33. NatureScot advises that, if it cannot be avoided completely, the intention to float the access track over the Class 1 area of blanket bog is an appropriate means of reducing habitat impacts. It advises that full details of its specification and method of construction be provided in the CEMP, to be approved by the planning authorities prior to the development commencing. NatureScot welcomes the Company's intention to produce a Habitat Management Plan (HMP) which aims to improve and restore areas of bog habitat within the development site.

34. The Scottish Ministers have imposed appropriately worded conditions which give effect to the matters raised in the response by NatureScot.

35. **SEPA** does not object. Further to clarification being provided in respect of initial concerns raised in relation to potential disturbance and reuse of excavated peat, and concerns around Private Water Supply (PWS) sources, it requested that some restrictions be imposed in a condition in relation to the micro-siting allowance. SEPA also recommends that T9 is microsited west to prevent impact on Ground Water Dependant Terrestrial Ecosystems.

36. The Scottish Ministers have imposed an appropriately worded micro-siting condition addressing the matters raised by SEPA.

37. **HES** does not object. It agrees with the conclusion of the EIA Report that none of the impacts on historic assets within its remit (nationally important heritage designations), are likely to be significant.

Internal Scottish Government Advisors

38. **Marine Scotland (now known as Marine Directorate – Science Evidence Data and Digital (MD-SEDD))** welcomes the proposed Water Quality and Fish Monitoring Plan (WQFMP).

39. **Transport Scotland** requires conditions to be imposed in relation to abnormal loads and traffic control measures.

40. The Scottish Ministers have imposed appropriately worded conditions which address both the requirements of Transport Scotland and Marine Directorate.

Advisors to Scottish Government

41. **The Scottish Government's peat landslide hazard risk advisor (Ironside Farrar)** initially requested clarification from the Company on some matters. Following provision of the clarifications, Ironside Farrar confirmed it is content with the Company's Peat Landslide Hazard Risk Assessment.

Non-statutory consultees

42. **Defence Infrastructure Organisation** (Ministry of Defence (MOD)) does not object subject to conditions to secure Aviation Lighting and Aviation Charting and Safety Management.

43. **Glasgow Prestwick Airport** (GPA) does not object. Having initially objected based on unacceptable impacts on the Primary Surveillance Radar at the Airport, it has since entered into an agreement with the Company which has resulted in removal of their objection, subject to the imposition of specifically worded conditions to secure an appropriate mitigation scheme.

44. **National Air Traffic Services Safeguarding (NATS Safeguarding)** does not object subject to the imposition of a specifically worded condition. Having initially objected on the basis that the proposed Development would have an adverse impact on the Lowther Hill Radar and the associated air traffic operations of NATS, it later entered into an agreement with the Company for the design and implementation of a mitigation solution which has led to the withdrawal of their initial objection.

The Scottish Ministers have imposed appropriately worded conditions which address the requirements of the MOD, GPA and NATS.

45. **Scotways does not object.** It recorded a right of way, a heritage path and a Scottish Hill track all of which cross or are close to the Application site. It acknowledges the Company's intention to submit a Path Management Plan.

46. **Scottish Water** does not object. It provided several advisory points in response to the Application.

47. **The Coal Authority** does not object but requires a condition to secure a scheme of intrusive site investigations to establish the risk posed to the development from past coal mining activity, and any remediation works found necessary to be implemented on site, to ensure the site is made safe and stable for the proposed Development.

48. **The Scottish Dark Sky Observatory** does not object to the Application subject to the imposition of a condition in relation to approval of a scheme for site lighting during both the construction and operational phases of the proposed Development.

The Scottish Ministers have imposed appropriately worded conditions which address the requirements of the Coal Authority and the Scottish Dark Sky Observatory.

49. **Dalmellington Community Council** objects to the Application for reasons including the effect of the required aviation lighting needed due to the size of the turbines, impact on tourism, dominant turbine impact on the SLA and impact on listed building and monuments.

50. **Patna Community Council** objects to the Application for reasons including the visual impact of the proposed Development and its proximity to residents, including an unacceptable level of noise and the effect of the required aviation lighting on turbines on residents.

51. Having been consulted, the following consultees raised no objection to the Application and provided no further comments that require to be taken into consideration:

- British Telecom
- Crown Estate Scotland
- Nuclear Safety Directorate
- Glasgow Airport
- Edinburgh Airport
- Joint Radio Company
- Crosshill, Straiton & Kirkmichael Community Council

52. **British Horse Society, Civil Aviation Authority, Doon District Salmon Fisheries Board, John Muir Trust, Fisheries Management Scotland, Mountaineering Scotland, RSPB, West of Scotland Archaeology Service, Galloway & Southern Ayrshire Biosphere, Ayrshire Rivers Trust, Scottish Forestry, Scottish Wildlife Trust, Scottish Wild Land Group** and **Visit Scotland** did not respond to the consultation.

53. All consultation responses received have been considered in the determination of the proposed Development.

54. Full details of the consultation responses are available on the Energy Consents website at **www.energyconsents.scot**

Representations

55. A total of 399 public representations were received regarding the proposed Development, 78 in objection and 321 in support. Many representations made in support of the Application were signed on pre-populated template style letters. Full details of the representations received are available on the Energy Consents website at **www.energyconsents.scot**

56. The public representations objecting to the proposed Development cited the following reasons:

- landscape and visual impacts (noting the scale of the turbines likely to dominate the landscape) including the impact of aviation lighting
- damaging effects on nearby settlements, including Straiton, Patna and Waterside
- residential visual amenity impacts
- cultural heritage impacts on the Doon Valley extending into the Straiton conservation area
- risks of peatland damage and pollution events on watercourses
- noise impacts
- ecological impacts including bats
- socio-economic impacts
- adverse impacts on the Merrick WLA
- cumulative impacts (landscape and visual, on the Galloway Tourist Route and B741), with turbines drastically altering the rural aspects of the area; shadow flicker
- impact on Craigengillan estate, the Dark Sky Park and the Galloway and Southern Ayrshire Biosphere
- no need for more wind farms in the area

57. The public representations in support of the proposed Development cited the following reasons:

- the need for renewable energy to tackle climate change
- wind power helping to achieve Scottish Government greenhouse gas reduction targets
- the potential for large scale battery energy storage on site
- economic benefits
- community benefit fund equal to £5,000 per MW per year
- biodiversity benefits including native woodland planting and peatland restoration

58. The effects of the proposed Development, during its construction and operation, on the surrounding landscape and visual amenity, areas of wild land, local economy, location, habitat enhancement, contribution to climate emergency and effects on energy strategy have been assessed in the EIA Report and the Application. The EIA Report and Application identify there are some significant effects and, taking this into account, together with the advice from statutory consultees, the Scottish Ministers consider the effects are acceptable subject to conditions and mitigation measures being implemented.

59. The Scottish Ministers are satisfied that the matters pertaining to representations have been appropriately assessed, in the context of current policy and guidance, and the matters raised have been taken into account in the determination of the proposed Development.

Scotland's fourth National Planning Framework

60. The Application was submitted prior to the adoption of NPF4 on 13 February 2023.

61. In April 2023 the Company provided an updated planning statement with regards to NPF4 which is available to view on Energy Consents website at **www.energyconsents.scot**.

62. Where no further comments were made by parties consulted on the Application, it has been taken that NPF4 has not changed the position provided in consultation responses received.

The Scottish Ministers' Considerations

Main Determining Issues

63. Having considered the Application, the EIA Report, responses from consultees and third parties and Scottish Government policies, the Scottish Ministers consider that the main determining issues in respect of the proposed Development are:

- its landscape and visual impacts including cumulative impacts and the impact of aviation lighting
- its benefits
- the extent to which it accords with Scottish Government policies, the local development plan and other relevant guidance.

Assessment of Determining Issues

Landscape and visual impacts including cumulative impacts and the impact of aviation lighting

64. The site of the proposed Development is located around 1km to the south of the village of Patna and approximately 3km to the north-east of the village of Straiton and is located within both the East Ayrshire Council and South Ayrshire Council planning authority areas. The proposed Development occupies forested moorland to the west of the River Doon and is forested to the west side of Keirs Hill, with open moorland to the east. The Company provided a detailed assessment of the landscape and visual impacts of the proposed Development in the Landscape and Visual Impact Assessment (LVIA) in the EIA Report at Volume 1 - Chapter 5 – Landscape and Visual Assessment.

65. The LVIA (alongside the relevant accompanying figures and technical appendices) sets out the proposed Development's effects on the surrounding landscape characteristics and its visual amenity. Table 3 within the Non-Technical Summary provided by the Company

summarised the significant adverse landscape effects that would arise as a result of the proposed Development as follows:

- Landscape Character – temporary, localised significant effects on the landscape during the construction phase. During operation of the wind farm, significant effects on the landscape character are predicted to extend across the proposed Development area and the immediately surrounding landscape.

- Landscape Designations – significant effects will occur within locally designated landscapes, within a small part of the Doon Valley SLA/LLA and within a very small part of the Water of Girvan Valley LLA.

- Visual Amenity – sixteen representative viewpoints were examined with significant effects predicated at nine of those. Significant effects were predicted for sensitive receptors up to 7 km from the proposed Development.

- Residential Visual Amenity – a Residential Visual Amenity Assessment identified that there was potential that some locations would experience significant visual effect, but it was considered by the Company that the effect would not be to a degree that the properties would be widely regarded as unattractive places to live.

- Landscape and visual effects at night due to aviation lighting – it is considered by the Company that no significant effects on landscape character would result as the introduction of aviation lighting would be in an area where other light sources are often visible.

- Wild Land – Merrick WLA is over 12km from the proposed Development area. During the day, the proposed Development would be seen behind an existing wind farm. The WLA's 'strong perception of naturalness' may be slightly altered at night due to aviation lighting in views to the north. The visibility of existing human development during the day and existing artificial lighting at night results in the effects of the key attributes of the Merrick WLA to be judged as not significant.

66. **South Ayrshire Council,** within whose planning area 4 of the turbines will be located, does not object to the proposed Development, subject to agreement of appropriately worded conditions. South Ayrshire Council provided a detailed response to the consultation and provided views on issues including the potential effects of the proposed Development on landscape character, landscape designations and other valued landscapes, the potential visual impact of the proposed Development, the potential impact on wild land and Dark Sky Effects, effects on tourism and the overall cumulative effects of the proposed Development.

67. South Ayrshire Council noted that whilst the proposed turbines would reach up to 200m in height, its detailed assessment of the potential landscape and visual effects determined that the significant effects would not be so severe as to conclude that the proposed Development was unacceptable. South Ayrshire Council considers that the most significant landscape effects within South Ayrshire would be on the Water of Girvan LLA

where the significant effects were likely to be in closer proximity to the Development and where views were possible around Straiton. South Ayrshire Council noted that these effects would not be severe to the overall LLA as views from the LLA would be screened by topography and vegetation limiting a wholescale adverse effect across the whole designation.

68. The greatest effects were considered to be local to the proposed Development and, in line with NPF4 Policy 11, would not warrant the proposed Development being considered unacceptable when considered against the support given to renewable energy within policies 1 and 11 of NPF4.

69. South Ayrshire Council's landscape consultant raised concern that the proposed Development would introduce new sources of light into certain LLAs during nighttime, which could impact and diminish the experience of wildness for some receptors at dusk/dawn or those receptors that chose to stay in those uplands overnight. South Ayrshire Council notes the willingness of the Company to accept an appropriately worded condition, to include the consideration of emerging technology, to limit when turbines are lit.

70. South Ayrshire Council considers, generally, that impacts on the dark sky and landscape from aviation lighting could be mitigated through conditions which would be agreed in consultation with the Civil Aviation Authority and advised that, in considering the proposed Development alone with all presently constructed wind farms, there are no cumulative significant adverse landscape and visual effects rendering the proposed Development unacceptable.

71. South Ayrshire Council advised that all other landscape and visual effects were not considered significant to the degree that refusal of the Application was warranted.

72. **East Ayrshire Council,** within whose planning area 5 of the turbines will be located, does not object to the proposed Development subject to agreement of appropriately worded conditions.

73. East Ayrshire Council advised that the Application site is located within two Landscape Character Types (LCT), LCT 17b Foothills with Forest west of the Doon Valley and LCT 10 Upland River Valley and provided a response in relation to the potential effects of the proposed Development on both LCTs as part of their consultation response. East Ayrshire Council broadly agreed with the EIA Report that significant effects to landscape character within East Ayrshire would be restricted to part of the LCT 17b and LCT 10 but also considered that key sensitivities to the Doon Valley SLA would also be adversely affected, resulting in significant adverse impacts on that designation.

74. East Ayrshire Council accepts that visual impacts from wind farms generally are unavoidable, with the proposed Development being no exception. Visual impacts will be experienced to varying degrees with the proposed Development. Referencing the zone of theoretical visibility figures provided as part of the EIA Report, East Ayrshire Council advises that the proposed Development has relatively widespread visibility out to 10 km, particularly so out to 5 km. East Ayrshire Council note that visibility becomes more scattered beyond 10 km and is generally more confined to the southerly, westerly and northerly directions.

75. East Ayrshire Council considers that the introduction of visible aviation lighting, required because of the size of the proposed turbines, would extend landscape character

impacts into the hours of darkness. East Ayrshire Council notes the proposed mitigation, which includes the requirement to consult with the Civil Aviation Authority, for visible aviation safety lighting suggested by the Company and recorded within Technical Appendix 5.5 of the EIA Report, and considers that provided the full suite of mitigation options are implemented, the mitigation should be reasonably effective in reducing the impact of aviation lighting.

76. East Ayrshire Council considers that the proposed Development will result in significant landscape and visual impacts in the area, with the most notable impacts in the northern sections of the Doon Valley and associated settlements, primarily out to approximately 2-3 km, but extending to 5 km. Beyond 5 km impacts are noted to vary but decrease in significance. East Ayrshire Council is of the view that many impacts resulting from the proposed development could reasonably be argued to be localised and as such, in accordance with Policy 11 of NPF4, would be considered acceptable.

77. **NatureScot** has advised that the proposed Development would result in significant day and nighttime impacts, including cumulative effects, on the Wild Land Qualities (WLQ) of the Merrick WLA specifically impacting on the sense of remoteness and sanctuary which underpins the WLA.

78. NatureScot advises that the proposed Development would intensify the effects of turbine lighting in views north from the upland areas of the WLA and would also contribute to wider significant effects of turbine lighting to the north-west and north of the WLA which, when combined with the effects of Knockkippen Wind Farm, would result in the irrevocable loss of attributes of naturalness, remoteness and sanctuary which underpins the WLQs.

79. Having provided this view, NatureScot also acknowledges the change in policy context for Wild Land Areas in Scotland since the adoption of NPF4. NatureScot advises that, because of Policy 4(g) of NPF4, the effects of the proposed Development on the qualities of the WLA would not be a significant consideration for Scottish Ministers in determining the application.

80. NatureScot advise of a number of significant landscape and visual effects, including the impact on LCT 10, impact on sensitive receptors in the Doon Valley including residents of individual dwelling and finally the impact on the settlements of Patna, Burnfoot and Waterside, as a result of the proposed Development.

81. Scottish Ministers have considered the EIA Report, the consultation responses and the representations received in respect of the proposed Development and its landscape and visual impacts, including from aviation lighting. Scottish Ministers broadly agree with the conclusions of the EIA Report and consider that the proposed Development will result in:

- likely significant impacts on landscape character, localised and temporary during the construction phase, but continuing for up to 5km from the turbines when operational, extending across the proposed Development area and the immediately surrounding landscape
- significant effects occurring within locally designated landscapes, including within a small part of the Doon Valley Special Landscape Area and within a very small part of the Water of Girvan Valley LLA

- some significant effects on visual amenity and residential visual amenity, visible aviation lighting extending the landscape character impacts into the hours of darkness which will be experienced by a small number of visual receptors visiting locations within the Galloway Dark Sky Park and Merrick WLA at dusk and at night

82. The Scottish Ministers acknowledge that the proposed Development will have some significant landscape and visual effects, including on regional landscape designations.

83. Taking account of the responses in respect of the effects of the aviation lighting, from East Ayrshire and South Ayrshire Council as well as NatureScot, the Scottish Ministers have imposed a condition to secure the proposed mitigation set out in Technical Appendix 5.5 to both reduce and shield the intensity of the aviation lighting. The condition also requires the Company to review its Aviation Lighting Scheme at regular intervals to explore the provision of further mitigation as aviation lighting technology and/or regulatory lighting requirements evolve.

84. Taking into account the above, the Scottish Ministers consider that the landscape and visual effects, cumulative effects and nighttime aviation lighting effects of the proposed Development are acceptable.

The benefits of the proposed Development, including its renewable energy generation and targets, and net economic benefits

Climate Change and Renewable Targets

85. The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority of the Scottish Ministers. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 introduced a target of net zero greenhouse gas emissions by 2045 at the latest.

86. The Scottish Ministers consider that, over its 50-year lifetime, the proposed Development, with an anticipated generating capacity of around 54MW for the wind turbines and 45MW for the battery storage facility, will make a valuable contribution towards meeting greenhouse gas emission and renewable electricity targets. The deployment of this amount of renewable energy, produced in Scotland, is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045.

87. The Company provided a climate impact assessment within its EIA Report at Volume 1, Chapter 14, within which it is acknowledged that, despite mitigations proposed to limit disturbance to peat and bog habitats there will be some impact on on-site peatlands resulting in carbon emissions through the construction of the proposed Development on areas of peatland.

88. The Company estimate that, if built, the proposed Development would pay back its expected carbon debt from manufacturing, construction, habitat disturbance and decommissioning, within 4.4 years (if replacing the grid-mix electricity generation method). Based on the minimum and maximum scenarios, the analysis shows that the payback time for grid-mix generation ranges between 2.6 to 7.8 years respectively.

89. The results of the Company's assessment show that the net overall impact of the proposed Development will be positive. It is estimated that over the expected 46 years that the wind farm is likely to be generating carbon-free electricity, this could result in expected CO_2 emission savings of over 1.7 million tonnes of CO_2 when replacing grid-mix electricity generation.

90. Whilst noting the limitations of any such calculations, the Scottish Ministers are satisfied that the proposed Development would overall provide carbon savings, and that these savings would be of an order that weighs in favour of the proposed Development.

91. It is considered by the Scottish Ministers that the proposed Development will make a valuable contribution to Scotland's renewable energy, electricity, and emissions reductions targets.

Economic Benefits

92. The transition to a low carbon economy is an opportunity for Scotland to take advantage of our natural resources to grow low carbon industries and create jobs.

93. The Company sets out in the EIA Report, Volume 1, Chapter 13 that, in terms of the development and construction impact, the proposed Development has a potential for £9.6 million to benefit the local economy and £30.4 million to benefit the Scottish economy. The Company estimates that 232 jobs would be created, contributing £14.3 million in Gross Value Added (GVA). At a local level, the Company estimates the construction phase could potentially sustain up to 72 jobs contributing £4.4 million in GVA.

94. The Company predicts that over the 50-year operation and maintenance phase of the proposed Development it will generate further economic impacts. The Company estimates the turnover in the UK associated with the proposed Development as £2.8 million. Of that figure, it is estimated that £1.4 million could benefit the local economy with the potential for £1.9 million to be injected into the Scottish economy annually. The Company estimated the level of operational employment at the Scottish level, predicting 15 jobs, contributing £806k GVA per year. Locally, the proposed Development, during the operational and maintenance phase, is expected to sustain 11 jobs, contributing £584k in GVA per year.

95. Whilst the overall net economic benefits are estimations of the effect of the proposed Development, Scottish Ministers are satisfied that the proposed Development has the potential for some positive net economic benefits, both for the local community and Scotland overall.

The extent to which the proposed Development accords Scottish Government policies, the local development plan and other relevant guidance.

Scottish Energy Strategy and Onshore Wind Policy Statement

96. Scottish Energy Strategy ("SES") 2017 sets a 2030 target for the equivalent of 50% of Scotland's heat, transport and electricity consumption to be supplied from renewable sources (the Draft Energy Strategy and Just Transition Plan (2023) maintains this target).

97. The Onshore Wind Policy Statement (OWPS), published in December 2022, reaffirms the vital role for onshore wind in meeting Scotland's energy targets within the context of the Scottish Government's 2045 net zero emissions commitment. The OWPS sets out the Scottish Government's position for the ongoing need for more onshore wind development and capacity in locations across Scotland where it can be accommodated in appropriate locations. OWPS also seeks to maximise the benefits from onshore wind to ensure that Scotland's citizens have access to affordable, low carbon and renewable energy whilst tackling the climate and nature crises in tandem..

98. The Scottish Ministers are satisfied that the proposed Development will provide a contribution to renewable energy targets and carbon savings in support of the ambitions of the SES and OWPS.

Scotland's National Planning Framework

99. NPF4 was adopted by Scottish Ministers on 13 February 2023. NPF4 sets out the spatial principles and by applying these, the national spatial strategy will support the planning and delivery of sustainable places, liveable places, and productive places. The national spatial strategy acknowledges that meeting the climate ambition will require rapid transformation across all sectors of our economy and society. It states that this means ensuring the right development happens in the right place. NPF4 recognises that every decision on future development must contribute to making Scotland a more sustainable place. The need for strategic renewable electricity generation infrastructure, and its status as a national development, is established within NPF4.

100. The energy policy, Policy 11, principles encourage, promote and facilitate all forms of renewable energy development onshore and offshore, including energy generation and storage.

101. Development proposals for all forms of renewable technologies will be supported including wind farms and where they maximise net economic impact. Wind farms will not be supported in National Parks or National Scenic Areas.

102. Policy 11 further sets out the matters that are to be addressed in the design and mitigation of a development which includes impacts (including cumulative) on communities and individual dwellings; significant landscape and visual impacts; historic environment; biodiversity; trees and woodlands; public access; aviation and defence interests; telecommunications and broadcasting; road traffic; water environment; decommissioning of developments and site restoration. The policy requires that in considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets. The policies within NPF4 require to be considered as a whole and balanced on a case-by-case basis when reaching a decision on Application for wind energy development.

103. The Scottish Ministers are satisfied that the matters pertaining to NPF4 have been assessed in the Application, EIA Report and considered in responses from the Planning Authorities, HES, SEPA, NatureScot and other relevant bodies.

104. As stated above, NPF4 supports the planning and delivery of sustainable places, liveable places and productive places, and that the planning system should support

economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits over the longer term. Decisions should be guided by policy principles including, among others, giving due weight to net economic benefit; supporting the delivery of renewable energy infrastructure; reducing greenhouse gas emissions and responding to the nature crisis.

105. The Scottish Ministers acknowledge that the proposed Development would result in some landscape and visual impacts. However, the proposed Development would also bring benefits, particularly in terms of its contribution to renewable energy and climate change targets, as well as socio-economic benefits such as employment and associated business and supply chain opportunities.

106. The Scottish Ministers, in making their determination on the Application, have balanced the above considerations, decided what weight is to be given to each and reached a view as to where the balance of benefit lies. On balance, it is considered that the proposed Development is acceptable and supported overall by NPF4 policies.

Compatibility with the Local Development Plan and Supplementary Guidance

107. South Ayrshire Council and East Ayrshire Council both determined in their consultation responses to the Application that the proposed Development was compliant when considered against the policies set out in their respective Development Plans. South Ayrshire Council and East Ayrshire Council both consider the proposal to be acceptable in terms of their respective Development Plans, national policy and acceptable in terms of all other applicable material considerations, subject to appropriate conditions being put into place.

108. The Scottish Ministers acknowledge both South Ayrshire Council and East Ayrshire Council are of the view that the proposed Development is supported by their respective Local Development Plans and Supplementary Guidance as well as NPF4.

109. As set out previously, the Scottish Ministers have considered the conditions proposed by both South Ayrshire Council and East Ayrshire Council, and have imposed those which give effect to environmental mitigation, including construction methods, and to ensure impacts on the immediate and surrounding environment are minimised

The Scottish Ministers' Conclusions

Reasoned Conclusions on the Environment

110. The Scottish Ministers are satisfied that the Application and the EIA Report have been produced in accordance with the Consents Regulations and EIA Regulations, and that the procedures regarding publicity and consultation laid down in those Regulations have been followed.

111. The Scottish Ministers have fully considered the Application, including the EIA Report, consultation responses, representations, and all other material information and are satisfied that the environmental impacts of the proposed Development have been assessed, and have taken the environmental information into account when reaching their decision.

112. Taking into account the above assessment, the Scottish Ministers consider that there are environmental effects from the proposed Development including mainly localised visual and landscape impacts, including from aviation lighting. Taking into account the environmental information and assessments, and subject to conditions to secure mitigation measures, the Scottish Ministers consider that the environmental effects of the proposed Development are acceptable.

113. The Scottish Ministers are satisfied having regard to current knowledge and methods of assessment, that this reasoned conclusion addresses the likely significant effects of the proposed Development on the environment. Ministers are satisfied that this reasoned conclusion is up to date.

Acceptability of the proposed Development

114. Scotland's renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up this proposed Development. NPF4, the Energy Strategy, and the OWPS make it clear that renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the proposed Development.

115. As set out above, SES and OWPS set out targets for the increase in the supply of renewable energy. The OWPS reaffirms the vital role for onshore wind in meeting Scotland's energy generation and net zero emissions targets. This is also a matter which should be afforded significant weight in favour of the proposed Development.

116. The transition to a low carbon economy is an opportunity for Scotland to take advantage of our natural resources to grow low carbon industries and create jobs. The Scottish Ministers are satisfied that the proposed Development will provide a contribution to renewable energy targets and carbon savings, as well as provide economic benefits, which weigh in its favour.

117. The Scottish Ministers are satisfied that the proposed Development has been appropriately designed and sited to minimise impacts on the environment. The Scottish Ministers are also satisfied that the proposed Development will not have any significant effects on any protected species, National Scenic Areas or National Parks. Although there will be some, mostly localised, landscape and visual effects, the Scottish Ministers consider these are acceptable in the context of the benefits that the proposed Development will bring in terms of net economic benefit and contributing to renewable energy and climate change targets.

118. The Scottish Ministers are satisfied that the proposed Development will provide a contribution to renewable energy targets and carbon savings. The Scottish Ministers are also satisfied that it is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045.

119. Taking all the above into account, the Scottish Ministers are content that the proposed Development is supported by Scottish Government policies and that section 36 consent should be granted.

The Scottish Ministers' Determination

120. Subject to the conditions set out in **Annex 2 - Part 1**, the Scottish Ministers grant consent under section 36 of the Electricity Act 1989 for the construction and operation of the Sclenteuch Wind Farm electricity generating station in the Planning Authority areas of both South Ayrshire Council and East Ayrshire Council as described in the Application and at Annex 1.

121. Subject to the conditions set out in **Annex 2 – Part 2**, the Scottish Ministers direct that **planning permission is deemed to be granted** under section 57(2) of the Town and Country Planning (Scotland) Act 1997 in respect of the development described in the Application and at **Annex 1**.

Section 36 consent and expiry of Planning Permission

122. The consent hereby granted will last for a period of 50 years from the earlier of:

- the date when electricity is first exported to the electricity grid network from all the wind turbines hereby permitted; or
- the date falling 18 months after electricity is generated from the first of the wind turbines hereby permitted.

123. Section 58(1)(a) of the Town and Country Planning (Scotland) Act 1997 requires where planning permission is deemed to be granted, that it must be granted subject to a condition that the permission will expire if it has not begun within a period of 3 years.

124. Section 58(1)(b) of that Act enables the Scottish Ministers to specify that a longer period is allowed before planning permission will lapse. Scottish Government policy is that due to the constraints, scale and complexity of constructing such developments, a 5-year time scale for the commencement of development is appropriate.

125. The Scottish Ministers consider that 3 years is not to apply regarding the planning permission granted above, and that planning permission is to lapse on the expiry of a period of 5 years from the date of this direction, unless the development to which the permission relates is begun before the expiry of that period. A condition has been imposed stating that development must be begun within 5 years beginning with the date on which the permission is deemed to be granted and if development has not begun at the expiration of that period, the planning permission will lapse in terms of section 58(3) of the 1997 Act.

126. In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the Company must publicise this determination and how a copy of this decision letter may be inspected on the Application website, in the Edinburgh Gazette and in a newspaper circulating in the locality in which the land to which the Application relates is situated.

127. Copies of this letter have been sent to the public bodies consulted on the Application including South Ayrshire Council, East Ayrshire Council, NatureScot, SEPA and HES. This letter has also been published on the Scottish Government Energy Consents website at **www.energyconsents.scot**

128. The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent. The rules relating to the judicial review process can be found on the website of the Scottish Court:

chapter-58-judicial-review.pdf (scotcourts.gov.uk)

129. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely

PP Nikki Anderson

Alan Brogan
A member of the staff of the Scottish Government

Annex 1 Description of the Development
Annex 2 (Part 1) Section 36 conditions; and
(Part 2) Deemed Planning Permission conditions
Annex 3 Site Layout

Description of the Development

The Development comprises a wind-powered electricity generating station known as Sclenteuch Wind Farm, located on land across both East Ayrshire and South Ayrshire Council planning areas, located on the upper slopes of the Doon Valley to the west of the A713, all as specified in the Application and accompanying EIA Report dated July 2022.

The installed generating capacity of the Development will be over 50 megawatts.

The principal components of the Development comprise:

- 9 three-bladed horizontal axis wind turbines, 5 with a maximum tip height not exceeding 200 metres (namely, wind turbines T1 – T4 & T8) and 4 with a maximum tip height of 180 metres (namely, wind turbines T5 – T7 & T9)
- battery energy storage system ("BESS") compound
- At each wind turbine, associate low to medium voltage transformers and related switchgear
- Wind turbine foundations
- Hardstand areas for erection cranes at each wind turbine location
- A network of access tracks including passing bays and a site entrance from the A713 public road
- A substation compound including communications mast
- A network of buried electrical cables
- Borrow pits (dependent on availability of stone on-site)
- felling and replanting of forestry
- temporary construction compounds, working areas and laydown areas
- improved and new walking trails (Keir Glen Trail), footbridges and pass through gates for pedestrian access

All as more particularly shown on Figure 1.3 'Proposed Development' attached at Annex 3

Annex 2

Part 1

Section 36 Conditions

1. Notification of Date of First Commissioning and Final Commissioning

(1) Written confirmation of the Date of First Commissioning shall be provided to the Planning Authorities 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 Authorities and Scottish Ministers no later than one calendar month after that date.

Reason: *To allow the Planning Authorities and Scottish Ministers to calculate the date of expiry of the consent.*

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 approve in writing.

(2) Written confirmation of the intended date of Commencement of Development shall be provided to the Scottish Ministers and the Planning Authorities 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 Authorities and Scottish Ministers to monitor compliance with obligations attached to this consent and deemed planning permission as appropriate.*

3. Assignation

(1) This consent shall not be assigned, alienated or transferred without the prior written authorisation of the Scottish Ministers.

(2) In the event that the assignation is authorised, the Company shall notify the Planning Authorities and Scottish Ministers in writing of the principal named contact at the assignee and contact details within fourteen days of the consent being assigned.

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

4. Serious Incident Reporting

(1) In the event of any serious 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.*

5. Aviation Radar Mitigation - GPA

(1) No blade shall be fitted to any Relevant Turbine until the Scottish Ministers are satisfied that the Company has agreed a Windfarm Mitigation Scheme with the Airport Operator in order to mitigate the impact of the development on the Airport Operator's Windfarm Radar Mitigation System (WFRMS).

(2) The Relevant Turbines shall be constructed, commissioned and operated fully in accordance with the approved Windfarm Mitigation Scheme.

For the purpose of this condition:

"Airport Operator" means Glasgow Prestwick Airport or any successor as holder of a license under Article 205 of the Air Navigation Order 2016 from the Civil Aviation Authority to operate air traffic service equipment at Glasgow Prestwick Airport.

"Relevant Turbine" means any turbine(s) identified as having an impact on the Airport Operator's Windfarm Radar Mitigation System (WFRMS).

"Windfarm Mitigation Scheme" means such services and resources including equipment, software, procedural or technological additions to the Windfarm Radar Mitigation System (WFRMS) and technical and professional services, as the Airport Operator identifies as necessary and sufficient to prevent the operation of the Relevant Turbines impacting adversely on the Windfarm Radar Mitigation System (WFRMS).

"Windfarm Radar Mitigation System" means the Airport's air traffic control surveillance solution (as adapted and configured by the Airport Operator as required.

Reason*: In the interests of Aviation Safety.*

6. Aviation Radar – NATS

(1) 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 and the associated air traffic management operations.

(2) 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.

For the purpose of this condition:

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants P015 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the Development on the Lowther Hill primary radar and the air traffic management operations of the Operator.

Reason: *In the interests of Aviation Safety*

Part 2

Deemed Planning Conditions

7. Commencement of Development

(1) The Development must be commenced no later than 5 years from the date of this consent.

(2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authorities 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*.

8. Design of Wind Turbines

(1) There shall be no Commencement of Development until full details and specification of the proposed wind turbines have been submitted to and approved in writing by the Planning Authorities. These details shall include:

i. The make and model, design, power rating and sound power levels, dimensions and nameplate generating capacity, and full details of the design, appearance, dimensions and finish of all turbines associated apparatus (switchgear and transformers at each turbine); and

ii. The external colour and finish of the turbines to be installed (including towers, nacelles and blades which, for the avoidance of doubt, shall be non-reflective, pale grey semi-matte) and of any external associated turbine apparatus (switchgear and transformers).

(2) For the avoidance of doubt the scale of the turbines shall not exceed the parameters assessed in the EIA Report and set out in the description of the Development at Annex 1.

(3) The submission under part (1) shall evidence that all wind turbine blades shall rotate in the same direction and when operational all blades shall rotate in the same direction.

(4) Thereafter the wind turbines, any mast and all associated apparatus shall be constructed and operated in accordance with the details approved under part (1) and with reference to part (1)(ii), shall be maintained in the approved colour, free from external rust, staining or discolouration, until such time as the Development is decommissioned.

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 in the interests of the visual amenity of the area.*

9. Design of Substation and Ancillary Development

(1) There shall be no Commencement of Development on the substation until final details of the location, layout, external appearance, dimensions and surface materials of the substation and control room buildings, any above ground electrical equipment, telecoms, mast associated compounds, construction compound, boundary fencing, external lighting (for the avoidance of doubt any such lighting shall be motion-activated in nature) and parking areas have been submitted to, and approved in writing, by the relevant Planning Authorities. For the avoidance of doubt the details of the substation shall not exceed the parameters assessed in the EIA Report, unless otherwise agreed in writing by the relevant Planning Authority

(2) Thereafter, the substation and control room buildings, any above ground electrical equipment, associated compounds, fencing, external lighting and parking areas and construction compound shall be constructed in accordance with the details approved under part (1).

Reason: *To ensure that the environmental impacts of the substation 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.*

10. Design of Battery Energy Storage Facility

(1) There shall be no Commencement of Development until full details and specifications of the battery energy storage system has been submitted to and approved in writing by the relevant Planning Authority. These details shall include but shall not necessarily be limited to:-

i. the layout, design and external finishes (including finish materials and colour) and appearance, dimensions and surface materials of the energy storage system, inclusive of battery containers, substation(s), control buildings, external above ground electrical equipment, associated compounds, boundary fencing and other enclosures, external lighting (for the avoidance of doubt any such lighting shall be motion-activated in nature), security cameras and parking areas. For the avoidance of doubt the details of the battery energy storage system facility shall not exceed the parameters assessed in the EIA Report and for the avoidance of doubt battery units shall not be stacked on top of one another;

ii. the specific make, model, capacity and sound output levels of the battery storage units;

iii. cross sections and levels across the battery energy storage system facility location to accurately show this facility and levels in respect of this element of the Development; and

iv. full details including dimensions and specification of the measures to manage and deal with firewater runoff.

(2) Thereafter, the battery energy storage system facility shall be constructed in accordance with the details approved under part (1), unless otherwise agreed in writing by the relevant Planning Authority, and the infrastructure shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the Development is decommissioned.

Reason: *To ensure that the environmental impacts of the energy storage facility 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.*

11. Signage

(1) No part of the Development (including any wind turbines, battery units or any above ground infrastructure) shall display any text, logo, numbering, sign or advertisement (other than health and safety signage as required by law under other legislation) or be illuminated (with the exception of aviation safety lighting approved under Condition 43).

Reason: *In the interests of health and safety on site and the visual amenity of the area.*

12. Micro-siting

(1) All infrastructure forming part of the Development shall be constructed in the location shown on plan reference Figure 1.3 Proposed Development of the EIA Report and at the grid references for the turbines set out in Volume 1, Chapter 2 of the EIA Report. The locations of wind turbines, buildings, battery energy storage system facility, areas of hardstanding and tracks may be adjusted by micrositing within the redline site boundary shown on plan reference Figure 1.3 Proposed Development of the EIA Report. Any such micrositing is subject to the following restrictions unless otherwise approved in advance in writing by the Planning Authorities, in consultation with SEPA:

i. No wind turbine or other infrastructure shall be moved more than 100 metres from the position shown on plan reference Figure 1.3 Proposed Development of the EIA Report and at the grid references set out in Volume 1, Chapter 2 of the EIA Report;

ii. No wind turbine shall be microsited:

a. higher, when measured in metres Above Ordnance Datum (Newlyn);
b. further eastwards;

than the consented location on plan reference Figure 1.3 Proposed Development of the EIA Report and at the grid references set out in Volume 1, Chapter 2 of the EIA Report;

iii. no micro-siting shall take place with the result that infrastructure (excluding floating tracks or hardstanding) has a greater overall impact on peat than presented in the EIA Report;

iv. No infrastructure other than as required for a water crossing shall be microsited to within 50 metres of a watercourse;

v. No micrositing shall take place within areas hosting Groundwater Dependant Terrestrial Ecosystems (GWDTEs);

vi. No micrositing shall take place within buffers for Private Water Supplies (buffers to be agreed in consultation with SEPA);

(2) All proposed micrositing permissible under this condition must be submitted to, and have received the written approval of the Environmental Clerk of Works ("EnvCoW") appointed under Condition 15 of this consent, and where applicable the relevant Planning Authority, in advance of any works or development associated with the micrositing request being implemented.

(3) No later than one month after the Date of First Commissioning, an update of Figure 1.3 Proposed Development showing the final position of all infrastructure forming part of the Development shall be submitted to the Planning Authorities. The updated figure shall also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the EnvCoW or Planning Authorities' approval, as applicable.

Reason: *to control environmental impacts while taking account of local ground conditions.*

13. Schedule of Mitigation

(1) There shall be no Commencement of Development until a Schedule of Mitigation has been submitted to and approved in writing by the Planning Authorities. This Schedule shall encompass a list of all mitigation measures from the EIA Report (save as otherwise supplemented or amended through the requirements of the conditions attached to this consent), any other commitments made by the Company and all relevant mitigation secured by conditions attached to this consent with defined timescales for implementation of each mitigation measure.

(2) Thereafter, the approved Schedule of Mitigation shall be implemented in full unless otherwise approved in writing by the Planning Authorities.

Reason: *to ensure that the identified mitigation through the EIA Report and conditions attached to the consent is carried out in accordance with the approved details.*

14. Planning Monitoring Officer

(1) Prior to the Commencement of Development the Planning Authority shall confirm in writing to the Company of its appointment of an independent, suitably

qualified consultant to assist the Planning Authority in monitoring compliance with the terms of the deemed planning permission and conditions attached to this consent (the "Planning Monitoring Officer"). The costs associated with the provision of the Planning Monitoring Officer shall be borne by the Company. The Planning Monitoring Officer terms of appointment shall:

i. Impose a duty to assess information submitted by the Company in relation to the approval of the planning conditions attached to this consent;

ii. Impose a duty to monitor compliance with the terms of the deemed planning permission and conditions attached to the consent;

iii. Require the Planning Monitoring Officer to submit a monthly report to the Planning Authority summarising the works undertaken on site, and any incidences of non-compliance within the reporting period, and

iv. Require the Planning Monitoring Officer to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to the consent at the earliest practical opportunity, and no later than 7 working days following the incidence of non-compliance.

(2) The Planning Monitoring Officer shall be appointed on the above terms during the period when the conditions attached to this consent are being satisfied and throughout the duration of the construction period to the completion of all post-construction restoration and reinstatement works.

(3) Prior to decommissioning of the Development or the expiration of the operational period of the consent (whichever is the earlier), the Planning Authority shall appoint an independent, suitably qualified consultant (the "Planning Monitoring Officer") for the decommissioning, restoration and aftercare phases of the Development and shall confirm the identity and terms of appointment of the Planning Monitoring Officer in writing to the Company. The costs associated with the provision of the Planning Monitoring Officer shall be borne by the Company.

(4) The Planning Monitoring Officer shall be appointed on the terms from the commencement of, and until the completion of, the decommissioning, restoration and aftercare phases of the Development.

Reason: *To enable the Development to be suitably monitored to ensure compliance with the deemed planning permission and conditions attached to this consent.*

15. Environmental Clerk of Works

(1) There shall be no Commencement of Development unless and until the terms of appointment of a full time, suitably qualified and experienced independent Environmental Clerk of Works ("EnvCoW") (independent of the Company, the construction project management company, and any contractor or sub-

contractor) by the Company have been submitted to, and approved in writing by, the Planning Authorities. The terms of appointment shall:

i. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Schedule of Mitigation approved under Condition 13, any micrositing under Condition 12, the Construction Environmental Management Plan approved under Condition 17, the Biodiversity and Habitat Management and Monitoring Plan approved under Condition 29, any Species Protection Plans approved under Condition 31, any Bird Protection Plan approved under Condition 32, the Water Quality and Fish Monitoring Plan approved under Condition 30 the Bat Protection Plan approved under Condition 33, the Peat and Carbon Rich Soils Management Plan approved under Condition 36, and any other plans, method statements and management strategies approved in terms of Conditions 16, 17 and 19; require the EnvCoW to direct and advise of any micrositing and placement of the development infrastructure in accordance with Condition 12, and require the EnvCoW to advise the Company on adequate protection of nature conservation interests on the site ("the EnvCoW works");

ii. Require the EnvCoW to report to the Planning Authorities and the Company's nominated construction project manager any incidences of non-compliance with the EnvCoW works at the earliest practical opportunity and no later than 5 working days following the incidence of non-compliance; and

iii. Require the EnvCoW to submit a monthly report to the Planning Authorities summarising the works undertaken on site.

iv. Require the EnvCoW to provide a toolbox talk to personnel regarding good practice on site.

(2) The EnvCoW shall be appointed on the terms approved under part (1) throughout the period from pre-construction works, Commencement of Development through to the completion of construction works and post-construction site reinstatement works.

(3) Prior to the decommissioning, restoration and aftercare phases of the Development or the expiration of the operational period of the consent (whichever is the earlier), details of the terms of appointment of a full time, suitable qualified and experienced independent EnvCoW (independent of the Company, the construction project management company and any contractor or sub-contractor) by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted to, and must have received the written approval of, the Planning Authorities.

(4) The EnvCoW shall thereafter be appointed on the terms approved under part (3) 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, post-construction restoration, decommissioning, restoration and aftercare phases.*

16. Site Investigation and Ground Investigation

(1) There shall be no Commencement of Development, including any intrusive site and ground investigations, unless and until a Site Investigation and Ground Investigation Scheme ("the SIGI Scheme") has been submitted to, and approved in writing by, the Planning Authorities, in consultation with the Ayrshire Rivers Trust and River Doon District Salmon Fishery Board. The SIGI scheme shall detail all preliminary site investigation and ground investigation works, in compliance with BS 5930:2015 (or such other version as may be in force at the time), proposed to inform the Construction Environmental Management Plan (CEMP) under condition 17. The SIGI scheme shall provide:

i. The phasing of the investigation works;

ii. Full details of all intrusive site investigation and ground investigation works proposed, including details and a plan of any proposed tree felling to facilitate investigation works;

iii. Scope of peat probing to be carried out, and

iv. Detailed method statements for carrying out all the investigation works including access plans and any general mitigation measures required to protect the environment, including water crossings and private water supply protection.

(2) The site investigation and ground investigation works shall be carried out in full accordance with the SIGI Scheme approved under part (1) unless otherwise agreed in writing by the Planning Authorities.

Reason: *To ensure appropriate investigative works are carried out without undermining the baseline environmental conditions of the site*

17. Construction and Environmental Management Plan

(1) There shall be no Commencement of Development (save for site and ground investigations) unless and until a Construction Environmental Management Plan ("CEMP") containing site specific details of onsite construction works, post-construction reinstatement works, site specific drainage and site specific mitigation measures, together with details of their timetabling, has been submitted to, and approved in writing by, the Planning Authorities in consultation with the Ayrshire Rivers Trust and River Doon District Salmon Fishery Board. The CEMP shall be informed by the site and ground investigation works undertaken under condition 16, and best practice guidance. The CEMP shall include (but shall not necessarily be limited to):

i. A phasing plan for the construction works;

ii. A Site Waste Management Plan ("SWMP") (dealing with all aspects of waste produced during the construction period other than peat), that includes the management of any tree waste (including brash), detailing the proposals for the reuse and removal from site of materials arising from the works, and including details of contingency planning in the event of accidental release of materials which could cause harm to the environment, evidencing all proposals comply with SEPA's guidance and the requirements of the waste management licensing regime as appropriate;

iii. Details of the formation of the temporary construction compound, including layout, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, storage of materials during construction including fuels and chemicals, lighting columns (for the avoidance of doubt all lighting shall be motion-activated in nature and shall accord with East Ayrshire Council's Dark Sky Park Lighting Supplementary Guidance and South Ayrshire Council's Dark Sky Lighting Supplementary Guidance, with details agreed in consultation with the Scottish Dark Sky Observatory), and any construction compound boundary fencing required for the construction period;

iv. A Dust Management Plan ("DMP") detailing all mitigation/dust suppression measures intended to reduce the impacts of dust on site, including measures to reduce dust on roads;

v. Site specific details for the management and operation of any concrete batching plant (including disposal of pH-rich wastewater and substances);

vi. A Pollution Prevention and Incident Plan ("PPIP") incorporating a Pollution Prevention Plan, Pollution Incident Plan and a Pollution Control Monitoring Plan, this shall include measures to protect watercourses, groundwater, management of natural surface hydrological flows (flushes, springs, etc.) and protection of peatland/soils, arrangements for the storage and management of oil and fuel and other chemicals on the site and sewage disposal and treatment;

vii. Soil storage and management details including outline quantities, locations and management of long term storage of construction generated top soils required to facilitate future site restoration;

viii. Details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning facilities and lorry sheeting and measures to clean the site entrances and the adjacent public road;

ix. A Site Drainage Management Strategy which provides details of how all surface and waste water arising during and after construction will be

managed to avoid impacts on the water environment and mitigate flood risk;

x. Full details and plans of the design and specification of all new and upgraded watercourse crossings to be constructed, ensuring continuous flow and fish passage with no hanging culverts, noting all crossings shall be oversized bottomless arched culverts or traditional style bridges, ensuring no new crossing hinders the flow of water any further than the existing crossing;

xi. A qualitative hydrological assessment of all Groundwater Dependent Terrestrial Ecosystems (GWDTEs) and groundwater flows at potential risk from the development, including measures to reduce and mitigate impacts from all construction elements capable of impacting on groundwater flows and hydrological connectivity, and requirement to identify, mark out and avoid any areas of springs or flushes;

xii. A Construction Noise Management Plan including details of the management of noise and vibration during construction and post-construction restoration, including that caused by construction traffic, to the lowest practicable levels and in accordance with BS 5228:2009 “Code of Practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration” (or any updated version/document which superseded this document) and how any properties likely to be affected by construction noise will be kept informed;

xiii. Details of any temporary site illumination and measures to ensure light spill/pollution is minimised and avoids habitats within the site and does not extend beyond the immediate working area, and not beyond the site boundary;

xiv. Post-construction restoration / reinstatement of the working areas, including removal and restoration of hardstanding and laydown areas, crane support pads, blade fingers, construction access tracks, construction compounds, storage areas, and any temporary ancillary construction areas not required during the operation of the Development. Primary reinstatement is to be achieved by the careful use, where appropriate, of turves previously removed prior to construction works. Where ground conditions do not allow for successful turf removal, the Construction Method Statement must evidence this from site/ground investigations and provide additional details including all seed mixes and seeding methodologies to be used for the reinstatement of vegetation, including timetabling of restoration works;

xv. Details of the construction of the site access, including associated drainage and the formation and maintenance of associated visibility splays;

xvi. Site-specific Construction Method Statements (“CMS”) for all construction and post-construction elements forming the Development (including but

not limited to crane pads, turbine foundations, BESS supports and other hardstands, and laying of cables);

xvii. Construction Method Statements for all roads/tracks to be altered/formed within the development site including their full specification, width, likelihood of widening or passing places, means of drainage (which shall have regard to SUDS principles), and edge reinstatement including verge width. The specification shall be accompanied by relevant plans at a scale sufficient to identify the locations of:

a. cut roads, other excavated roads and all floating tracks (floated tracks being required on peat greater than 1m in depth, and any designated Class 1 peatland regardless of its depth, any areas of GWDTE and over any areas within the boundary of the Wallace Moor/Keirs Hill Local Nature Conservation Site) and their construction, details of the source of aggregates and track materials which require to be robust enough not to increase silt loading in adjacent watercourses and should not degrade under their proposed use; and

b. the cable trenches.

xviii. A written scheme which details the methodology for dealing with any revisions to any of the documents required under this condition. Any revised documents will require to be provided to and approved in writing by the Planning Authorities prior to the revisions being implemented on site.

(2) The CEMP (including any constituent Construction Method Statements) approved under this condition shall be implemented in full and the Development carried out in accordance with the approved CEMP unless otherwise agreed in advance in writing by the Planning Authorities.

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.*

18. Coal Mining Risk

(1) There shall be no Commencement of Development until a scheme of intrusive investigations for mining risk has been undertaken by the Company to establish the risk posed to the Development by past coal mining activity across the site. There shall be no Commencement of Development until any remediation works and/or mitigation measures identified as necessary through the intrusive investigations carried out have been implemented on site, in full, and all intrusive investigations and any remediation works and/or mitigation measures shall be carried out in accordance with relevant authoritative UK guidance.

(2) Prior to the Date of First Commissioning a signed statement or declaration prepared by a suitably qualified and competent person, confirming the site is, or has been made, safe and stable for the Development shall be submitted to the Planning Authorities for their written approval. The statement or declaration submission shall also include full details of the methods of intrusive investigation works carried out, alongside their findings and the details of the remediation works and/or mitigation measures undertaken to address the risks posed by past coal mining activity.

Reason: *To ensure any risks associated with past mining activity on site are fully investigation and remediated as necessary in the interests of safety.*

19. Borrow Pits – Scheme of Works

(1) There shall be no Commencement of Development until a site-specific scheme ("Borrow Pit Scheme") for the working and outline restoration of the borrow pits forming part of the Development has been submitted to, and approved in writing by, the Planning Authorities in consultation with SEPA. The scheme shall include (but shall not necessarily be limited to):

i. a detailed working method statement based on site survey information and ground investigations;

ii. details of the handling of any overburden (including peat and other carbon-rich soils, soil and rock);

iii. drainage and water management, including measures to protect and manage surrounding areas of peatland, water dependant sensitive habitats and ground water dependent terrestrial ecosystems from drying out;

iv. a programme of implementation of the works described in the scheme; and

v. Outline details of the reinstatement, restoration and aftercare of the borrow pits.

(2) The Borrow Pit Scheme approved under part (1) shall thereafter be implemented in full.

(3) No works associated with the reinstatement and restoration of the borrow pits shall be undertaken until a detailed borrow pit restoration scheme (taking account of the outline restoration scheme under part (1)) providing full details, including timetable, of the reinstatement, restoration and aftercare of the borrow pits, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken on the restored borrow pit profiles, has been submitted to and approved in writing by the relevant Planning Authority. For the avoidance of doubt, the borrow pit restoration scheme requires to be submitted to the relevant Planning Authority for consideration within six months of the end of the construction period.

(4) The detailed borrow pit restoration scheme approved under part (3) shall be implemented in full within six months of the date of approval of that scheme.

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

20. Borrow Pits – Blasting

(1) No blasting shall take place until a scheme to address site blasting has been submitted to and has received the written approval of the Planning Authorities. The scheme shall detail (but shall not necessarily be limited to) the following elements:

i. Blasting monitoring locations;

ii. Type of monitoring equipment to be used;

iii. Frequency of monitoring;

iv. The methods employed to minimise the effects of over pressure arising from the blasting, having regard to blast design, methods of initiation and the weather conditions prevailing at the time;

v. Limits on air overpressure at specified properties; and

vi. Submission of blasting records to the Planning Authorities.

(2) The scheme approved under part (1), above, shall be implemented in full unless otherwise agreed in writing by the Planning Authorities.

(3) No blasting shall take place except between 10am – 12pm and 2pm – 4pm on Mondays to Fridays inclusive and 10am – 12pm on Saturdays. No blasting shall take place on Sundays or on local and national public holidays.

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

21. Construction Hours

(1) Construction work shall only take place between the hours of 07:00 and 19:00 on Mondays to Fridays inclusive and 07:00 to 12:00 on Saturdays, with no construction work taking place on a Sunday or on a Public Holiday. Outwith these specified hours works on site shall be limited to maintenance works, emergency works, concrete pours where these commenced prior to the expiry of the working hours period, wind turbine erection, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authorities.

(2) HGV movements (excluding abnormal loads) to or from the site during construction of the Development shall only take place between the hours of 07:00 and 19:00 on any Monday to Friday (inclusive), and 07:00 to 12:00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or on a Public Holiday, unless otherwise approved in advance in writing by the Planning Authorities.

(3) Abnormal load movements shall be in accordance with the timing of deliveries approved under Condition 26.

(4) All construction plant and machinery shall be operated in accordance with British Standard BS 5228:2009 "Code of Practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration" or any replacement standard in force at the time of construction works.

Reason: *In the interests of local amenity.*

22. Construction Traffic Management Plan (CTMP)

(1) There shall be no Commencement of Development until a Construction Traffic Management Plan ("CTMP") has been submitted to and approved in writing by the Planning Authorities, in consultation with the Ayrshire Roads Alliance (ARA) and Transport Scotland. The Construction Traffic Management Plan shall include but shall not necessarily be limited to:

i. The routing of all traffic associated with the Development on the local road network, including Trunk Roads, and including any required embargos on routes specified through discussion with the Ayrshire Roads Alliance;

ii. Measures to ensure that the specified routes are adhered to, including monitoring procedures for this;

iii. Details of adequate parking provision within the site for personnel, construction vehicles, and deliveries;

iv. Mitigation and traffic management measures to ensure traffic associated with the Development is managed to reduce the impacts on public roads, including any restrictions at the times of school pupil pickup and drop off on any affected settlements on the delivery route and how this will be monitored and enforced;

v. Details of all signage and lining arrangements to be put in place, including any temporary traffic control measures;

vi. Provisions for emergency vehicle access;

vii. Breakdown recovery for traffic associated with the Development;

viii. Road maintenance including winter maintenance provision and mud/dust suppression measures;

ix. Details of measures to be taken to prevent loose or deleterious materials being deposited on the local road network including wheel cleaning facilities (design and siting shall be detailed) and confirmation that all vehicles transporting construction material to and from the site shall be sheeted, and measures to clean the site entrance and the adjacent local road network as required;

x. Any weight restrictions on the delivery route shall be detailed and complied with during the usage of the routes;

xi. Detailed programme of works and accurate anticipated vehicle movements for each construction process and bulk delivery type, also including anticipated staff vehicle movements;

xii. Confirmation of the source of construction materials (i.e. concrete, sands/gravels, aggregates) and accurate imported volumes, including their delivery route to site, accounting for any restrictions or embargos on construction traffic to/from the site;

xiii. Details of specific load configurations for abnormal loads;

xiv. The requirement to notify the Ayrshire Roads Alliance of all deliveries to the site which qualify as abnormal loads;

xv. Provision for open communication with all active wind farm development consents within the study area and with other high traffic volume users to co-ordinate, manage, and mitigate and minimise cumulative impacts and to ensure accurate details of traffic volumes on the local road network are detailed and inform the mitigation measures detailed within the CTMP, and

xvi. Details of a nominated traffic management coordinator who the Company shall identify to provide a point of contact for all construction traffic matters and whom complaints or road safety issues may be referred to, and who will deal with complaints and liaise with the local community, including out of hours contact details.

(2) The CTMP approved under part (1) shall be implemented in full and adhered to during all periods of construction traffic movements unless otherwise agreed in writing in advance by the Planning Authorities, in consultation with the Ayrshire Roads Alliance and Transport Scotland. The Company shall provide a copy of the approved CTMP (including any revised version thereafter) to Transport Scotland within 14 days of its approval.

Reason: *In the interests of road safety and to minimise impacts on and maintain the safe and free flow of traffic on the trunk road and public road network.*

23. Structural Assessment

(1) There shall be no Commencement of Development until an Inspection and Structural Assessment, in accordance with the Design Manual for Roads and Bridges and the requirements of the Ayrshire Roads Alliance, has been undertaken by the Company, and approved in writing by the Planning Authorities for all known structures, pipes, culverts and other drainage structures on the transport route to site for use by construction traffic associated with the Development, to confirm their ability to carry abnormal loads, normal traffic loading and HB and SV traffic associated with the Development and to determine all necessary repairs. All expenses incurred in undertaking the Inspection and Structural Assessment shall be borne by the Company.

(2) The Inspection and Structural Assessment shall include the full Technical Approval Process, the assessment, the assessment check appropriate to the category of structure, the assessment certificate, the assessment check certificate appropriate to the category of the structure and the preparation of the assessment report. If there is no, or insufficient, information available within the relevant Planning Authority's bridge records then the Company shall be responsible for any further investigative work, including site surveys and testing, to enable completion of the assessment, with any costs incurred borne by the Company. The Ayrshire Roads Alliance shall be the Technical Approval Authority, acting through and on behalf of the Planning Authorities. The final Inspection and Structural Assessment report shall include as a minimum the following:

i. Executive Summary
ii. Introduction
iii. Description of Structure
iv. Principal Inspection
v. Assessment of Calculations
vi. Conclusions and Recommendations

(3) All costs associated with the assessment of the delivery route, including the Ayrshire Roads Alliance's costs acting as Technical Approval Authority, shall be borne by the Company.

Reason: *To determine the ability of structures on the construction traffic delivery route to carry such traffic, in the interests of public safety.*

24. Structure Mitigation

(1) If a bridge or structure has been assessed by the Inspection and Structural Assessment report under Condition 23, above, as incapable of carrying any proposed load then, prior to any loads crossing the bridge/structure, the Company shall submit for the written approval of the relevant Planning Authority in consultation with the Ayrshire Roads Alliance, full details of all mitigation measures required. These measures may include:

i. Temporary bridging;
ii. Strengthening; and
iii. Replacement.

All remedial measures will be carried out in accordance with the Design Manual for Roads and Bridges and the Specification for Highway Works. This will 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 costs incurred in undertaking these measures, including Ayrshire Roads Alliance's costs for acting as the Technical Approval Authority, shall be borne by the Company.

(2) Prior to any movement of construction traffic loads, the Company must have completed any mitigation works set out and approved under part (1), above, which shall thereafter be maintained during the entire period of construction deliveries.

Reason: *To ensure that adequate mitigation is provided for structures that are incapable of accommodating traffic loads, in the interests of public road safety.*

25. Road Condition Monitoring

(1) Prior to the Commencement of Development, the Company shall undertake a condition survey (photographic and video surveys) of the affected public routes (except Trunk Routes), used for construction traffic associated with the Development (including abnormal loads) jointly with representatives of the Planning Authorities or their nominated Advisor and a written and photographic record of the survey findings shall be submitted to the Planning Authorities by the Company within 28 days of the survey taking place.

(2) Condition surveys shall be repeated at intervals agreed between the Company and the Planning Authorities or their nominated Advisor for the duration of the construction period and a record (including photographs and videos) of the survey findings and recommendations for any remedial works shall be submitted to the Planning Authorities within 28 days of each survey having occurred.

(3) Should any condition survey find that the public road or any structures along it have deteriorated as a result of the Development construction traffic and requires remedial action the Company shall agree the scope of works required with the relevant Planning Authority, in consultation with the Ayrshire Roads Alliance, and shall thereafter undertake such remedial works within a timetable agreed with the relevant Planning Authority, in consultation with the Ayrshire Roads Alliance.

Reason: *To ensure that an accurate record of the public road is available and to ensure that damage to the road is recorded and reflected in an appropriate timescale, in the interests of road safety.*

26. Abnormal Load Deliveries

(1) There shall be no movement of any abnormal loads unless and until the transportation route, timings and delivery methodology has been submitted to and approved in writing by the Planning Authorities, in consultation with the Ayrshire Roads Alliance (ARA) and Transport Scotland. The methodology shall include but shall not necessarily be limited to:

i. Details of the route for abnormal loads to Site, including swept-path analysis of the abnormal load transportation route on the public roads, including Trunk Roads, accommodating the largest size of vehicle expected to be used during the transportation of components to the site;

ii. All temporary works and accommodation measures including relocation of signs, guardrails, bollards, street furniture and any other temporary measures necessary to facilitate the movement of abnormal loads, including evidence of any agreements with landowners over the acquisition and maintenance of all land adjacent to the public road to allow for the passage of abnormal loads where the swept path cannot be contained within the existing road widths;

iii. The duration, frequency and temporary measures required at each of the affected locations;

iv. Details of the reinstatement of areas of temporary measures;

v. Details of a communications strategy to inform relevant communities on the abnormal load route of the programme of abnormal load deliveries, and

vi. A plan for access by vehicles carrying abnormal loads including, but not limited to, the number and timing of deliveries and the length, width and axle configuration of all such traffic associated with the Development.

(2) All works associated with abnormal loads shall be undertaken in accordance with the details approved under part (1) of this condition, unless otherwise agreed in advance in writing by the Planning Authorities, prior to the movement of any abnormal loads, including trial runs, and shall be maintained in an effective condition for the duration of all abnormal load movements.

(3) With regards to any works approved under part (1) on the Trunk Road network, these shall be carried out by a recognised QA traffic management consultant, to be approved by Transport Scotland.

(4) No abnormal loads movements shall take place until details (including date and time) of a trial run have been submitted to and approved in writing by the Planning Authorities in consultation with Ayrshire Roads Alliance, Transport Scotland and Police Scotland.

(5) Any abnormal load trial runs shall be undertaken in accordance with the details approved under part (4).

(6) Prior to the commencement of deliveries to site, and after the results of the trial run are known, details of any additional signing or temporary control measures necessary on the trunk road network due to the size or length of loads being delivered to or removed from site must be submitted to and approved in writing by the Planning Authorities in consultation with Transport Scotland. The details must include the identity of a recognised Quality Assured traffic management consultant who will thereafter undertake the additional measures as approved.

Reason*: In the interests of public road safety, to mitigate the effects of abnormal loads on the public road network and to minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of traffic moving to and from the Development Site.*

27. Public Road Access Layout

(1) There shall be no Commencement of Development unless and until full details of the proposed/upgraded site accesses have been submitted to and approved in writing by the Planning Authority in consultation with the Ayrshire Roads Alliance.

(2) The site accesses shall be formed in accordance with the details approved under part (1), unless otherwise agreed in advance in writing by the Planning Authority in consultation with the Ayrshire Roads Alliance, and the approved visibility splays and drainage arrangements shall be maintained in an effective condition for the lifetime of the Development.

Reason: *To ensure suitable site accesses are formed and to avoid the carry of unbound material onto the public road, in the interests of road safety.*

28. Staff Travel Plan

(1) There shall be no Commencement of Development unless and until a Staff Travel Plan has been submitted to and approved in writing by the Planning Authorities. The Staff Travel Plan shall include, but shall not necessarily be limited to, measures and practices to be employed as part of the construction programme to minimise single occupancy car travel to site throughout the construction period. Measures may include public transport options, local drop off/pick up locations, minibus transfer, car shares or any other measures to reduce the volume of construction staff traffic travelling to and from the Site. Details of how this would be enforced and monitored shall also be included.

(2) Measures approved under part (1) shall thereafter be implemented throughout the construction period of the Development.

Reason: *To encourage sustainable means of transport.*

29. Biodiversity and Habitat Management and Monitoring Plan

(1) There shall be no Commencement of Development until a Biodiversity and Habitat Management Plan (BHMP), has been submitted to, and approved in writing by the Planning Authorities.

(2) The BHMP shall set out proposed habitat management of the Site and shall be informed by measures outlined in Annex A of 'Developing with Nature' guidance from NatureScot (or such other replacement guidance in place at the time) and shall include (but shall not necessarily be limited to) details of all proposed planting and biodiversity enhancement measures to be implemented across the site, including delivery of nature networks, measures for habitat management and improvements across the site, including plans to identify areas where habitat management and biodiversity enhancements shall be undertaken, a timetable for implementing the measures during the period of construction, operation, and decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of objectives of the BHMP.

(3) The BHMP shall include provision and details for regular monitoring and review to be undertaken against the BHMP objectives and reasonable measures for securing amendments or additions to the BHMP in the event that the BHMP objectives are not being met.

(4) Until otherwise approved in advance in writing by the Planning Authorities, the BHMP approved under part (1) (as amended from time to time with written approval of the Planning Authorities) shall be implemented in full in line with the timescales set out in the approved plan.

Reason: *In the interests of good land management, the improvement of biodiversity and the protection and enhancement of habitats.*

30. Water Quality and Fish Monitoring Plan

(1) There shall be no Commencement of Development until an integrated Water Quality and Fish Population Monitoring Programme ("WQFMP") has been submitted to and approved in writing by the Planning Authorities in consultation with the River Doon District Salmon Fishery Board, the Ayrshire Rivers Trust and any such other advisors or organisations as may be required at the discretion of the Planning Authority. The WQFMP shall include but shall not necessarily be limited to:-

i. Details of the locations at which monitoring shall be carried out, including locations covering all watercourses draining the site and at potential risk of impact from the Development or its construction, and including comparable control sites which are unlikely to be affected by any aspect of the Development or any nearby developments (operational / under construction and consented for the duration of the monitoring programme).

ii. Details of the methods of monitoring to be undertaken which shall include (but shall not necessarily be limited to):-

a. With respect to aquatic biota – fully quantitative electrofishing surveys and macroinvertebrate surveys. Details of the qualifications and experience of the surveyors who will be undertaking the work, who must be SFCC (Scottish Fisheries Coordination Centre) trained, and all surveys/monitoring must be undertaken using Scottish Fisheries Coordination Centre standards;

b. With respect to water quality monitoring - details of the proposed hydrochemistry (the chemical characteristics of waterbodies) and physical data (including but not limited to temperature, dissolved oxygen concentration, biological oxygen demand, turbidity, flow data, DOC, pH, alkalinity, ANC, aluminium, nitrate, nitrite, phosphate and flow data) to be collected;

iii. The timetable for undertaking water quality and fish monitoring which shall include pre-commencement baseline surveys for at least 12 months prior to commencement of development, including any vegetation clearance, tree felling or soil stripping; during the construction and post-construction restoration period; and for at least 12 months after construction is complete, to accord with part (3) of this condition; and

iv. Details of the arrangements for the submission of survey/monitoring results to the Planning Authorities and the River Doon District Salmon Fishery Board and Ayrshire Rivers Trust, and the timing of the submissions, including the provision of both raw and interpreted written results of the surveys. Provision shall be made within the WQFMP for additional monitoring where results have shown an impact or change has been detected.

(2) Any updates or amendments to the WQFMP must be submitted to and approved in writing by the Planning Authorities, in consultation with the River Doon District Salmon Fishery Board, Ayrshire Rivers Trust and any such other advisors or organisations as may be required at the discretion of the Planning Authorities, prior to being implemented.

(3) Thereafter, the water quality monitoring and fish monitoring shall be undertaken in full accordance with the WQFMP approved under part (1) or as amended under part (2) at the approved locations for the following periods:-

i. At least monthly for 12 months prior to commencement of development, including any vegetation clearance, tree felling or soil stripping, to establish the baseline;

ii. During the construction and post-construction restoration period, and

iii. For at least 12 months upon completion of the construction and post-construction restoration period.

(4) Where any survey/monitoring results evidence the Development or its construction has resulted in adverse impacts on water quality or fish populations, the Company shall submit within one month of the results evidencing an impact, details of the proposed mitigation, including implementation timetable, for the written approval of the Planning Authority in consultation with the River Doon District Salmon Fishery Board, Ayrshire Rivers Trust and any such other advisors or organisations as may be required at the discretion of the Planning Authority.

(5) Any required mitigation approved under part (4) shall be implemented in accordance with the details and timetable approved unless otherwise agreed in advance in writing by the Planning Authority.

Reason: *To ensure no deterioration of water quality, as stipulated by The Water Framework Directive (overall chemical status does not decrease as a result of the Development), and to protect fish populations within and downstream of the development area.*

31. Species Protection Plans

(1) Prior to the Commencement of Development, the timing being dependent on each protected species, protected species surveys shall be carried out. These shall be undertaken: for species with a restricted window within which they can be surveyed, within the most recent survey window as close to the start of works as possible; for species which can be surveyed at any time, as close to the start of works as possible but no more than three months prior to the Commencement of Development. For the avoidance of doubt, these surveys shall require to consider all ecological interests on site and the findings will determine what mitigation measures are required.

(2) No development shall commence unless and until the full details of the surveys and their findings, and any proposed mitigation (including measures to mitigate impacts on wildlife generally, not just protected species), representing “Species Protection Plans” have been submitted to, and approved in writing by, the Planning Authorities. Specifically regarding Otter Surveys, these shall be carried out in a radius of 250 metres from each proposed turbine and 100 metres from proposed access tracks where these features fall within 500 metres of any water bodies.

(3) Any mitigation identified as required through the Species Protection Plans approved under part (1) shall be implemented in full during all construction works and post-construction restoration works.

Reason: *In the interests of protecting ecological interests.*

32. Bird Protection Plan

(1) All vegetation clearance, tree felling, soil stripping and construction works (including post-construction restoration works) shall be undertaken out with the breeding bird season (March to August inclusive).

(2) Where this is not possible, nesting/breeding bird surveys shall be undertaken by an appropriately qualified ornithologist of any areas due to be the subject of vegetation clearance, tree felling, soil stripping and construction works (including post-construction restoration works) and the results of the surveys shall be used to produce a Bird Protection Plan ("BPP") to be submitted to, and approved in writing by, the Planning Authorities prior to any such activities taking place on site. The BPP shall include full details of the surveys undertaken and their results and full details of any necessary mitigation and operational protocols appropriate to the species identified during the surveys, including any appropriate buffers to prevent or minimise disturbance of birds during any vegetation clearance, tree felling, soil stripping and construction works (including post-construction restoration works).

(3) The Bird Protection Plan approved under part (2) shall thereafter be implemented in full in accordance with the approved details during all vegetation clearance, tree felling, soil stripping, and construction and post-construction restoration works.

Reason: *To minimise impacts on birds during works on site.*

33. Bat Mitigation

(1) There shall be no Commencement of Development unless and until a detailed Bat Protection Plan, prepared in consultation with NatureScot, has been submitted to, and approved in writing by, the Planning Authorities. The Bat Protection Plan shall include but shall not necessarily be limited to:

i. The requirement to retain a minimum buffer distance of 50 metres between any wind turbine blade tips and areas of trees and watercourses during the operational phase of the Development and implementation of turbine blade feathering, details of seasonal turbine curtailment;

ii. Details of a programme of bat monitoring to take place on site. This shall detail what methods and instrumentation shall be used to monitor bat activity; the locations where monitoring shall take place (including monitoring at wind turbine hub height); and the duration of monitoring which shall be for a minimum of three years after the development becomes operational, and the submission of results of the monitoring to the Planning Authorities;

iii. Details of a bat carcass search programme (for a minimum of three years after the development becomes operational), including timetabling of the programme throughout the operational lifetime of the wind farm, details of trial periods to enable site-specific biases and evidencing agreement

with NatureScot as to what mortality rate for any bat species would be considered an ‘incidental’ rate for those species; and

iv. Details of the measures to be implemented (the “bat mitigation protocol”) where mortality rates for any species are considered to be at or above an ‘incidental’ rate.

(2) Where the results of the bat carcass search programme approved under part (1) evidences a mortality rate at or above ‘incidental’ for any bat species, the bat mitigation protocol agreed under part (1) shall be implemented in full to reduce the impacts on bat species and consequent mortality rates.

(3) Where, after implementation of the bat mitigation protocol approved under part (1), the programme of bat carcass searches during the operational lifetime of the development identifies any further mortality rates for any bat species considered to be at or above an ‘incidental’ rate, the Company shall submit, in consultation with NatureScot, for the written approval of the Planning Authorities, an updated bat mitigation protocol detailing what further measures and mitigation shall be implemented, including their timetabling, to address the incidental mortality rates for the bat species in question.

(4) Any such updated bat mitigation protocol as approved under part (3) shall thereafter be implemented in full to reduce the impacts on bat species and consequent mortality rates.

Reason: *To ensure effective mitigation to reduce impacts on bat species.*

34. Forestry Felling and Replanting Scheme

(1) No felling shall take place (save for tree felling approved under condition 16) until a Forestry Felling and Replanting Scheme (FFRS) has been submitted to and approved in writing by the relevant Planning Authority in consultation with Scottish Forestry. The FFRS shall cover the Site and shall include:

i. details of extent of existing woodland that will be lost as a result of the Development (in hectares), and the location of the area(s) within the Site for compensatory replanting;

ii. details of the management measures to reduce the amount of felling required to accommodate the Development;

iii. measures to deal with forest waste including brash in line with the UK Forestry Standard;

iv. the nature, design/layout, species composition, purpose and specification of the proposed woodland to be replanted;

v. the phasing and associated timescales for implementing the FFRS;

vi. details for the implementation of the FFRS, including reporting to the relevant Planning Authority on compliance with the timescales for obtaining the necessary consents, replacement planting, fencing, ground preparation and drainage;

vii. details for the monitoring, management and reporting to ensure the successful establishment of the woodland to be planted, including annual checks by a qualified expert, and ongoing management for the lifetime of the consent, and

viii. details demonstrating compliance with The UK Forestry Standard and the Scottish Government's Policy on Control of Woodland Removal (as amended or replaced from time to time).

(2) The FFRS approved under part (1) shall be implemented in full, in accordance with the timescales specified, unless otherwise approved in advance in writing by the Planning Authorities.

Reason: *To minimise and manage the effects of forestry felling required to accommodate the Development.*

35. Programme of Archaeological Works

(1) There shall be no Commencement of Development unless an archaeological Written Scheme of Investigation (WSI) has been submitted to, and approved in writing by, the Planning Authorities in consultation with the West of Scotland Archaeology Service (WoSAS). The WSI shall include measures to be taken to protect and preserve any features of archaeological interest in situ, provide details of how the recording and recovery of archaeological resources found within the application site shall be undertaken, and how any updates, if required, to the WSI will be provided throughout the implementation of the programme of archaeological works. The WSI shall also detail how any requirement for reporting, post-excavation analysis, archive deposition, publication of results, and the delivery of public benefit (including how this will be recorded and reported) will be undertaken.

(2) A programme of archaeological works must be carried out in accordance with the approved WSI, and any addendums to it, as agreed in writing under part (1).

(3) Should the archaeological works carried out under part (2) reveal the need for post excavation analysis, the Development hereby approved shall not be occupied or brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results, including additional public engagement, and archive deposition has been submitted to and approved in writing by the Planning Authorities in consultation with WoSAS.

(4) The PERD shall thereafter be carried out in complete accordance with the details approved under part (3).

(5) There shall be no Commencement of Development until the small enclosure in close proximity to the crane hardstanding for Turbine T9 (referred to as Asset 14 in the EIA Report) has been fenced off to ensure there are no impacts on this asset due to construction works associated with the Development. The fencing shall be in place throughout all construction and post-construction restoration works in an effective condition.

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

36. Peat and Carbon Rich Soils Management Plan

(1) There shall be no Commencement of Development until a detailed Peat and Carbon-Rich Soils Management Plan (PMP), taking account of the Draft Peat Management Plan (Technical Appendix 9.2 of the EIA Report) has been submitted to and approved in writing by the Planning Authorities, in consultation with SEPA .

(2) The PMP shall include but shall not necessarily be limited to:

i. Details of the existing conditions of the peat and other carbon-rich soils on site;

ii. Provide peat extraction and reuse volumes, including detailing actions and steps taken to minimise the excavation of carbon-rich soils and peat, including the requirement to use floating tracks and infrastructure on peat greater than 1m in depth or defined as an area of Class 1 peat;

iii. Details of the appropriate excavation, handling, management and storage of peat and other carbon-rich soils to ensure its viability and condition such that it is suitable for appropriate future reuse;

iv. Details for the reuse of peat and carbon-rich soils on site and provide details of how water flows and drainage will be managed to ensure the hydrological connectivity and functioning of the peat throughout the construction, post-construction restoration works and decommissioning works, and how excavated peat will be reused to restore or enhance the site into a functioning peatland system capable of achieving carbon sequestration, and

v. A scheme detailing the methodology for addressing any revisions to the PMP. Any revised document will require to be submitted to, and approved in writing by, the Planning Authorities prior to implementation on site.

(3) The Peat and Carbon Rich Soils Management Plan approved under part (1) shall thereafter be implemented in full for the lifetime of the consent unless otherwise agreed in writing by the Planning Authorities.

Reason: *To ensure the appropriate handling and management of peat on site, that disruption to peat is minimised and to reduce adverse environmental impacts.*

37. Private Water Supplies

(1) There shall be no Commencement of Development until a Private Water Supply Scheme ("PWS Scheme") has been submitted to and approved in writing by the Planning Authorities. The PWS Scheme shall detail the protection, monitoring and mitigation of private water supplies and shall take account of SEPA's Guidance on Assessing the Impacts of Development on Groundwater Abstractions dated August 2024 (or such replacement or updated guidance as may be in force at the time) and shall detail:

i. 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;

ii. water quality sampling methods and specified abstraction points;

iii. a monitoring regime for the PWS which shall include for monthly pre and post construction surveys of not less than 12 months' duration in addition to construction period testing of appropriate frequency commensurate with the degree of construction activity taking place;

iv. how monitoring results will be assessed including the time taken to undertake such assessment and notification procedures on how the Planning Authorities and the affected user of the PWS will be notified of the results; and

v. 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 PWS Scheme approved under part (1) shall be implemented and thereafter undertaken and adhered to by the Company unless otherwise agreed in advance in writing by the Planning Authorities.

Reason: *To maintain a secure and adequate quality water supply to all properties with private water supplies that may be affected by the Development, ensuring these are monitored and appropriate mitigation can be implemented at short notice if necessary.*

38. Shadow Flicker

(1) No turbine shall be erected until a scheme for the avoidance or mitigation of shadow flicker at residential properties 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 Authorities.

(2) The approved mitigation scheme shall be implemented in full in line with the approved scheme.

Reason: *To offset any impacts of shadow flicker on residential property amenity.*

39. TV and Radio Reception

(1) There shall be no Commencement of Development unless and until a baseline Television and Radio Reception survey has been undertaken.

(2) In the event of a claim by any individual person regarding TV picture loss or interference, or with radio reception at their house, business premise or other building, this shall be investigated by an independent qualified engineer, appointed by the Company, and the results, including any mitigation measures, shall be submitted to the relevant Planning Authority, for its written approval, alongside a copy of the results of the baseline survey undertaken under the terms of part (1).

(3) Should any impairment to the TV signal and/or radio reception be attributable to the Development, the Company shall remedy such impairment, in accordance with the mitigation approved under Part (2), so that the standard of reception at the affected property, business premise or other building, is equivalent to the baseline TV or radio reception as relevant. For the avoidance of doubt, the resolution of disputes shall be determined by an independent arbiter e.g. OFCOM or other professional body as appropriate.

Reason: *To ensure local television/radio services are sustained during the construction and operation of the Development.*

40. Access Management Plan

(1) There shall be no Commencement of Development unless and until the Company has submitted to, and received the written approval of, the Planning Authorities an Access Management Plan (“AMP”) in full accordance with "Good Practice during Wind Farm Construction" Version 3, September 2015, Part 7 Recreation and Access, or any subsequent amendment or variation. This AMP shall include (but shall not necessarily be limited to):

i. Identified limitations on access rights during the construction phase, focussed on areas of actual risk;

ii. Full details of the diversion of any public rights of way during construction and reinstatement following construction;

iii. Full details of appropriate access management during the construction and operational periods of the wind farm covering such matters as the installation of gates to allow for, and encourage, the facilitation of public access (walking, cycling and horse riding); and

iv. Warning/management signage which is appropriate and takes account of both operational needs and access rights.

(2) The AMP approved under part (1) shall be implemented in full during the construction, operational and decommissioning and restoration periods of the wind farm.

Reason: *In the interests of public safety and to allow for public access.*

41. Keirs Glen Trail

(1) There shall be no Commencement of Development until full details of the proposed Keirs Glen Trail have been submitted to and approved in writing by the Planning Authorities. The details shall include, but shall not necessarily be limited to:

i. The full route of the proposed trail, any watercrossings and their design;

ii. The finish surface materials of the trail route;

iii. All signage and information boards, including their design, dimensions, locations for installation and display information;

iv. Proposed car parking including location, surface finish materials and any bay or other such marking;

v. Any access or gates proposed, including their design and finish, ensuring access for pedestrians and horse riders;

vi. Any planting including location, design and species composition, and

vii. Timetabling for the implementation of the Keirs Glen Trail and proposals for maintenance and upkeep of the trail.

(2) The Keirs Glen Trail shall thereafter be implemented in accordance with the details approved under part (1) unless otherwise agreed in advance in writing by the Planning Authorities.

Reason: *To secure improved recreational access through the site in the interests of environmental quality and wellbeing.*

42. Aviation Safety

(1) There shall be no Commencement of Development until the Company has provided the Planning Authorities, Ministry of Defence, Defence Geographic Centre and NATS with the following information in writing, and evidence has been provided to the Planning Authorities that this has been done and NATS and the Ministry of Defence, Defence Geographic Centre have accepted said information as satisfactory:

i. the dates of the expected commencement of each stage of the construction phase of the Development, including erection of any wind turbines;

ii. the maximum height above ground level of the tallest structures forming part of the Development, including each wind turbine;

iii. the maximum extension height of any construction equipment; and

iv. the position of the wind turbines and masts in latitude and longitude.

(2) The Company shall, as soon as is practicable and in any event with 7 days prior to the event, provide to the Planning Authorities, the Ministry of Defence and NATS written notice of any proposed changes to the information provided under part (1).

(3) Within 1 month of the erection of the final turbine, the Company shall provide written confirmation to the Planning Authorities, the Ministry of Defence and NATS of the actual date on which construction was completed and the confirmed latitude and longitude of all turbines (in degrees, minutes and seconds) and the height above ground level of each turbine (in metres to blade tip).

Reason: *In the interests of aviation safety.*

43. Aviation and Other Lighting

(1) No turbines shall be erected on site until an Aviation Lighting Scheme has been submitted to and approved in writing by the Planning Authorities, in consultation with the Civil Aviation Authority, Glasgow Prestwick Airport and the MOD. This scheme must detail any mitigation and operating protocols necessary and to be implemented to reduce visual impacts from the lighting, as set out within the submitted EIA Report, including but not necessarily limited to intensity reduction in good visibility, directional angle intensity reduction, and reduction in required lighting where the design and layout of the wind farm allows for this. The scheme shall also include full specification and details of the design, dimensions, make and model of all aviation lighting units proposed, including any infrared and visible lighting units.

(2) No later than the third anniversary of the Date of First Commissioning and every three years thereafter for the operational lifetime of the Development, the Company shall submit a written review of the Aviation Lighting Scheme to the Planning Authorities. Each review shall include:

i. An assessment of options available for the reduction in the number of visible lights installed on turbines, and/or the time period when lights are visible, and/or the intensity of the visible lighting;

ii. An assessment of the potential for the installation of an Aircraft Detection Lighting System (“ADLS”), including a statement setting out the current and anticipated regulatory environment in relation to ADLS; and

iii. An assessment of whether it is technically feasible, through the regulatory framework, to install an ADLS at the Development.

(3) The review shall, where applicable in light of the findings in respect of the matters detailed under part (2), propose amendments to the Aviation Lighting Scheme. Specifically regarding ADLS, if a review assesses that it is technically feasible to install ADLS, such review shall also include the Company's proposals for the installation of ADLS together with a proposed timetable for installation. Any proposed amendment shall evidence compliance with the then current aviation lighting requirements of the Civil Aviation Authority and Ministry of Defence.

(4) Any proposed amendments to the Aviation Lighting Scheme resulting from the review under part (2) must be submitted to and receive the written approval of the Planning Authorities, in consultation with the Civil Aviation Authority and the Ministry of Defence and shall thereafter be implemented in accordance with the approved details, including timetable.

(5) The Development shall be operated in accordance with the approved Aviation Lighting Scheme, or any such amended scheme as may be approved under part (4), unless otherwise approved in advance in writing by the Planning Authorities in consultation with the Civil Aviation Authority and Ministry of Defence, and shall be maintained in an effective condition throughout the operational lifetime of the Development.

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

44. Redundant Infrastructure

(1) If any wind turbine or battery installed and commissioned fails to supply electricity to the electricity grid network for a continuous period of twelve months, the Company shall notify this to the Planning Authorities within seven days following that continuous period.

(2) Unless the wind turbine and/or battery is in the process of being repaired or replaced and evidenced to be so by the Company (or unless otherwise agreed in writing by the Planning Authorities), the wind turbine and/or battery shall be deemed to have ceased to be required and:

i. the wind turbine (including its foundations to a depth of at least 1 metre) and/or battery, its ancillary surface equipment, hardstandings and access tracks (except where this would prevent access to other turbines or batteries) shall be dismantled and removed from site, and

ii. the land shall be restored to such condition as is agreed in writing by the relevant Planning Authority

All in accordance with a Scheme (having regard to the Outline Decommissioning and Restoration Plan approved under Condition 46, detailing how the relevant wind

turbine(s) and/or batteries and associated infrastructure will be removed from site and the ground restored) to be submitted by the Company within one month of the date of the expiry of the twelve month period, as notified under part (1), for the written approval of the relevant Planning Authority.

(3) The Scheme approved under part (2) shall be implemented within six months of the date of its approval to the satisfaction of the relevant Planning Authority.

(4) The Company shall, upon request, provide to the Planning Authorities the generation figures from the Development, including each wind turbine and battery unit individually, covering the period 18 months prior to the date of request up to the date of request, within 14 days of the written request by either Planning Authority.

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

45. Site Inspection Strategy

(1) Prior to the Date of Final Commissioning, the Company shall submit an outline Site Inspection Strategy (Outline SIS) for the written approval of the Planning Authorities. The Outline SIS shall set out a strategy for the provision of site inspections and accompanying Site Inspection Reports (SIR) to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

(2) No later than 24 years after the Date of Final Commissioning, the Company shall submit a final detailed Site Inspection Strategy (Final SIS), based on the principles of the approved Outline SIS for the written approval of the Planning Authorities. The Final SIS shall set out updated details for the provision of site inspections and accompanying Site Inspection Reports (SIR), in accordance with relevant guidance at that time, to be carried out at 25 years of operation from the Date of Final Commissioning and every five years thereafter.

(3) At least one month in advance of submitting each SIR to the Planning Authorities, the scope of the SIR shall be agreed with the Planning Authorities.

(4) The SIR shall provide:

i. Details to demonstrate that the infrastructure components of the Development are still operating in accordance with conditions 8, 9 and 10; and
ii. An engineering report which details the condition of tracks, turbine foundations and the wind turbines, and BESS infrastructure and sets out the requirements and the programme for the implementation for any remedial measures which may be required.

(5) The SIS and each SIR shall be implemented in full following the Date of Final Commissioning unless otherwise agreed in advance in writing by the Planning Authorities.

Reason: *To ensure the Development is being monitored at regular intervals after the first 25 years of operation.*

46. Outline Decommissioning, Restoration and Aftercare Plan

(1) There shall be no Commencement of Development unless and until an Outline Decommissioning and Restoration Plan ("ODRP") has been submitted to, and approved in writing by, the Planning Authority. The ODRP shall include, unless otherwise agreed in writing with the Planning Authority (but shall not necessarily be limited to) details of:

i. Works for the decommissioning and removal of wind turbines (including the foundations to a depth of at least 1 metre) and all above ground ancillary buildings, equipment, infrastructure, and hardstandings including crane pads;

ii. The treatment of ground surfaces including access tracks and any sub-surface elements including cabling to restore the site to its former condition, or other such condition as is agreed in writing by the Planning Authority. For the avoidance of doubt, all floated infrastructure (including tracks and hardstandings) shall be removed in full.

iii. Indicative details of the way the site will be decommissioned and restored including environmental management provisions, the incorporation of relevant matters from the CEMP, WQFMP, Bird Protection Plan, Species Protection Plans, any justification for the retention of any elements of the Development, a Traffic Management Plan, the treatment of disturbed ground surfaces and appropriate aftercare following site restoration;

iv. A decommissioning and restoration timetable;

v. Appropriate aftercare following site restoration, including habitat management provisions and methodology, and

vi. How and when the ODRP will be reviewed and, if necessary, updated during the operational lifetime of the Development.

(2) Any updated version of the ODRP, upon undertaking a review, shall be submitted for the written approval of the Planning Authority no later than 1 month following any review.

Reason: *To provide an Outline Decommissioning, Restoration and Aftercare Plan that informs the level of financial guarantee required to decommission the development and restore the site, to ensure that a decommissioning plan is available throughout the duration of the consent, until the detailed decommissioning, restoration and aftercare*

plan is approved, should it be required in the interests of safety, amenity and environmental protection.

47. Decommissioning, Restoration and Aftercare

(1) The Development shall cease to generate electricity to the grid network by no later than the date falling 50 years from the Date of Final Commissioning and the Development shall be decommissioned and the site restored a condition as agreed by the Planning Authorities thereafter and aftercare carried out. The total period for the decommissioning and restoration of the site in accordance with this condition shall not exceed three years in duration with the exception of three years of aftercare required by the Decommissioning, Restoration and Aftercare Plan approved under Condition 47(2).

(2) No later than one year prior to decommissioning of the Development or the expiration of the 50 year period of operation (whichever is earlier), a detailed Decommissioning, Restoration and Aftercare Plan that takes account of the latest version of the Outline Decommissioning and Restoration Plan (approved under Condition 46) shall be submitted for the written approval of the Planning Authorities, in consultation with Transport Scotland. 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 and site restoration to return the site to a condition as agreed by the Planning Authorities, the management and timing of the works and environmental management provisions which shall include (but shall not necessarily be limited to) the following:

i. 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);

ii. details of the formation of the decommissioning 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;

iii. a dust management plan;

iv. 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;

v. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;

vi. details of measures for soil storage and management;

vii. 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;

viii. details of measures for sewage disposal and treatment;

ix. details of any temporary site illumination which shall be in accordance with East Ayrshire Council's Dark Sky Park Lighting Supplementary Guidance (or such other replacement document as is in force at the time), in consultation with the Scottish Dark Sky Observatory;

x. a traffic management plan;

xi. details to address watercourse crossings;

xii. details for the provision of species protection plans based on surveys for protected species (including birds) and water quality and fish population monitoring measures, including 1 year of surveys prior to decommissioning taking place;

xiii. details of the three years of aftercare to be undertaken on site post-restoration works, and

xiv. a timetable for the decommissioning, restoration and aftercare works.

(3) The Development shall be decommissioned, the Site restored, and aftercare carried out thereafter in accordance with the detailed Decommissioning, Restoration and Aftercare Plan approved under part (2).

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.*

48. Financial Guarantee

(1) There shall be no Commencement of Development until the Company has delivered signed bonds or other forms of financial guarantee to the respective Planning Authorities, and the Planning Authorities have provided written confirmation that the bonds or other financial guarantees have been approved. The details of the bonds or other financial guarantees, including their value, require to be acceptable to the respective Planning Authorities and shall cover the costs of all decommissioning, restoration and aftercare of the respective parts of the site as required by Conditions 46 and 47 of this consent. Should either Planning Authority require the input of external independent expert advice (such independent person to be appointed by each respective Planning Authority) in assessing the sufficiency of the bond or other financial guarantee, the Company shall pay the duly substantiated costs incurred by the Planning Authorities in obtaining such advice.

(2) The Company shall ensure that the approved bonds or other financial guarantees are maintained prior to the commencement of development until the date of completion of all decommissioning, restoration and aftercare obligations required by Conditions 46 and 47 of this consent.

(3) The adequacy of the approved bonds or other financial guarantees shall be subject to review at five-yearly intervals, or such other intervals as agreed by the Planning Authorities, from receipt of the approved bonds or other financial guarantees, to be paid for by the Company and conducted by suitably qualified independent persons (such independent persons to be appointed by the relevant Planning Authority for their respective parts of the site) who has relevant experience in such matters. The findings of such reviews will be provided to the Company and the Planning Authority, by the independent persons, within 14 days of the review taking place. Any revisions to the bonds or other financial guarantees recommended by the review and agreed in writing by the Planning Authorities, in favour of and in terms acceptable to the Planning Authorities, shall be made within 28 days of receiving said written agreement from the Planning Authorities and documentary evidence shall be provided to the Planning Authorities to that effect.

Reason: *To ensure that there are sufficient funds available for the full costs of decommissioning, restoration and aftercare should the Planning Authorities require to undertake this work, and to secure the effective implementation of the decommissioning, restoration and aftercare plan in a suitable and environmentally acceptable manner.*

49. Wind Turbine Operational Noise

(1) The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal and amplitude modulation (AM) penalty) when determined in accordance with the attached *Guidance Notes (to this condition)*, shall not exceed the values for the relevant integer wind speed set out in, or derived from, Table 1 or Table 2 (as appropriate) (or other alternative limits determined under part (8)) at any dwelling which is lawfully existing or has planning permission at the date of this consent.

(2) The wind turbines shall be designed to permit individually controlled operation, or cut-out, at specified wind speeds in order to facilitate compliance with the noise level criteria stated in this condition.

(3) Details from the turbine supplier and/or manufacturer regarding the tonality of the selected turbine model(s) in accordance with IEC 61400-11 (or successor) shall be provided to the Planning Authorities prior to the erection of any turbines.

(4) The Company shall continuously log wind speed, wind direction and power production at each wind turbine all in accordance with Guidance Note 1(d) of the attached Guidance Notes. This data 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 attached Guidance Notes to either Planning Authority on its request within 14 days of receipt in writing of such a request.

(5) No electricity shall be exported from any part of the Development until the Company has submitted to, and received the written approval of, the Planning Authorities a list of proposed independent noise consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved noise consultants shall be made only with the prior written approval of the Planning Authorities.

(6) Within 21 days from the receipt of a written request from either Planning Authority, following a complaint to that Planning Authority from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at the Company's expense, employ an independent noise consultant approved by the Planning Authorities in terms of part (5) above to assess the level of noise immissions from the Development at the complainant's dwelling (or a suitable alternative location agreed in writing by the relevant Planning Authority) in accordance with the protocol required under part (7) as informed by the procedures described in the attached Guidance Notes. The written request from either Planning Authority shall set out at least the date, time and location to which the complaint relates.

(7) Within 21 days of the written request from either Planning Authority and prior to the commencement of any measurements by the independent noise consultant for the assessment of the rating level of noise immissions, the Company shall submit to the relevant Planning Authority, for their written approval, a proposed Noise Assessment Protocol. The Noise Assessment Protocol shall set out the steps to be taken to investigate the noise complaint received in relation to the Development and shall include (but shall not necessarily be limited to):

i. the proposed measurement location identified in accordance with the Guidance Notes and, where necessary, part (8), where measurements for compliance checking purposes shall be undertaken. Where there is more than one dwelling at a location specified in Tables 1 and 2 of this condition, the noise limits set for that location shall apply to all dwellings at that location;

ii. 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 and such others as the independent noise consultant considers likely to result in a breach of the noise limits or considers necessary to obtain sufficient data to determine compliance with this condition. The Noise Assessment Protocol shall also include a reasoned assessment as to whether the noise giving rise to the complaint contains or is likely to contain a tonal component and/or amplitude modulation (any assessment of amplitude modulation shall be carried out in accordance

with the reference method detailed in Institute of Acoustics Noise Working Group (Wind Turbine Noise) document “A Method for Rating Amplitude Modulation in Wind Turbine Noise”, Final Report dated 9 August 2016), and

iii. where the proposed measurement location is close to the wind turbines, rather than at the complainant’s dwelling (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 dwelling 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 relevant Planning Authority prior to the commencement of any noise measurements, as part of the Noise Assessment Protocol. The assessment of the rating level of noise immissions in terms of part (6) above shall be undertaken in accordance with the attached Guidance Notes and the approved Noise Assessment Protocol unless otherwise agreed in writing in advance by the relevant Planning Authority.

(8) Where the property to which a complaint is related is not listed by name or location in Tables 1 or 2 of this condition, the Company shall submit to the relevant Planning Authority, for its written approval, proposed noise limits selected from those listed in Tables 1 and 2 to be adopted at the complainant’s property for compliance checking purposes, prior to compliance checking commencing. The proposed noise limits are to be those limits selected from Tables 1 and 2 specified for a listed location which the independent noise consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant’s property. The submission of the proposed noise limits to the relevant Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the independent noise 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 and approved Noise Assessment Protocol shall not exceed the noise limits approved in writing by the relevant Planning Authority for the complainant’s property.

(9) The Company shall provide to the relevant Planning Authority the independent noise consultant’s assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes and the approved Noise Assessment Protocol within two months of the date of the written request of the relevant Planning Authority for compliance measurements to be made under part (6), unless the time limit is extended in writing by the relevant 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 relevant Planning Authority with the independent noise consultant’s assessment of the rating level of noise immissions.

(10)Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 5(c), the Company shall submit a copy of the further assessment within 21 days of submission of the independent noise consultant's assessment pursuant to part (9) above unless the time limit has been extended in writing by the relevant Planning Authority.

Table 1: Between 23:00 and 07:00 hours – Noise limits expressed in dB L_{A90}, 10 minute as a function of the standardised wind speed (m/s) at ten metres height as determined within the site averaged over 10-minute periods:

House ID	Reference Wind Speed, Standardised v_{10} (ms^{-1})											
	1	2	3	4	5	6	7	8	9	10	11	12
H1	38.0	38.0	38.0	38.0	38.0	38.0	38.6	40.6	42.7	44.8	47.0	47.0
H2	38.0	38.0	38.0	38.0	38.0	38.0	38.6	40.6	42.7	44.8	47.0	47.0
H3	38.0	38.0	38.0	38.0	38.0	38.0	38.6	40.6	42.7	44.8	47.0	47.0
H4	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H5	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H6	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H7	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H8	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H9	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H10	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H11	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H12	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H13	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H14	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H15	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H16	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H17	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H18	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H19	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H20	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H21	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H22	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H23	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H24	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H25	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H26	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H27	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H28	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H29	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0

H30	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H31	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H32	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H33	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H34	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H35	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H36	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H37	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H38	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H39	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H40	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H41	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H42	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H43	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H44	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H45	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H46	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H47	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H48	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H49	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H50	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H51	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H52	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H53	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H54	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H55	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H56	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H57	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H58	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H59	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H60	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H61	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H62	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H63	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H64	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.3	43.3
H65	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.3	43.3
H66	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H67	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H68	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H69	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4

H70	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.2	43.2
H71	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.3	40.0	41.7	43.4	43.4
H72	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.9	42.4	45.5	45.5
H73	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.9	42.4	45.5	45.5
H74	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.9	42.5	45.5	45.5
H75	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.9	42.5	45.5	45.5
H76	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.9	42.3	45.5	45.5
H77	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.9	42.4	45.5	45.5
H78	38.0	38.0	38.0	38.0	38.0	38.0	38.4	40.5	41.4	44.9	48.3	48.3
H79	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.9	40.2	44.6	44.6
H80	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.9	41.5	45.1	45.1
H81	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.9	41.3	45.0	45.0
H82	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	39.7	39.6	44.4	44.4
H83	38.0	38.0	38.0	38.5	39.1	39.6	40.2	41.0	42.2	43.0	45.4	45.4
H84	38.0	38.0	38.0	38.5	39.1	39.6	40.2	41.0	42.2	43.1	45.4	45.4
H85	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0
H86	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0	38.0

Table 2: Between 07:00 and 23:00 hours – Noise limits expressed in dB L_{A90}, 10 minute as a function of the standardised wind speed (m/s) at ten metres height as determined within the site averaged over 10-minute periods:

House ID	**Reference Wind Speed, Standardised v_{10} (ms^{-1})**											
	1	**2**	**3**	**4**	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**
H1	35.0	35.0	35.0	35.0	36.3	38.4	40.8	43.3	46.2	49.6	53.5	57.0
H2	35.0	35.0	35.0	35.0	36.3	38.4	40.8	43.3	46.2	49.6	53.5	57.0
H3	35.0	35.0	35.0	35.0	36.3	38.4	40.8	43.3	46.2	49.6	53.5	57.0
H4	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H5	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H6	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H7	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H8	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	38.5	38.5	38.5	38.5
H9	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	38.4	38.4	38.4	38.4
H10	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.0	39.0	39.0	39.0
H11	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.0	39.0	39.0	39.0
H12	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.0	39.0	39.0	39.0
H13	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.0	39.0	39.0	39.0
H14	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.0	39.0	39.0
H15	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.0	39.0	39.0	39.0
H16	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	38.9	38.8	38.8	38.8
H17	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1

H18	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H19	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.0	39.0	39.0	39.0
H20	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H21	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.0	39.0	39.0	39.0
H22	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H23	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H24	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H25	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H26	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H27	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H28	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H29	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H30	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H31	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H32	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H33	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H34	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H35	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H36	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H37	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H38	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H39	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H40	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H41	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H42	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H43	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H44	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H45	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H46	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H47	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H48	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H49	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H50	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H51	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H52	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H53	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1
H54	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.1	43.3	45.9	48.4	48.4
H55	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.0	43.3	45.8	48.4	48.4
H56	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.1	43.3	45.9	48.4	48.4
H57	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.1	43.3	45.9	48.4	48.4

H58	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.1	43.3	45.9	48.4	48.4
H59	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.1	43.3	45.8	48.4	48.4
H60	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.0	43.3	45.8	48.4	48.4
H61	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.1	43.3	45.9	48.4	48.4
H62	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.1	43.3	45.8	48.4	48.4
H63	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.0	43.3	45.8	48.4	48.4
H64	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.0	43.2	45.8	48.3	48.3
H65	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.0	43.2	45.8	48.3	48.3
H66	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.0	43.3	45.8	48.4	48.4
H67	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.0	43.3	45.8	48.4	48.4
H68	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.0	43.3	45.8	48.4	48.4
H69	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.0	43.3	45.8	48.4	48.4
H70	35.0	35.0	35.0	35.0	35.6	37.2	39.1	40.8	43.1	45.7	48.3	48.3
H71	35.0	35.0	35.0	35.0	35.6	37.2	39.1	41.0	43.3	45.8	48.4	48.4
H72	35.0	35.0	35.0	35.0	35.0	36.7	38.6	39.7	42.2	44.8	47.6	50.7
H73	35.0	35.0	35.0	35.0	35.0	36.7	38.6	39.7	42.2	44.8	47.6	50.7
H74	35.0	35.0	35.0	35.0	35.0	36.7	38.6	39.8	42.3	44.9	47.6	50.7
H75	35.0	35.0	35.0	35.0	35.0	36.7	38.6	39.8	42.2	44.9	47.6	50.7
H76	35.0	35.0	35.0	35.0	35.0	36.7	38.6	39.6	42.1	44.8	47.6	50.7
H77	35.0	35.0	35.0	35.0	35.0	36.7	38.6	39.6	42.1	44.8	47.6	50.7
H78	35.0	35.0	35.0	35.6	37.6	39.4	40.5	42.6	44.7	46.4	47.7	47.7
H79	35.0	35.0	35.0	35.0	35.0	36.7	36.6	35.5	39.9	43.7	47.1	50.4
H80	35.0	35.0	35.0	35.0	35.0	36.7	38.3	38.2	41.3	44.4	47.4	50.6
H81	35.0	35.0	35.0	35.0	35.0	36.7	38.0	37.8	41.0	44.2	47.3	50.6
H82	35.0	35.0	35.0	35.0	35.0	36.7	35.9	34.0	39.3	43.5	46.9	50.4
H83	37.4	37.4	37.7	38.3	39.2	40.1	41.2	42.8	44.7	47.0	49.3	51.7
H84	37.4	37.4	37.7	38.3	39.2	40.1	41.2	42.8	44.8	47.0	49.3	51.7
H85	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	38.9	38.9	38.9	38.9
H86	35.0	35.0	35.0	35.0	35.5	36.4	37.3	38.3	39.1	39.1	39.1	39.1

Notes to Tables 1 and 2:

The geographical co-ordinates referenced in Table 3 are provided for the purpose of identifying the general location of dwellings listed in Table 1 and 2 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.

Table 3: Coordinate locations of the properties listed in Table 1 & 2.

House ID	Co-ordinates	
	X (m)	Y (m)
H1	241069	605637
H2	241176	605676
H3	241216	605634
H4	244706	606400
H5	244742	606304
H6	244698	606235
H7	245184	606134
H8	246254	607361
H9	245847	607678
H10	244390	608119
H11	243918	608517
H12	243691	608590
H13	243825	608632
H14	243588	608680
H15	243811	608691
H16	243831	608719
H17	243657	608786
H18	243620	608813
H19	243598	608878
H20	243527	608940
H21	243424	609110
H22	242828	609536
H23	242564	609551
H24	242537	609575
H25	242468	609604
H26	241962	609281
H27	241932	609378
H28	241879	609388
H29	241827	609431
H30	241810	609468
H31	241793	609520
H32	241771	609557
H33	241711	609636
H34	241707	609654
H35	241698	609689
H36	241667	609718

H37	241623	609770
H38	241623	609836
H39	241561	609938
H40	241411	610086
H41	241522	610000
H42	241418	610185
H43	241385	610247
H44	241324	610435
H45	241272	610451
H46	241240	610493
H47	241216	610547
H48	241174	610606
H49	241165	610657
H50	241123	610666
H51	241048	610741
H52	241090	610754
H53	240062	609994
H54	238625	610696
H55	237659	610874
H56	237755	610001
H57	236885	609477
H58	236942	609426
H59	237548	609201
H60	237479	608915
H61	236507	609296
H62	236516	608629
H63	236196	608648
H64	235977	608016
H65	235948	607992
H66	235901	607851
H67	235979	607787
H68	236139	607710
H69	235944	607700
H70	236320	607472
H71	235814	607555
H72	237363	606687
H73	237419	606668
H74	236905	606433
H75	237813	606067
H76	237951	605922

H77	238012	605847
H78	238700	605583
H79	239181	605501
H80	238599	605369
H81	238795	605048
H82	239300	605093
H83	242959	608133
H84	243039	608066
H85	243315	608463
H86	241468	609442

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.*

Guidance Notes for the Wind Turbine Operational Noise Condition

These notes are to be read with and form part of the wind turbine operational noise condition (Condition 49). They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind turbines forming part of the Development. The rating level at each integer wind speed is the arithmetic sum of the wind turbine 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 and any amplitude modulation (AM) penalty applied in accordance with Guidance Note 4.

Reference to ETSU-R-97 refers to the publication entitled "The Assessment and Rating of Noise from Wind Farm" (1997) published by the Energy Technology Support unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

(a) Values of the L_{A90}, 10-minute noise statistic should be measured at the complainant's property (or other location agreed under parts (7) or (8) of the wind turbine operational noise condition), 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 BS 4142: 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 and an amplitude modulation penalty in accordance with Guidance Note 4.

(b) The sound level meter 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 façade 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 is withheld, the Company shall submit for the written approval of the relevant 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 L_{A90},10minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind speed and operational data logged in accordance with the Guidance Note 1(d), including the power generation data from the turbine control systems of the Development, and rain data logged in accordance with Guidance Note 1(f).

(d) To enable compliance with the condition to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height 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 Authorities, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10-minute arithmetic average mean wind speed data measured at hub height shall be “standardised” to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter.

(e) Data provided to the Planning Authorities in accordance with the wind turbine operational noise condition shall be provided in an electronic format as comma separated values, or in the case of audio recordings, WAV files of at least 16 bit resolution.

(f) A data logging rain gauge shall be installed within 3m of any sound level meter installed in the course of the independent noise consultant undertaking an assessment of the level of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Guidance Note 1(d).

Guidance Note 2

(a) The noise measurements shall be made 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 part (7) of the wind turbine operational 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 relevant 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 L_{A90}, 10-minute noise measurements and corresponding values of the 10-minute wind speed, as derived from the standardised ten 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 standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent noise 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 wind speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under part (7) 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 L_{A90}, 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 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.

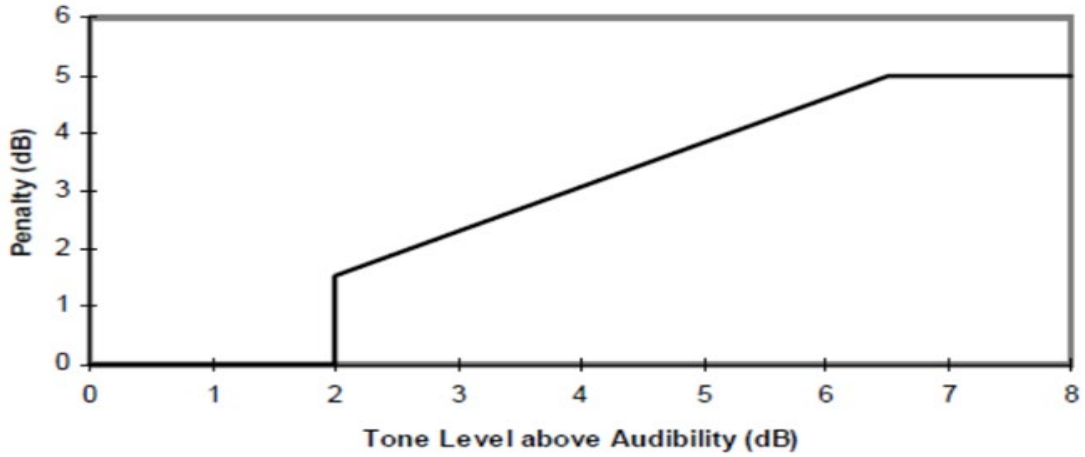
(c) For each of the 2-minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 - 109 of ETSU-R-97.

(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 substituted.

(e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be

used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

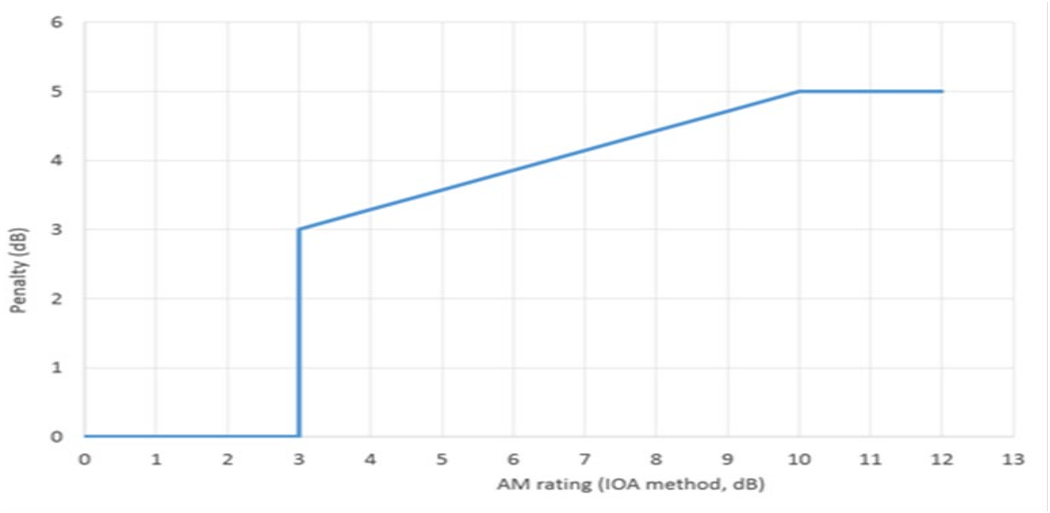
(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) Where, in accordance with the approved noise assessment protocol under part (7) of the wind turbine operational noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain Amplitude Modulation (AM), an AM penalty shall be calculated and applied using the following rating procedure.

(b) For each 10-minute interval for which the L_{A90}, 10-minute data have been determined as valid in accordance with Guidance Note 2, where an AM assessment is required this shall be performed in accordance with The IOA Noise Working Group (Wind Turbine Noise) document “A Method for Rating Amplitude Modulation in Wind Turbine Noise”, Final Report dated 9 August 2016. The value of AM for each 10-minute period shall be converted to a penalty in decibels in accordance with the graph below and the penalty shall be placed in the appropriate data sub-set and wind speed bin. Where a penalty is zero it should be placed in the bin in the same way.



Guidance Note 5

(a) The L_{A90} sound pressure level for each data sub-set and wind speed bin is the arithmetic mean of all the 10-minute sound pressure levels within that data sub-set and wind speed bin except where data has been excluded for reasons which should be clearly identified by the independent consultant. The tonal penalty for each bin is the arithmetic mean of the separate 10-minute tonal audibility levels in the bin converted to a penalty in accordance with Figure 17 on page 104 of ETSU-R-97. The AM penalty for each bin is the arithmetic mean of the AM penalties in the bin. The rating level in each bin is normally the arithmetic sum of the bin L_{A90}, the bin tonal penalty and the bin AM penalty except where the AM penalty and the tonal penalty relate to the same characteristic (e.g. amplitude modulated tones) when the sum of both penalties may overly penalise the characteristics of noise. Such cases should be identified and only the larger of the AM or tonal penalty should be applied.

(b) If no tonal penalty or AM 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) If the rating level in every bin lies at or below the values set out in the table(s) in the wind turbine operational noise condition (or other alternative limits determined under part (7 or 8) of the wind turbine operational noise condition) then no further action is necessary. In the event that the rating level is above the limit(s) set out in the table(s) attached to the wind turbine operational noise condition (or other alternative limits determined under part (7 or 8) of the noise condition) in any bin, the independent noise 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 immissions only. Correction for background noise need only be undertaken for those wind speed bins where the rating level is above the limit(s).

(d) The Company shall ensure that all the wind turbines in the development are turned off for such period as the independent noise consultant requires to

undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(i) Repeating the steps in Guidance Note 2, with the wind turbines switched off, and determining the background noise (L3) at each integer wind speed within the range requested by the relevant Planning Authority in its written request under part (6) and the approved protocol under part (7) of the noise condition.

(ii) The wind turbine 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 nor AM penalty:

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

(iii) The rating level shall be re-calculated by adding the tonal and/or AM penalty (if any is applied in accordance with Guidance Notes 3, 4 and 5(a)) to the derived wind turbine noise L1 at that integer wind speed.

(iv) If the rating level after adjustment for background noise contribution and adjustment for tonal and/or AM penalty (if required in accordance with Guidance Notes 3, 4 and 5(a)) at any integer wind speed lies at or below the values set out in the tables in the wind turbine operational noise condition or at or below the noise limits approved by the relevant Planning Authority for a complainant's dwelling in accordance with part (8) of the wind turbine operational noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the tables in the wind turbine operational noise condition or the noise limits approved by the relevant Planning Authority for a complainant's dwelling in accordance with part (8) of the noise condition then the development fails to comply with the condition.

50. Cumulative Wind Farm Noise

(1) There shall be no Commencement of Development unless and until a protocol detailing the process of investigating a noise complaint involving a property subject to cumulative wind farm noise ("The Cumulative Noise Protocol"), has been submitted to, and approved in writing by, the Planning Authorities. The Cumulative Noise Protocol shall detail what steps the Company shall take to investigate the noise complaint to assist in determining which of the wind farms is responsible for the potential breach where it is evidenced that this Development is complying with the noise limits set out in Condition 49.

(2) The protocol approved under part (1) shall be implemented in the event of a complaint alleging noise nuisance from a property.

Reason: *To ensure an appropriate protocol can be implemented to investigate and identify the development(s) responsible for noise generating a complaint.*

51. Battery Energy Storage System Facility and Substation Noise

(1) The battery energy storage system facility and onsite substation infrastructure shall be operated in such a way that when the noise from these installations is assessed in accordance with BS 4142:2014+A1:2019, the combined Rating Level shall not exceed 30 dB $L_{Ar,Tr}$ at any dwelling which is lawfully existing or has planning permission at the date of this consent.

Reason: *In the interests of residential amenity*.

Definitions

In this consent and deemed planning permission:-

“Commencement of Development” means the implementation of the consent and deemed planning permission by the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997.

“the Company” means Renewable Energy Systems, having its registered office at Beaufort Court, Egg Farm Lane, Station Road, Kings Langley, Hertfordshire, WD4 8LR, Company No. 1589961, or such other person who from time to time may lawfully have the benefit of this consent.

“Date of First Commissioning” means the date on which electricity is first exported to the grid network on a commercial basis from any of the wind turbines constructed as part of the Development.

“Date of Final Commissioning” means the earlier of (i) date when electricity is first exported to the electricity grid network on a commercial basis from the last of the wind turbines being constructed as part of the Development; or (ii) the date falling eighteen months from the Date of First Commissioning.

“Date of Final Generation” means the date that the Development ceases to generate electricity to the grid network on a permanent basis.

“Development” means the development authorised by this section 36 consent and deemed planning permission as described in Annex 1.

“EIA Report” means the Environmental Impact Assessment Report that accompanied the application submitted on 22 July 2022.

“Planning Authorities ” means East Ayrshire Council and South Ayrshire Council.

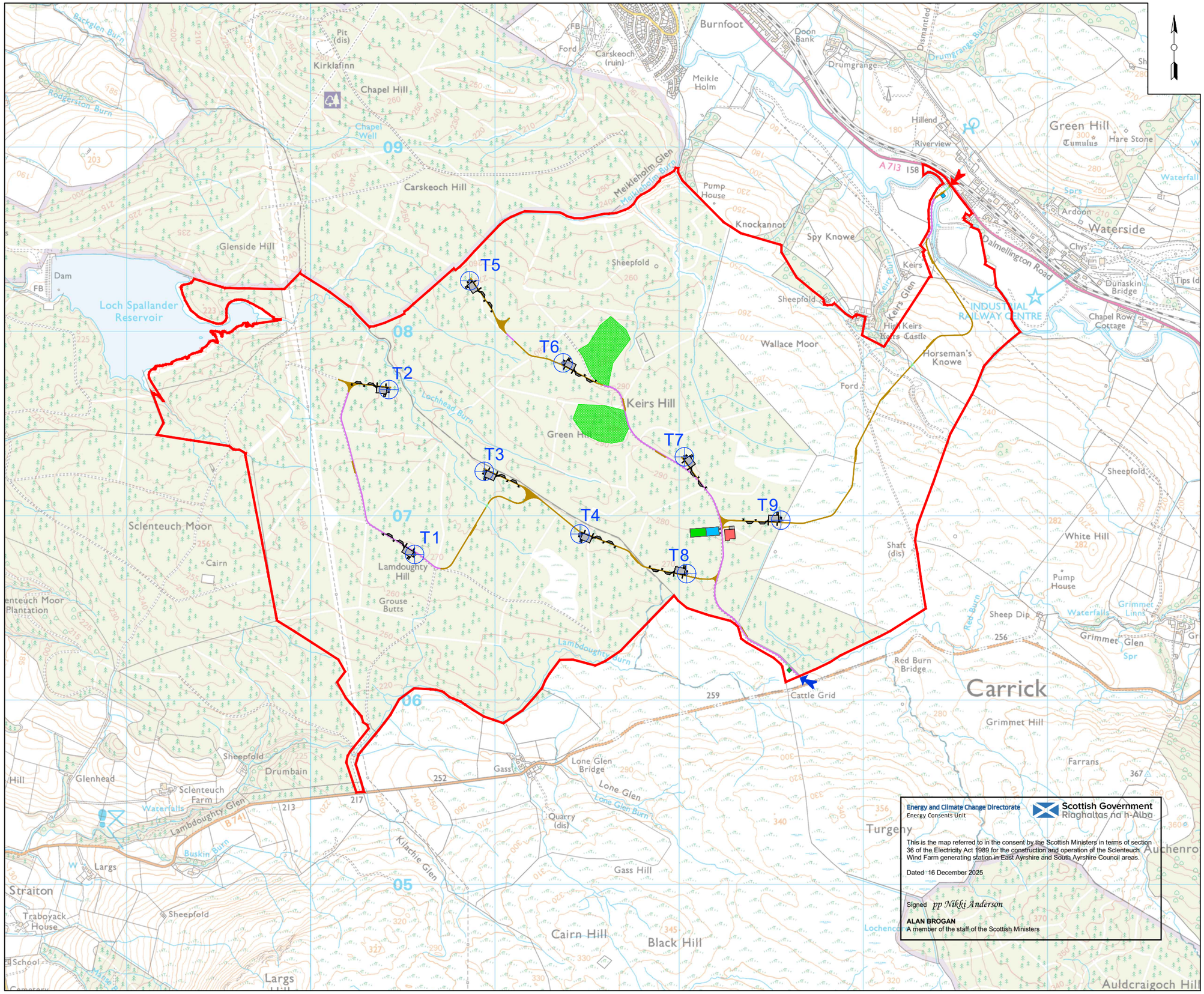
“Relevant Planning Authority’ means East Ayrshire Council in so far as a condition relates to development within the administrative boundary of East Ayrshire Council; and South Ayrshire Council in so far as a condition relates to development within the administrative boundary of South Ayrshire Council.

“Public Holiday” means:

- New Year's Day, if it is not a Sunday or, if it is a Sunday, 3rd January.
- 2nd January, if it is not a Sunday or, if it is a Sunday, 3rd January.
- Good Friday.
- Easter Monday.
- The first Monday in May.
- The first Monday in August.
- The third Monday in September.
- 30th November, if it is not a Saturday or Sunday or, if it is a Saturday or Sunday, the first Monday following that day.
- Christmas Day, if it is not a Sunday or, if it is a Sunday, 27th December.

- Boxing Day, if it is not a Sunday or, if it is a Sunday, 27th December.

“SEPA” means the Scottish Environment Protection Agency.



SCLENTEUCH WIND FARM

FIGURE 1.3

PROPOSED DEVELOPMENT

KEY

- SITE BOUNDARY
- WIND TURBINE LOCATION
- UPGRADED SITE TRACKS
- NEW SITE TRACKS
- WATERCOURSE CROSSING
- CRANE HARDSTANDING AREA
  - PERMANENT
  - TEMPORARY
- TEMPORARY ENABLING WORKS COMPOUND
- ALTERNATIVE TEMPORARY ENABLING WORKS COMPOUND
- TEMPORARY CONSTRUCTION COMPOUND/ BATTERY STORAGE
- BATTERY STORAGE
- CONTROL BUILDING & SUBSTATION COMPOUND WITH PERMANENT HARDSTANDING AREA
- BORROW PIT SEARCH AREA
- SITE ENTRANCE LOCATION
- ALTERNATIVE CONSTRUCTION SITE ENTRANCE LOCATION

Energy and Climate Change Directorate
Energy Consents Unit

Scottish Government
Riaghaltas na h-Alba

This is the map referred to in the consent by the Scottish Ministers in terms of section 36 of the Electricity Act 1989 for the construction and operation of the Sclenteuch Wind Farm generating station in East Ayrshire and South Ayrshire Council areas.

Dated 16 December 2025

Signed *pp Nikki Anderson*

ALAN BROGAN
A member of the staff of the Scottish Ministers

LAYOUT DWG	T-LAYOUT NO.
N/A	PSCOSCL026

DRAWING NUMBER	REV
03896-RES-DR-PE-001	8

SCALE - 1:20,000 @ A3

ENVIRONMENTAL IMPACT ASSESSMENT REPORT 2023