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Dear Mr Phillip

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 DOUGLAS WEST WIND FARM EXTENSION AND ENERGY STORAGE FACILITY WITHIN THE PLANNING AUTHORITY AREA OF SOUTH LANARKSHIRE COUNCIL

Application

I refer to the application (“Application”) made on 15 April 2019 under section 36 of the Electricity Act 1989 (“the Electricity Act”) made by Douglas West Extension Ltd, a company incorporated under the Companies Acts with company number SC587662, and having its registered office at 320 St Vincent Street, Glasgow, G2 5AD (“the Company”) for the construction and operation of Douglas West Wind Farm Extension, an electricity generating station comprising 13 wind turbines with a maximum blade tip height of 200 metres (“m”) and energy storage facility (“the proposed Development”).

The proposed Development is located approximately 2.68 kilometres (“km”) to the north west of Douglas and approximately 1.56 km to the south of Coalburn in the South Lanarkshire Council area, with a total generating capacity around 98 megawatts (“MW”), with 78 MW of generation from the wind farm and 20 MW from an energy storage facility.

This letter contains the Scottish Ministers’ decision to grant Section 36 consent for the proposed Development as described at Annex 1.

Planning Permission

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.

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

Background

The Application site comprises an area of approximately 372.6 hectares (ha) and is located within the commercial coniferous plantation of the eastern part of the Cumberhead Forest. The proposed Development lies adjacent to the operational Douglas West Wind Farm and is located within an established cluster of wind farms around Hagshaw Hill (known as the 'Hagshaw Cluster') in rural South Lanarkshire. The proposed Development will extend the operational Douglas West Wind Farm onto the adjoining eastern block of Cumberhead Forest and will infill the remaining gap between Douglas West Wind Farm and Hagshaw Hill Wind Farm and its extension. The proposed Development is 3.7km from the Muirkirk and North Lowther Uplands Special Protection Area ("SPA").

Following the consultation when the Application was submitted, Civil Aviation Authority (CAA) raised concerns regarding aviation lighting. The Company provided an updated lighting assessment with accompanying visualisations, and this was submitted as Additional Information (AI) dated July 2020.

Legislation

Under paragraph 2(1) of Schedule 8 to the Electricity Act, the relevant Planning Authority (in this case South Lanarkshire Council) is required to be notified in respect of a section 36 consent application. In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the EIA Regulations") and the Electricity Works (Miscellaneous) (Coronavirus) (Scotland) Regulations 2020, the Company submitted an Environmental Impact Assessment report ("the EIA report") dated April 2019 and AI dated July 2020 in support of the Application describing the proposed Development and giving an analysis of its environmental effects.

In addition, to comply with the EIA Regulations, Scottish Ministers are required to consult the Planning Authority, as well as Scottish Natural Heritage, acting under its operating name NatureScot, the Scottish Environment Protection Agency ("SEPA") and Historic Environment Scotland ("HES") as well as other persons that are likely to be concerned by the proposed Development by reason of their specific environmental responsibilities.

In accordance with requirements of both the Electricity (Applications 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 Authority as well as to NatureScot, SEPA and HES.

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. Scottish Ministers shall avoid, so far as possible, causing injury to fisheries or to the stock of fish in any waters.

Scottish Ministers have given consideration to the extent to which the Company has demonstrated in the Application submitted that they have done what they reasonably can to mitigate any effect, which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites buildings or objects.

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

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

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 which are included in Annex 2. In their response to Scottish Ministers, they direct the Company to the Regulations section of the SEPA website for advice on Regulatory requirements and good practice advice.

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

Scottish Ministers consider that there is sufficient information to allow Ministers 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.

Scottish Ministers are satisfied that the Company has done what it reasonably can to mitigate any effect, which the proposals would have on the natural beauty of the countryside, or any such flora, fauna, features, sites, buildings or objects.

Scottish Ministers are satisfied that the Company has avoided so far as possible, causing injury to fisheries or to stock of fish in any waters.

Scottish Ministers have had regard to the requirements regarding publicity and consultation laid down in the Consents Regulations and EIA Regulations and The Electricity Works (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland)

Regulations 2020, and are satisfied the general public as well as statutory and other consultees have been afforded the opportunity to consider and make representation on the proposed Development.

Consultation Responses

A summary of the consultation responses is provided below and the full responses are available on the Energy Consents Unit website [Scottish Government - Energy Consents Unit](http://www.energyconsents.scot) www.energyconsents.scot

South Lanarkshire Council (the Planning Authority) raised no objection.

The Planning Authority noted that the access tracks are located within the Rolling Moorland Landscape Charter Type (LCT) and the proposed wind turbines and associated infrastructure is located within Rolling Moorland with Forestry LCT. The Planning Authority acknowledge that the immediate landscape surrounding the Application site has several operational and consented wind farms (known as the Hagshaw cluster).

The Planning Authority advise that the proposed Development is located within an area that is identified as having a medium capacity for wind turbines at a scale of 150-200m within the finalised Tall Turbine Addendum, 2019 to the South Lanarkshire Landscape Capacity Study 2016.

Taking into account the heights and topography of the surrounding wind farms, the Planning Authority concluded that the proposed turbines at 200m to tip height would not appear incongruous within this landscape which is characterised by wind farms, as they are within the centre of the landscape rather than being outliers. The Planning Authority consider that the proposed Development would be read as part of a larger wind farm in the context of the surrounding existing development. The Planning Authority also considered that the proposed turbines would rise out of the existing forestry which would initially soften their appearance on the landscape. It is acknowledged by the Planning Authority, that whilst the current forestry is not permanent as it will mature and be felled, they consider it unlikely that there would ever be a different use for the lands except forestry, and therefore another cycle of trees would be planted which would again start to provide the softening effect over the long term.

The effects of aviation lighting were considered and the Planning Authority who advised that there is existing lighting that is visible within the wider area and they consider that the proposed aviation lighting will have a negligible effect on the surrounding landscape.

The Planning Authority considered impacts on communities and individual dwellings in respect of shadow flicker, noise and visual impacts. They concluded that acceptable noise emissions levels can be met subject to a condition, and that there will be no receptors affected to a detrimental degree by potential shadow flicker from the proposed Development. The Planning Authority considered the Residential Visual Amenity Study which identified properties and groupings of properties within 2km of the proposed Development. It is noted that the nearest property is 1.38km from the

proposed Development. The Planning Authority consider that the distance from the proposed turbines to the properties, whilst not being 2km still helps minimise the visual impact of the proposed turbines, as does the rolling topography and forestry that softens the impact of the proposed Development on the landscape. The Planning Authority consider that the distance between communities and the proposed Development is acceptable in this instance, and that whilst the proposed turbines would have a visual impact it is one that is not of a significance to be considered detrimental to the visual amenity of the area.

The proposed Development is considered to be acceptable to the Planning Authority and they advise that the proposed Development is not considered to have any significant, adverse impact within the surrounding area, and that it accords with national policy, and the relevant provisions of the Development Plan subject to the imposition of environmental and transportation conditions.

Scottish Ministers have attached conditions within Annex 2, which gives effect to the Planning Authority's recommendations.

SEPA – raised no objection.

SEPA were content to support the proposed Development subject to requiring a site waste management plan and environmental management plan. Scottish Ministers have attached conditions within Annex 2, which gives effect to SEPA's recommendations.

NatureScot – raised no objection.

NatureScot provided advice on statutory designated sites, landscape and visual, ecology, species and habitats.

NatureScot provided advice and recommendations regarding European Protected Species and nationally protected species including birds. They were generally in agreement with the mitigation measures proposed in the EIA report subject to some additional recommendations including requiring pre-commencement surveys, fish monitoring and habitat management. Scottish Ministers have attached conditions within Annex 2, which gives effect to NatureScot's recommendations.

NatureScot considered that the scope and assessment of landscape and visual effects as set out in the Landscape and Visual Impact Assessment within the EIA report is well considered and generally sound in its findings.

NatureScot advise that adverse and significant landscape and visual effects would occur within a relatively localised area given the proliferation of wind turbine development within a 15 km radius of the proposed Development. NatureScot noted that consideration of the status of the complex cumulative baseline situation is key in determining the extent of landscape and visual effects of the proposed Development. They advise that the proposed turbines would be taller than those in the existing, consented and application cumulative baseline, however they consider the proposed turbines would be the same broad scale and extent. NatureScot note that this would already be a landscape of large wind turbines and the proposed Development would

be in keeping with this. Scottish Ministers considerations of the landscape and visual impact of the proposed Development is considered under 'Assessment of the Determining Issues' on page 11.

Historic Environment Scotland (HES) – raised no objection.

HES concluded that the proposed Development does not raise historic environment issues of national significance and that the Application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

East Ayrshire Council – raised no objection.

East Ayrshire Council is of the view that the visibility of the proposed Development is relatively constrained and that the impacts on settlements and transport routes within East Ayrshire will be limited. They noted that consideration should be given to the use of aviation activated lighting to mitigate effects on the night time rural environment. Scottish Ministers considerations of the landscape and visual impact of the proposed development and the effects of aviation lighting is considered under 'Assessment of the Determining Issues' on page 11.

Civil Aviation Authority (CAA) – raised no objection.

The CAA advise that the proposed lighting requirements submitted for the proposed Development are in accordance with the Air Navigation Order (ANO) Article 222 section 6. Scottish Ministers have attached a condition within Annex 2, which gives effect to aviation lighting requirements.

Ministry of Defence (MOD) - raised no objection.

MOD advise that the proposed Development will occupy Low Flying Area and to address this impact it would be necessary for the proposed Development to be fitted with MOD accredited aviation safety lighting in accordance with the Civil Aviation Authority Air Navigation Order 2016. In the interest of air safety, they request they be informed of the dates of when construction begins and ends, the maximum height of construction equipment and the latitude and longitude of every turbine.

Scottish Ministers have attached conditions within Annex 2, which gives effect to MOD's recommendations.

Glasgow Airport ('GPA') – raised no objection.

To address the conflict with the safeguarding criteria an agreement has been entered into between the Company and Glasgow Airport. Glasgow Airport do not object subject to conditions. Scottish Ministers have attached conditions within Annex 2, which gives effect to Glasgow Airport's requirements.

Glasgow Prestwick Airport– raised no objection.

To address the conflict with Instrument Flight Procedure ('IFP') an agreement has been entered into between the Company and GPA. GPA do not object subject to conditions. Scottish Ministers have attached a condition within Annex 2, which gives effect to GPA requirements.

NATS - raised no objection.

Having initially objected advising unacceptable impacts on radar, the Company subsequently entered into an agreement with NATS identifying suitable agreed planning conditions. The Scottish Ministers have included these in planning conditions at Annex 2.

Scottish Rights of Way and Access Society (ScotWays) – raised no objection.

Scotways recognised that the right of way may need to be temporarily diverted and that this could be secured by an appropriately worded condition. They also recommended consultation with the access team at South Lanarkshire Council regarding the wording of any condition relating to any diversions that may be required.

Scottish Ministers have attached conditions within Annex 2, which gives effect to Scotways recommendations.

The Coal Authority – raised no objection.

The Coal Authority reviewed the Coal Mining Risk Assessment and confirmed that only part of the proposed Development falls within the Development High Risk Area. The area is the access road which was used to access the former Dalquhandy Opencast Coal site and it did not fall within part of the site where coal extraction took place. The Coal Authority consider the Application site is safe and stable for the proposed Development.

Internal consultee responses

Scottish Forestry

Scottish Forestry do not object and were content to support the proposed Development subject to a condition for the delivery and management of Compensatory Planting. Scottish Ministers have attached a condition within Annex 2, which gives effect to Scottish Forestry's recommendations.

Transport Scotland

Transport Scotland do not object and were content with the impacts on the trunk road network subject to conditions relating to minimising the impact on the trunk road network covering: visibility splays; access and road network; abnormal load route trial; road network and safety and; road network and safety. Scottish Ministers have attached conditions within Annex 2, which gives effect to Transport Scotland's recommendations.

Marine Scotland Science (MSS)

MSS do not object and were content with the proposals and recommended an integrated water quality and fish population monitoring programme and welcomed the proposed mitigation measures including the 50m buffer zone, and the adherence to the UK Forest and Water Guidelines. Scottish Ministers have attached conditions within Annex 2, which gives effect to MSS's recommendations.

Ironside Farrar (advisors to Scottish Ministers on Peat Landslide and Hazard Risk Assessment (PLHRA)) - raised no objection. They advised that following clarification information the revised PLHRA was considered to be sufficient.

Consultees that provided no objection are as follows:

Scottish Water, Joint Radio Company, Radio Network Protection/BT, and The Royal Society for the Protection of Birds (RSPB).

Consultees that did not respond to the consultation are as follows:

Scottish Wildlife Trust, Fisheries Management Scotland, Douglas West Community Council, and Coalburn Community Council.

Representations

The Scottish Ministers received no public representations, either in support of, or objecting to the application.

Conservation of Habitats and Species Regulations

The Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations") require Scottish Ministers to consider whether the proposed Development would be likely to have a significant effect on a European site, as defined in the Habitats Regulations.

The proposed Development lies 3.7km from the Muirkirk and North Lowther Uplands Special Protection Area ("SPA"), protected for its breeding hen harrier, merlin, peregrine, short-eared owl and golden plover, and for its non-breeding (wintering) hen harrier. Consequently, Scottish Ministers are required to consider the effect of the proposed Development on the SPA by carrying out a Habitats Regulations Appraisal ("HRA").

NatureScot advise that although the proposed Development is situated outside the SPA boundary, this proposal is likely to have a significant effect on the breeding Merlin qualifying interest of the SPA as it lies within the core breeding season foraging range of this species. The proposed Development is outwith the core breeding season foraging ranges of the SPA's other breeding bird qualifying interests (hen harrier, peregrine, short-eared owl and golden plover). In addition, it is beyond the distance from known SPA wintering hen harrier roosts at which impacts may occur. No likely significant effect is therefore predicted for any qualifying interest other than breeding merlin.

The proposed Development lies within the core foraging range for Merlin which is the area in which NatureScot advise there may be connectivity between the proposed Development and the qualifying interests of the SPA. Scottish Ministers' appropriate assessment has been carried out and the environmental information to inform the assessment was presented in the EIA report. The appropriate assessment has therefore been carried out using information already advertised in accordance with the EIA Regulations, and with the regard to advice from NatureScot.

NatureScot advise there is no direct or indirect impacts on the SPA, taking into account that no merlin were recorded within the proposed Development site during surveys, and given the distance between the proposed Development and the SPA. Scottish Ministers appropriate assessment concluded, following advice from NatureScot, and in view of the conservation objectives being met for its Merlin qualifying interests, the proposed Development alone and in combination with other projects or proposals that could have impacts on the SPA, will not adversely affect the integrity of the SPA. The full appropriate assessment is provided in Annex 4 of this letter.

Public Inquiry

In accordance with paragraph 2(2) of Schedule 8 of the Electricity Act , where the relevant Planning Authority objects to an application and the objection is not withdrawn the Scottish Ministers shall cause a public inquiry to be held. The Planning Authority did not object to the Application and no other objections have been received. Scottish Ministers are satisfied there is sufficient information to be able to make an informed decision on the Application and that it would not be appropriate to hold a public inquiry.

Scottish Government Policy Context

Climate Change and Renewable Energy Targets

The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority of Scottish Ministers. The Scottish Government are committed to ensuring that an increased proportion of electricity is generated from renewable energy sources in order to meet carbon emission targets.

The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (the "2019 Act") sets a target for Scotland to be carbon-neutral, meaning net-zero CO₂, by 2045 at the latest. Additionally the 2019 Act sets out two interim targets to reduce emissions by 75% by 2030 and by 90% by 2040.

Scotland's Climate Change Plan 2018-2032, sets out the roadmap for achieving those targets, and has set the goal of 50% of Scotland's energy demand to be met by renewable energy generation by 2030.

Scottish Energy Strategy and Onshore Wind Policy Statement

Scottish Energy Strategy (SES) and Onshore Wind Policy Statement (OWPS) were published in December 2017. SES provides a long-term vision to guide energy policy decisions to tackle the challenges of decarbonising heat and transport in order to meet

Scotland's long-term energy and climate change targets. The OWPS reaffirms the vital role for onshore wind in meeting Scotland's energy targets.

National Planning Framework and Scottish Planning Policy (SPP)

National Planning Framework 3 ("NPF3") and SPP strongly support the roll-out of wind farms and a range of renewable energy technologies. Together they set out what is expected of the planning system, including a spatial strategy for low carbon places where an 80% reduction in greenhouse gas emissions is achieved by 2050.

NPF3 sets out the long term vision for the development and investment across Scotland over the next 20 to 30 years and is the spatial expression of the Scottish Government's Economic Strategy and of our plans for infrastructure investment. Amongst its wide-ranging policies, NPF3 sets out the need for a strategy to reduce reliance on fossil fuels and emphasises not just the challenges in embracing a renewable and low carbon economy while protecting and sustaining environmental assets but also the wider benefits that this will bring, especially in employment creation. It sets out that onshore wind will continue to make a significant contribution to the diversification of energy supplies.

SPP sets out that development plans should seek to ensure that an area's full potential for electricity and heat from renewable sources is achieved, in line with national climate change targets, giving due regard to relevant environmental, community and cumulative impact considerations. The aim is to achieve the right development in the right place, it is not to allow development at any cost. It also sets out that policies and decisions should be guided by certain principles giving due weight to net economic benefit; the contribution to renewable energy targets; supporting delivery of infrastructure, including energy, and; protecting natural heritage, including landscape and the wider environment.

Scottish Ministers acknowledge that the proposed Development would result in some cumulative landscape and visual impacts, which are considered acceptable in the context of the benefits that the proposed Development will bring in terms of net economic benefit, contributing to renewable energy and climate change targets, while protecting the natural environment. On balance, it is considered that the proposed Development contributes to sustainable development.

Scotland 2045: Our Fourth National Planning Framework Draft ("Draft NPF4") was laid in Parliament on 10 November 2021. The Draft NPF4 sets out the spatial strategy with a shared vision that is to guide future development in a way which reflects the overarching spatial principles: sustainable places, liveable places, productive places and distinctive places. It does not reduce the current policy support for the proposed Development and given the Draft NPF4 is at the consultative draft stage, Scottish Ministers have given it limited weight.

Local Development Plan

The Planning Authority assessed the proposed Development against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Planning Authority set out that

the Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions.

The Planning Authority assessed the proposed Development against the South Lanarkshire Local Development Plan 2015 as well as Proposed South Lanarkshire Local Development Plan 2 (2018) ('LDP2') and Supporting Planning Guidance - Renewable Energy. The Planning Authority advised that the proposed Development was in accordance with national policy and the relevant provisions of the Development Plan and raised no objection subject to conditions.

Following the examination of the LDP2 and its associated documents in 2020, the LDP2 was submitted to Scottish Ministers who approved it and it was then subsequently adopted by South Lanarkshire Council on Friday 9 April 2021. The LDP2 is the Council's most up to date policy position and the Scottish Ministers have taken the adopted plan into account in the assessment of the proposed Development.

The Scottish Ministers Considerations

Having considered the Application, the EIA report, AI, responses from consultees, and Scottish Government policies, Ministers consider that the main determining issues are:

- the environmental impacts of the proposed Development, in particular the landscape and visual impacts and their cumulative effects and aviation lighting;
- the estimated economic and renewable energy benefits which the proposed Development is likely to bring; and;
- the extent to which the proposed Development accords with and is supported by Scottish Government policies.

These issues are considered in turn below.

Assessment of the Determining Issues

Landscape and visual impacts including cumulative effects and aviation lighting

In consideration of the proposed Development, the Scottish Ministers have reviewed the Landscape and Visual Impact Assessment (LVIA) presented within the EIA report, and AI, and comments made by consultees including the Planning Authority and NatureScot.

The LVIA is contained within the EIA report at Chapter 6. It is acknowledged that the proposed Development is located within the Hagshaw Cluster. Figure 1.4 of the EIA Report shows cumulative windfarms within the Hagshaw Cluster.

The various scenarios of existing and consented developments, together with proposed developments at application stage have been taken into account in the assessment of effects on landscape and visual. NatureScot noted in their consultation response that cumulatively the proposed turbines would dominate views from the settlement of Douglas as well as contribute to visual complexity due to the sheer density of developments in the area.

The cluster includes the operational Hagshaw Hill and its extension, Nutberry, Galawhistle, Hazelside Farm and Douglas West wind farms. In the cluster there are also consented developments for Dalquhandy, Cumberhead, Hagshaw Hill Repowering. Hare Craig wind farm and Cumberhead West wind farm are at the application stage.

The Planning Authority considered that the proposed turbines are suitable in terms of scale and siting and that, if constructed, they would be read as part of a larger wind farm group on the landscape. The Planning Authority consider the design and layout of the proposed turbines, and the separation distance and scale of the landscape minimise the visual impact the proposed Development may have on the surrounding settlements and individual receptors. The Planning Authority conclude that the proposed Development is considered acceptable, subject to proposed conditions.

NatureScot advise that the receiving landscape of the proposed Development would have become characterised by wind farms when taking into account existing and consented developments, and whilst these wind farms would cause a number of significant landscape and visual effects, those contributed cumulatively by the proposed Development would be lessened. The landscape and visual effects of aviation lighting has been considered. The LVIA (Chapter 6 of the EIA) provides an assessment of the effects of visible aviation lighting and it concluded that the effects of the proposed aviation lighting would not give rise to significant landscape and visual effects.

NatureScot considered that the combined effect of night lighting at the proposed Development, in addition to Hagshaw Hill Repowering, would have an adverse cumulative effect on night time views from Douglas and the wind Douglas Valley area.

The Planning Authority consider that the proposed aviation lighting does not have any issues in relation to residential amenity. The Planning Authority acknowledge that whilst the lights will be visible, they will only be seen when dark by residential receptors and primarily from external areas such as gardens. The Planning Authority take into account that the landscape is not designated a dark sky and the John Dewar complex located nearby already has night time lighting visible within the wider area. The Planning Authority conclude that existing night time lighting in the area including those from other turbines results in a night time sky that has existing illumination in the area.

Scottish Ministers acknowledge that the proposed Development would add to the overall night time lighting effects but agree with the Planning Authority that these effects are not unacceptable.

The Scottish Ministers acknowledge the complexities with the different scenarios that could occur with landscape and visual effects if certain consented developments are not built out, and recognise the significant adverse cumulative effects would principally occur in views from the Douglas valley to the south east. Taking into account the above, the Scottish Ministers consider that the landscape and visual impacts and cumulative effects, and the night time lighting effects are acceptable.

Scottish Ministers have attached a condition within Annex 2, which gives effect to aviation lighting requirements.

Economic Benefits

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 Company set out in the EIA report that during the development and construction phase of the proposed Development it would generate up to £15.9 million and 141 job years of employment in South Lanarkshire; and £42.8 million and 393 job years in Scotland (including South Lanarkshire). Further that during each year of the operational phase it would generate up to £0.7 million and 5 jobs in South Lanarkshire; and £1.0 million and 8 jobs in Scotland.

Whilst the overall net economic benefits are estimations of the effects of the proposed Development, Scottish Ministers are satisfied the proposed Development has the potential for significant positive net economic benefits both for the local community, South Lanarkshire and Scotland.

Scottish Government policies, renewable energy targets and carbon savings and payback

Scotland's renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up this proposed Development. NPF3, SPP, 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. Draft NPF4 was laid in Parliament on 10 November 2021. It does not reduce the current policy support for the proposed Development and given the Draft NPF4 is at the consultative draft stage, Scottish Ministers have given it limited weight.

As previously set out, SPP contains guidance in respect of the granting of development consent for wind farm development. SPP is to be read and applied as a whole and policies require to be considered and balanced when reaching a decision on applications for wind energy development.

SPP is clear that development plans prepared by planning authorities should identify those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Paragraph 169 identifies a number of development management considerations to be taken into account when determining energy infrastructure developments including but not limited to, landscape and visual, cumulative impact, net economic impact, and contribution to the renewable energy generation targets. Scottish Ministers are satisfied that the matters pertaining to NPF3 and SPP have been assessed in the Application, EIA report, and responses to the consultation by the Planning Authority, NatureScot and other relevant bodies.

Scottish Ministers consider that this proposed Development makes a considerable contribution towards meeting greenhouse gas emission and renewable electricity targets, as well as the diversification of energy supplies with a generating capacity of

approximately 78MW from the wind turbines and output of around 20MW from the energy storage facility.

The proposed Development is expected to generate approximately 220.7 Gigawatt hours per annum, which is enough to power the equivalent of 57,000 households in Scotland for a year. The carbon saving is approximately 101,522 tonnes of CO₂ per year meaning a total of over 3.05 million tonnes over the proposed Development's 30 year operational life, through displacement of carbon emitting generation.

Scottish Ministers are satisfied that the proposed Development accords with Scottish Government policies, makes a considerable contribution towards renewable electricity targets and carbon savings and will contribute to the Scottish Government's strategic priorities.

Conclusions

Reasoned Conclusions on the Environment

The Scottish Ministers are satisfied that the EIA report and AI has been produced in accordance with the EIA Regulations, the Consents Regulations and the Electricity Works (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 and that the procedures regarding publicity and consultation laid down in the those regulations have been followed.

The Scottish Ministers are satisfied that the Company has done what it reasonably can to mitigate any effect that the proposals would have on the natural beauty of the countryside or any such flora, fauna, features, sites, buildings or objects.

The Scottish Ministers have considered fully and carefully the Application, including the EIA report, AI, consultation responses 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. Taking into account the above assessment and subject to conditions, the Scottish Ministers consider the environmental effects of the proposed Development are acceptable.

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.

The Scottish Ministers' Determination

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 Douglas West Windfarm Extension, in the South Lanarkshire Council area (as described in **Annex 1**).

Subject to the conditions set out in **Annex 2 - Part 2**, the Scottish Ministers direct that **planning permission be deemed to be granted** under section 57(2) of the Town and

Country Planning (Scotland) Act 1997 in respect of the Douglas West Windfarm Extension described in **Annex 1**.

Section 36 consent and expiry of Planning Permission

The consent hereby granted will last for a period of 30 years from the earlier of:

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

Section 58(1) of the Town and Country Planning (Scotland) Act 1997 provides that planning permission lapses if development has not begun within a period of 3 years. Section 58(2) of that Act enables Ministers to direct that a longer period is allowed before planning permission lapses. Scottish Ministers consider that due to the constraints, scale and complexity of constructing such developments, and the timescales associated with grid connection, a 5 year time scale for the commencement of the development is typically appropriate. As a consequence of the potential delays the Covid 19 pandemic may have on predicted construction timescales the Scottish Ministers consider it is reasonable to add an additional year to typical timescales.

Scottish Ministers therefore direct that section 58(1) of the Town and Country Planning (Scotland) Act 1997 is not to apply with regard to that planning permission and that planning permission is to lapse on the expiry of a period of 6 years from the date of this direction if there has been no development within that period.

In accordance with the EIA Regulations, the Company must publicise notice of this determination and how a copy of this decision letter may be inspected on the application website, in the Edinburgh Gazette and a newspaper circulating in the locality in which the land to which the application relates is situated.

Copies of this letter have been sent to the public bodies consulted on the application including the Planning Authority, NatureScot, SEPA and Historic Environment Scotland. This letter has also been published on the Scottish Government Energy Consents website at <http://www.energyconsents.scot>

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 Courts:

<https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap58.pdf?sfvrsn=12>

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

REDACTED

Yours faithfully

William Black

A member of the staff of the Scottish Ministers

Annex 1 – Description of Development

Annex 2 – Section 36 and Deemed Planning Conditions

Annex 3 – Site Layout Plan

Annex 4 – Appropriate Assessment

ANNEX 1

Description of the Development

The Development comprises an electricity generating station known as Douglas West Wind Farm Extension comprising 13 wind turbines with a maximum tip height of 200 metres and an energy storage facility (“the proposed Development”).

The components of the generating station and ancillary development comprise:

- 13 turbines of up to a maximum tip height of 200m;
- Energy storage facility;
- Associated foundations and crane hardstandings at each wind turbine location;
- Access tracks connecting infrastructure elements and drainage;
- Watercourse crossings;
- Substation and control building;
- A network of underground cables
- Two meteorological monitoring masts;
- Construction compound;
- Concrete batching plant;
- Temporary turbine laydown area; and
- Borrow pits.

Annex 2

Part 1

Conditions Attached to Section 36 Consent

1. Notification of Date of First Commissioning

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

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

2. Commencement of Development

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

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

3. Non-assignment

- (1) This consent shall not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment, with or without conditions.
- (2) The Company shall notify the Planning Authority and Scottish Ministers in writing of the name of the assignee, principal named contact 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 breach of health and safety or environmental obligations relating to the Development 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. Storage Technology

- (1) No storage technology shall be constructed on the site unless and until details of the storage technology to be implemented have been submitted to and approved in writing by the Scottish Ministers.
- (2) Thereafter, once installed, the approved storage technology shall be implemented and maintained in accordance with the approved details, unless agreed in writing with the Scottish Ministers.
- (3) Written confirmation of when the Energy Storage Facility is installed and commissioned shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after those dates.
- (4) There shall be no further installation of any storage technology, unless and until details of the storage technology to be installed have been submitted to and approved in writing by the Scottish Ministers.

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

Part 2

Conditions Attached to Deemed Planning Permission

6. Implementation in accordance with approved plans and requirements of the section 36 consent

- (1) Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the Application and the accompanying EIA Report including all Appendices, dated April 2019, including all mitigation and monitoring measures stated in it, and other documentation lodged in support of the application.

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

7. Design and operation of wind turbines

- (1) No development shall commence unless and until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour, which should be non-reflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority.
- (2) The wind turbines shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.
- (3) All wind turbine blades shall rotate in the same direction.
- (4) All electricity and control cables between the turbines, substations and control buildings shall be laid out underground.

***Reason:** To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.*

8. Signage

- (1) No wind turbine, anemometer, power performance mast, switching station, transformer building or enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the planning authority.

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

9. Design of energy storage facility

- (1) No construction of the Energy Storage Facility shall commence unless and until details of the location, layout, external finishes and appearance, dimensions and surface materials of the Energy Storage Facility has been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented unless otherwise agreed by the Planning Authority.

Reason: *To ensure that the environmental impacts of the energy storage facility forming part of the Development conform to the impacts assessed in the environmental impact assessment and in the interests of the visual amenity of the area.*

10. Design of sub-station and ancillary development

- (1) Prior to the commencement of works in respect of each of the following elements;
- control building;
 - substation;
 - associated compounds;
 - any construction compound boundary fencing;
 - external lighting; and
 - parking areas.

- (2) Final details of the external finishes and appearance, dimensions, and surface materials of the relevant element shall be submitted to and approved in writing by the Planning Authority. The control buildings, substation, associated compounds, fencing, external lighting and parking areas approved shall be constructed in accordance with the approved details and maintained as such for the lifetime of the development, hereby approved, unless otherwise agreed in writing by the Planning Authority.

Reason: *To ensure that the environmental impacts of the sub-station and ancillary development forming part of the Development conform to the impacts assessed in the environmental impact assessment and in the interests of the visual amenity of the area.*

11. Micro-siting

- (1) Each turbine, building, compound, area of hardstanding, track and watercourse crossing shall be erected in the position indicated upon Figure 1.3 (Site Layout Plan) within the EIA Report, dated April 2019. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis:

- (a) if the micro-sited position is less than 50 metres it shall only be permitted following the approval of the Environmental Clerk of Works (ECoW).
- (b) Unless otherwise agreed in writing by the Planning Authority the said provisions relating to micro-sited position shall not have the effect such that any micro-sited position will:

- bring a turbine any closer to an uninvolved property than is already approved
- bring a turbine outwith the planning application boundary
- breach the 50 metre water buffer zones
- take place within areas of peat of greater depth than the original location.

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

12. Water Quality Monitoring

- (1) No Development shall take place until and unless the details of a Water Quality Monitoring Programme (WQMP) including reporting has been submitted to and agreed in writing by the Planning Authority in consultation with SEPA and Marine Scotland.
- (2) The WQMP must take account Scottish Government's Marine Scotland Science's response dated 17 June 2019 and SEPA's response dated 13 June 2019.
- (3) Thereafter the WQMP must be implemented in full and in accordance with the timescales set out in the plan. No changes to the WQMP shall take place unless they are with prior written approval of the Planning Authority.

Reason: *In order to ensure adequate monitoring of watercourse and groundwater quality.*

13. As Built Plan

Within 3 months of Date of Final Commissioning the Company shall submit to the Planning Authority an "as built plan" at an appropriate scale indicating the location of any track, turbine, crane pad and restored borrow pit within the Development.

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

14. Borrow Pits – Scheme of Works

- (1) No development shall commence unless and until a scheme for the working and restoration of each borrow pit has been submitted to, and approved in writing by, the Planning Authority in consultation with SEPA. The scheme shall include:
 - (a) a detailed working method statement based on site survey information and ground investigations;
 - (b) details of the handling of any overburden (including peat, soil and rock);
 - (c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;

- (d) a programme of implementation of the works described in the scheme; and
- (e) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

(2) The approved scheme shall be implemented in full.

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

15. Borrow Pits – Blasting

- (1) No blasting shall take place until such time as a blasting method statement has been submitted to and approved in writing by the Planning Authority.
- (2) The method statement shall include details of measures required to minimise the impact of blasting on residential and other noise-sensitive properties in the vicinity of the site. It shall also include the following measures:
 - Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;
 - Blasting techniques and instantaneous charge levels shall be employed such that the predicted peak particle velocity shall not exceed 6 mm/s in any plane in 95% of all blasts in any one month period, and no individual blast shall exceed a peak particle velocity of 12 mm/s as would be measured on the ground adjacent to any vibration-sensitive building;
 - Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;
 - Within the constraints of safe practice, blasting shall be avoided under weather conditions which are likely to direct or focus the blast air overpressure towards neighbouring noise sensitive properties; and
 - Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority. No blasting shall take place except between the following times:
 - 10.00 - 12.00 and 14.00 - 16.00-Mondays to Fridays and;
 - 10.00 - 12.00 Saturdays.
- (3) For the avoidance of doubt, in any instance where a charge is set and it is expedient under Health Safety Executive regulations to carry out the blast outwith these times the Planning Authority shall be alerted via email no later than 2 hours after the blast.

- (4) Blasting shall be monitored with using a suitably calibrated seismograph. Any triggered measurements (exceeding a PPV of 0.5mm/s) shall be retained as trace recordings that on request shall be forwarded to the Planning Authority for their consideration.

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

16. Planning Monitoring Officer

- (1) No development shall commence unless and until the terms of appointment by the Company of an independent and suitably qualified environmental consultant as Planning Monitoring Officer ("PMO") have been submitted to, and approved in writing by, the Planning Authority.
- (2) The terms of appointment shall:
- (a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;
 - (b) require to set out the frequency of PMO visits to site;
 - (c) require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and
 - (d) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity.
- (3) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

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

17. Environmental Clerk of Works

- (1) No development shall commence unless and until the terms of appointment of an independent Environmental Clerk of Works ("ECoW") by the Company have been submitted to, and approved in writing by the Planning Authority in consultation with NatureScot. The terms of appointment shall:
- (a) impose a duty to monitor compliance with the ecological and hydrological commitments and mitigations measures provided in the EIA Report and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved;
 - (b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
 - (c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;

- (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
 - (e) Advising the Company on adequate protection of nature conservation interests on the site and implement a watching brief during construction to advise on any nesting activity; and
 - (f) Directing the micro-siting and placement of the turbines and infrastructure.
- (2) The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction and restoration phase.

18. Environmental Clerk of Works – Decommissioning phase

- (1) No later than eighteen months prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority in consultation with NatureScot.
- (2) The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

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

19. Construction Environmental Management Plan

- (1) No development shall commence until a Construction Environmental Management Plan (CEMP) including Site Waste Management Plan and Ground Water and Surface Water Monitoring Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and NatureScot.
- (2) The CEMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the EIA Report and Appendices dated April 2019. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The CEMP shall include the following:
- (a) A plan of the construction operations at an appropriate scale;

- (b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
- (c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
- (d) Track design approach
- (e) Maps of tracks indicating double and single tracks and position of passing places.
- (f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
- (g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat 1:10, cross slopes or other ground unsuitable for floating roads.
- (h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
- (i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and Nature Scot and SEPA guidance.
- (j) Any peat excavated shall be re-used on site as set out in the Outline Peat Management Plan.
- (k) A management plan for minimising the emission of dust from the construction and operation of the development.
- (l) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
- (m) Compliance with the South Lanarkshire Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
- (n) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.
- (o) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
- (p) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- (q) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during periods of high rainfall.
- (r) Timing and extent of any necessary re-instatement.

- (s) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
 - (t) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.
 - (u) To determine groundwater conditions across the site, pre-construction site investigations shall be conducted by the Company. These will focus on areas where construction is proposed to be undertaken and will allow the turbines and the associated infrastructure to be micro-sited away from unsuitable areas, such as areas of contamination (unlikely) or where there are significant groundwater flows and targeted monitoring and assessment of the groundwater levels and flows beneath the site.
 - (v) Ground Water and Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by competent qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
 - (w) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
 - (x) a site waste management plan including forestry waste in accordance with SEPA guidance and response dated 13 June 2019.
- (3) The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority in consultation with NatureScot and SEPA.

Reason: *To ensure that all works 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.*

20. Construction Hours

- (1) All construction work associated with the development must be carried out in accordance with the current BS 5228, 'Noise control on construction and open sites' and all audible construction activities shall be limited to:

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

with no audible activity taking place on Sunday, local and national bank holiday.

- (2) Outwith these periods, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the local planning authority. The local planning authority shall be informed in writing of emergency works within three working days of occurrence.
- (3) In relation to when borrow pits are operational as approved by condition 15, then the noise levels shall be restricted to 55dB LA eq (1hr) or background LA90 (1hr) + 10dBA, whichever is the lesser and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, shall be considered as Borrow Pit noise.

Reason: *In the interests of local amenity.*

21. Traffic Management Plan

- (1) No development shall commence unless and until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Planning Authority as Roads Authority, and thereafter the TMP shall be adhered to and implemented within the timescales set out.
- (2) The TMP shall be produced in consultation with Roads & Transportation Services and include, but not be limited to, a safety audit for the Abnormal Loads Route, onsite parking, travel plan, wheel wash facilities and construction route signage.
- (3) No works shall commence on site until such times as the TMP has been approved in writing by the Planning Authority.
- (4) The approved TMP shall be implemented in full, unless and until otherwise agreed in advance in writing with the Planning Authority.

Reason: *In the interests of road safety.*

22. Abnormal Load Route Assessment

- (1) At least 3 months prior to the delivery of abnormal loads the Company shall undertake an Abnormal Load Route Assessment (ALRA) which shall include a test run and submit a report describing the outcome of the ALRA together

with any recommendations for the written approval of the Planning Authority in consultation with the Roads Authority and Transport Scotland.

- (2) Details of all works and modifications to the local road network including the removal of street furniture, junction widening and traffic management shall also be included.
- (3) The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads.
- (4) Should the Abnormal Load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require to be submitted to and approved by the Planning Authority, and recommendations shall thereafter be implemented in accordance with the approved programme.

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

23. Access arrangements and road safety

- (1) No development shall commence until details showing safe crossing arrangements, where the proposed construction access meets the South Lanarkshire Council's core path CL/5735/3 and connecting wider network path CL/5157/1, along with arrangements where other paths are encountered. Once the details are approved for the safe crossings, these shall be implemented and maintained for the lifetime of the construction period.

Reason: *In the interest of road safety and access.*

24. Construction and Works Communication Strategy

- (1) No development shall commence until a communication strategy to inform the local community of the construction programme and ongoing works (to include developer contact points) is submitted for the approval of the Planning Authority.
- (2) Thereafter the approved strategy shall be implemented.

Reason: *In the interests of road safety.*

25. Access Management Plan

- (1) No development shall commence until a detailed Access Management Plan (AMP) in accordance with the Scottish Outdoor Access Code is submitted for the written approval of the Planning Authority. Thereafter the approved AMP shall be adhere to and implemented within the timescales set out.

- (2) The AMP shall be produced in consultation with the South Lanarkshire Council's Countryside and Greenspace Services and a programme of community consultation shall be undertaken on a draft AMP.
- (3) Proposals shall incorporate and identify the South Lanarkshire Council's Core Path and Wider Network and provide signage where the network identifies links. No works shall commence on site until such times as the AMP has been approved in writing by the Planning Authority.
- (4) Where access requires to be restricted at any time, clear signage following the Scottish Outdoor Access Code branding guidelines should be used.

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

26. Programme of Archaeological Works

- (1) No development shall commence unless and until the Company has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation, including archaeological walkover survey which has been submitted by the applicant, agreed by West of Scotland Archaeology Service and approved by the Planning Authority.
- (2) Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service. The approved programme of archaeological works shall be implemented in full.

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

27. Construction Noise

No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Details of alternative warning devices shall be submitted to and approved in writing by the Planning Authority prior to development starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

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

28. Private Water supplies

- (1) No development shall commence unless and until a method statement and monitoring plan has been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt this shall:
 - (a) detail all mitigation measures to be taken to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of the section 36 consent and which may be affected by the Development.
 - (b) include water quality sampling methods and shall specify abstraction points.
 - (c) be implemented in full.
- (2) Monitoring results shall be submitted to the Planning Authority on a quarterly basis or on request during the approved programme of monitoring.
- (3) If as a result of the operation, water scarcity to any private water supply occurs, the developer shall ensure the provision of an emergency water supply until that the system is fully restored.

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

29. Redundant turbines

- (1) Unless otherwise agreed in writing by the Planning Authority, if one or more wind turbines fails to generate electricity for a continuous period of twelve months a scheme setting out how the relevant wind turbine(s) and associated infrastructure will be removed from the site and the ground restored shall be submitted for the written approval of the Planning Authority no later than one month after the date of expiry of the twelve month period.

The approved scheme shall be implemented within six months of the date of its approval, to the satisfaction of the Planning Authority.

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

30. Aviation Safety

- (1) No development shall commence unless and until the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS have been provided with the following information, and evidence has been provided to the Planning Authority that this has been done:
 - (a) the date of the expected commencement of each stage of construction;
 - (b) the height above ground level of the tallest structure forming part of the Development;
 - (c) the maximum extension height of any construction equipment; and

(d) the position of the wind turbines and masts in latitude and longitude.

Reason: *In the interests of aviation safety.*

31. Aviation Lighting

- (1) No wind turbines shall be erected unless and until a scheme for aviation lighting for the Development has been submitted to, and approved by, the Planning Authority. The scheme shall include details of any aviation lighting required by Civil Aviation Authority and Ministry of Defence which is to be applied.
- (2) No lighting other than that described in the scheme shall be applied, other than that required for health and safety purposes, unless otherwise agreed in writing by the Planning Authority.
- (3) The required aviation lighting shall thereafter be maintained as approved for the lifetime of the Development.
- (4) The Development shall be operated in accordance with the approved scheme.

Reason: *In the interests of aviation safety and visual amenity.*

32. 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 Planning Authority in order to avoid the impact of the Development on the Primary Radars of the Operator located at Lowther Hill and Cumbernauld and associated air traffic management operations.
- (2) No part of any Turbine shall be erected above ground 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 condition 32 above;

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 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 and Cumbernauld primary radars and air traffic management operations of the Operator.

Reason: To secure mitigation of impacts on the aerodrome navigations systems and radar station.

33. Aviation Radar – Glasgow Airport

- (1) That, prior to the Commencement of Development, a Primary Radar Mitigation Scheme setting out measures to be taken to prevent the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport must be submitted to, and approved in writing by, the Planning Authority, in consultation with Glasgow Airport Limited.
- (2) No wind turbine forming part of the Development shall be erected other than in accordance with the approved Primary Mitigation Scheme.
- (3) The Development must be constructed, commissioned and operated at all times fully in accordance with the approved Primary Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

34. Aviation – Instrument Flight Procedures – Glasgow Prestwick Airport

- (1) No turbine tower of any turbine may be erected, unless and until such time as the Planning Authority receive confirmation from the Airport Operator in writing that:
 - (a) an IFP Scheme has been approved by the Airport Operator;
 - (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator of the IFP Scheme (if such approval is required); and
 - (c) the IFP Scheme is accepted by NATS AIS for implementation through the AIRAC Cycle (or any successor publication) (where applicable) and is available for use by aircraft.

Reason: In the interests of aviation safety.

For the purpose of Condition 34 above:

“AIRAC” means Aeronautical Information Regulation Control.

"Airport Operator" means Glasgow Prestwick Airport Limited or any successor as holder of a licence under the Commission Regulation (EU) No. 139/2014 (or any successor regulation) from the Civil Aviation Authority to operate Glasgow Prestwick Airport.

“AIS” means Aeronautical Information Services.

"IFP Scheme" means a scheme to address the potential impact of the turbines on the instrument flight procedures of Glasgow Prestwick Airport.

“NATS” means National Air Traffic Services.

35. Site Decommissioning, Restoration and Aftercare Strategy

- (1) No development shall commence unless and until an outline decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot.
- (2) The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

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

36. Decommissioning, restoration and aftercare

- (1) The wind turbines shall cease to generate electricity by no later than the date falling thirty years from the Date of Final Commissioning and the turbines shall be appropriately decommissioned thereafter. The total period for decommissioning and restoration of the Site in accordance with this condition shall not exceed 33 years from the Date of Final Commissioning without the prior written approval of the Scottish Ministers in consultation with the Planning Authority.
- (2) No later than five years prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy (condition 35), shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):
 - (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
 - (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
 - (c) a dust management plan;
 - (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and

- lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
 - (f) details of measures for soil storage and management;
 - (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
 - (h) details of measures for sewage disposal and treatment;
 - (i) temporary site illumination;
 - (j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
 - (k) details of watercourse crossings; and
 - (l) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.
- (3) The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan, unless and until otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

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.*

37. Breeding Bird Protection Plan

- (1) No development shall commence unless and until a Breeding Bird Protection Plan (BBPP) has been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot.
- (2) The BBPP shall:
 - (a) be informed through survey work undertaken in the breeding season prior to construction commencing and further survey work and necessary adjustments to the plan should be carried out in each breeding season during construction period;
 - (b) avoid work within 500m of any Scheduled 1 raptors;
 - (c) detail Black grouse mitigation that will be put in place during the construction period, including;
 - 750m buffer around lek sites where no construction activity is permitted (including vehicle movements along tracks) before 9am in the months of April and May;restrictions on the timing of works and measures to minimise disturbance associated with general site access; and
 - (d) detail post-construction ornithological monitoring of the area to establish what bird species, if any, colonise felled areas within the site.
- (3) The approved BBPP shall be implemented in Full.

Reason: *In the interests of avoiding disturbance during sensitive breeding season and protecting birds.*

38. Financial Guarantee

- (1) At least one month prior to the Commencement of the Development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Planning Authority. Such guarantee must:
 - (a) be granted in favour of the Planning Authority
 - (b) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - (c) be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the Planning Authority at the Commencement of Development.
 - (d) contain provisions so that all the site restoration and aftercare liabilities as determined at the Commencement of Development shall be increased on each fifth anniversary of the date of this consent.
 - (e) come into effect on or before the date of Commencement of Development.
- (2) No work shall begin at the site until (1) written approval of the Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the planning authority.
- (3) In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Planning Authority.

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

39. Site Inspection Strategy

- (1) Prior to the Date of Final Commissioning, the Company must submit a draft Site Inspection Strategy (SIS), for the written approval of the Planning Authority. This shall set out details 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. At least one month in advance of submitting the SIR, the scope of content shall be agreed with the Planning Authority. The SIR shall include, but not be limited to:
 - (a) Requirements to demonstrate that the infrastructure of the Development is still fit for purpose and operating in accordance with condition 7 and condition 47; and

- (b) An engineering report which details the condition of tracks, turbine foundations and the wind turbine generators and sets out the requirements and the programme for the implementation for any remedial measures which may be required.
- (2) Thereafter the SIS and SIR shall be implemented in full unless otherwise agreed in advance in writing by the Planning Authority.

Reason: *To ensure the condition of the infrastructure associated with the Development is compliant with the EIA report, condition 7 and condition 47 and is to ensure the Development is being monitored at regular intervals throughout its operation.*

40. Bat Mitigation and Monitoring Plan

- (1) No development shall commence unless and until a Bat Mitigation and Monitoring Plan (BMMP) has been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot.
- (2) The BMMP shall take into account NatureScot's response dated 13 June 2019:
 - (a) Ensure turbine keyholes be suitably sized to ensure a minimum 50m buffer is maintained between any part of the turbine and the adjacent woodland edge and all turbines should have their blades 'feathered' to reduce rotation speed whilst idling during the active bat season from the outset of the operation of the development.
 - (b) monitor whether mitigation measures are being effective and inform any additional mitigation requirements such as turbine curtailment that may be required.
 - (c) set out the proposed programme of pre and post-construction monitoring, which should cover both acoustic monitoring and checking for carcasses using a method and sampling locations that will allow direct comparisons to be made with the results of surveys carried out pre-construction.
 - (d) Be in accordance with the guidance given in Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation or other such updated guidance as may be relevant.
 - (e) A minimum of 3 years post-construction monitoring should be carried out.
- (3) The approved BMMP shall be implemented in full.

Reason: *In the interests of ensuring the conservation of bats.*

41. Fish Monitoring Plan

- (1) No development shall commence until a Fish Monitoring Plan is has been submitted and approved in writing by the Planning Authority in consultation with Marine Science Scotland.

- (2) The Fish Monitoring Plan shall include pre-construction, during construction and post construction surveys and be undertaken to recognised standards and by an organisation experienced in monitoring developments such as wind farms.
- (3) The Fish Monitoring Plan shall also include:
 - (a) detailed measures to avoid the spread of invasive non-native species;
 - (b) hydro chemical and macroinvertebrate monitoring programme;
 - (c) and address the measures set out in Marine Scotland Science response dated 17 June 2019.
- (4) Thereafter the approved Fish Monitoring Plan shall be implemented unless otherwise agreed in writing with the Planning Authority.

Reason: *To ensure that all construction activities are monitored in relation to their impacts on fish.*

42. Species Protection Plan

- (1) Pre-commencement surveys for legally protected species must be carried out, no more than eight months preceding Commencement of Development, and a watching brief will then be implemented by the ECoW during construction. Surveys should be submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot. The surveys shall be carried out by a suitably experienced and licensed (if required) surveyor using recognised methods at the appropriate time of year for the species. Thereafter any required work must be carried out in accordance with the approved mitigation measures and timescales set out. The surveys shall include, but may not be limited to, badger, otter, water vole, red squirrel and pine marten.
- (2) The area that is surveyed should include all areas directly affected by construction plus an appropriate buffer to identify any species within disturbance distance of construction activities and to allow for any micro-siting needs.
- (3) Should any otter, badger and/or water vole be recorded, a licence must be obtained from NatureScot prior to works commencing if this is required.
- (4) The ECoW must have a role in drafting any species protection plans that are required, using the information from the EIA Report and pre-construction surveys, and the ECoW must oversee implementation of the species plans and any licensing requirements.
- (5) Measures to ensure the safety of badgers and other mobile species, such as fencing off, covering or inserting a ramp in any excavations and the capping of large diameter pipes at the end of each working day, should be implemented on site.

Reason: *In the interests of ensuring the conservation of protected species.*

43. Habitat Management Plan

- (1) No development shall commence unless and until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by the Planning Authority.
- (2) The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat improvements and creation of new habitats to aid biodiversity on site, and take into account NatureScot's recommendations set out in their response dated 13 June 2019.
- (3) The HMP shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved HMP shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority.
- (4) The HMP shall set out details of the implementation of a Habitat Management Group.
- (5) Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full and within the timescales set out in the approved HMP.

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

44. Habitat Management Group

- (1) A Habitat Management Group (HMG) shall be established prior to Final Commissioning to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims, and notwithstanding the above:
 - a) Site clearance activities and where possible, construction, will take place out with the bird breeding season (March to July inclusive). If site clearance activities commence during this period ECoW supervision is required;
 - b) No ancient woodland to the south of the access track is to be removed;
 - c) The HMP will operate for the full lifespan of the wind farm, including decommissioning
 - d) The agreed proposals identified in the HMP will be fully implemented; and

e) Surveillance and monitoring results of species and habitat will be carried out in accordance with the approved plan and be submitted to the HMG in accordance with the timescales set out.

Reason: *To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control.*

45. Deer Management

- (1) No development shall commence unless and until a deer management statement has been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot.
- (2) The deer management statement shall set out proposed long term management of deer using the site and shall provide for the monitoring of deer numbers on site from the period from Commencement of Development until the date of completion of restoration.
- (3) The approved deer management statement (as amended from time to time) shall be implemented in full.

Reason: *In the interests of deer management.*

46. Woodland Planting

- (1) No Development shall commence unless and until a Woodland Planting Scheme to compensate for the removal of 35.08 hectares or otherwise required by Scottish Forestry of existing woodland ("the Replanting Scheme") has been submitted for the written approval of the Planning Authority in consultation with Scottish Forestry. Where possible Woodland Planting shall take place within South Lanarkshire.
- (2) The approved Replanting Scheme (taking into account any revision to the felling and restocking plans prior to the commencement of operation of the development) shall be implemented in full, unless otherwise agreed in writing by the Planning Authority in consultation with Scottish Forestry.
- (3) The approved amended Replanting Scheme shall thereafter be implemented as approved and maintained as such for the lifetime of this consent, unless otherwise approved in writing by the Planning Authority in consultation with the Scottish Ministers.

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

47. Noise condition

- (1) The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal 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, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

- (a) The Company shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These 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) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- (b) No electricity shall be exported until the Company has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition.
- (c) Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.
- (d) Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's dwelling in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component or an amplitude modulation.
- (e) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall, prior to the commencement of any measurements, have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits. Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation (AM) is considered by the Local Planning Authority to be present in the noise emissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local

planning authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.

- (f) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the Company shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits shall be those limits selected from the Tables specified for a listed location which is the geographically nearest dwelling to the complainant's dwelling, unless otherwise agreed with the Local Planning Authority due to location-specific factors.
- (g) The Company shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the assessment shall be accompanied by 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 with the exception of audio data which shall be supplied in the format in which it is recorded. 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 Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.
- (h) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1 – Noise Limits 0700 – 2300 ($L_{A90,10min}$ dB)

Derived wind speed at 10 m, (m/s)	4	5	6	7	8	9	10	11	12
R1 Westerhouse, R4 Craigend, R5 West Toun House, R8 Gardens House, R12 Stockhill	37	38	39	40	40	40	41	41	41
R2 Station House, R9 Scrogton, R10 Braidlea, R11 Scrogtonhead	38	39	40	42	43	45	47	50	52

Derived wind speed at 10 m, (m/s)	4	5	6	7	8	9	10	11	12
R3 8 Middlemuir Road, R6 Braehead, R7 Midfield Road, R13 Gunsgreen	35	35	37	39	41	43	45	47	48

Table 2 – Noise Limits 2300 – 700 (dBLA90)

Derived wind speed at 10 m, (m/s)	4	5	6	7	8	9	10	11	12
All locations Noise Limit <i>L_{A90,10min} dB</i>	43	43	43	43	43	43	43	43	43

Table 3 – Coordinate locations of dwellings listed in Tables 1 and 2

Receptor	Easting	Northing	Receptor	Easting	Northing
R1 Westerhouse	282803	633471	R8 Gardens House	283990	632358
R2 Station House	282083	630975	R9 Scrogton	282644	630470
R3 8 Middlemuir Road	281014	634402	R10 Braidlea	282943	631012
R4 Craigend	282805	633537	R11 Scrogtonhead	282275	630245
R5 West Toun House	282860	633779	R12 Stockhill	278470	634124
R6 Braehead	281196	634407	R13 Gunsgreen	280950	634100
R7 Midfield Road	281486	634486			

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Reason: *To retain effective planning control and to safeguard the noise amenity of local residents in accordance with ETSU-R-97.*

Guidance Notes for Noise Conditions

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

Guidance Note 1

- (a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in 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.
- (b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the Company shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the Company shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north 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 Authority, 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 Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

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

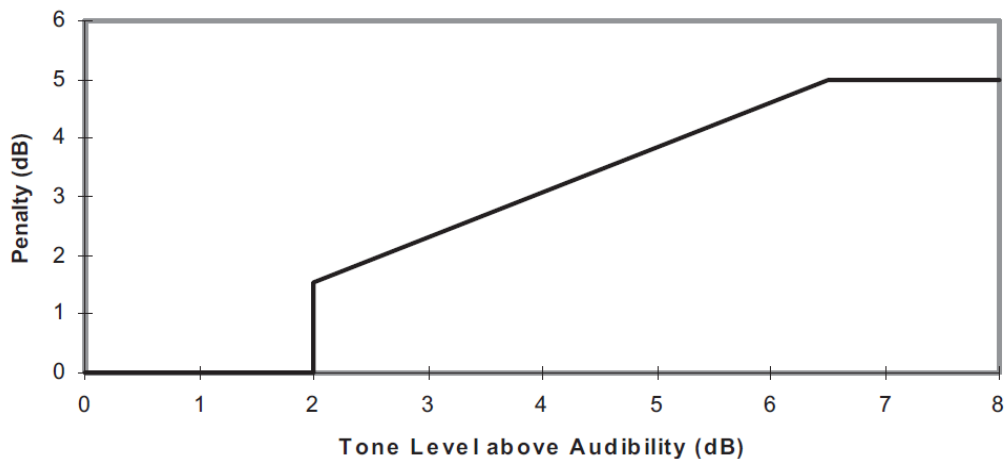
Guidance Note 2

- (a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)
- (b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.
- (c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute 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 consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

- (a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.
- (b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

- (c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.
- (d) The average tone level above audibility shall be calculated for each wind speed bin, each bin being 1 metre per second wide and centred on integer wind speeds. 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) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.
- (b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.
- (c) In the event that the rating level is above the limit(s) set out in the Table attached to the noise conditions or the noise limits for a complainant’s dwelling approved in accordance with paragraph (e) of the noise condition, the independent consultant shall undertake a further

assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

- (d) The Company shall ensure that all necessary wind turbines in the development are turned off for such period as the independent consultant requires to undertake any further noise measurements required under Guidance Note 4(c). If the number of turbines to be turned off are less than the total number of turbines on the site then this shall be agreed in advance with the Local Planning Authority.
- (e) To this end, the steps in Guidance Note 2 shall be repeated with the required number of turbines shut-down in accordance with Guidance Note 4(d) in order to determine the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.
- (f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty:

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

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

Definitions

In this consent and deemed planning permission:-

“Commencement of Development” means the date on which Development shall be taken as begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997 (as amended). For the avoidance of doubt ground investigation and site investigation works and its associated tree felling does not constitute Commencement of the Development for the purposes of this consent.

“the Company” means Douglas West Extension Ltd. having its registered office at 320 St Vincent Street, Glasgow, G2 5AD, under the Company No. SC587662, 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 forming part of the Development.

“Date of Final Commissioning” means the earlier of (i) the date on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the Development erected in accordance with this consent; or (ii) the date falling eighteen months from the Date of First Commissioning.

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

“HES” means Historic Environment Scotland.

“Planning Authority” means South Lanarkshire Council.

“SEPA” means Scottish Environmental Protection Agency.

“Site” means the area of land outlined in red on Figure 1.1 Site Location Plan Figure 1.3 site layout plans of the EIA report dated April 2019.

“NatureScot” means Scottish Natural Heritage now operating as NatureScot.

“storage technology” means the electricity storage technology type that is used by the Development.