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16 November 2021

Dear Sir or Madam,

CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 FOR THE CONSTRUCTION AND OPERATION OF ARECLEOCH WINDFARM EXTENSION WITHIN THE PLANNING AUTHORITY AREA OF SOUTH AYRSHIRE COUNCIL AND DUMFRIES & GALLOWAY COUNCIL.

Application

I refer to the application made on 28 June 2019 (the “Application”) under section 36 of the Electricity Act 1989 (“the Act”) by ScottishPower Renewables (UK) Limited, a company incorporated under the Companies Act with company number NI028425 and having its registered office at The Soloist, 1 Lanyon Place, Belfast, Northern Ireland, BT1 (“the Company”), for the construction and operation of the proposed Arecleoch Windfarm Extension located in South Ayrshire and Dumfries & Galloway.

The Application proposed 13 wind turbines with a maximum blade tip height of 200 metres above ground level and associated infrastructure (the “proposed Development”). The generating capacity will exceed 50MW, with an installed capacity of around 72.8 MW.

This letter contains the Scottish Ministers’ decision to grant consent for the Arecleoch Windfarm Extension, as more particularly described at Annex 1.

Planning Permission

In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997 (“the 1997 Act”) the Scottish Ministers may on granting consent under section 36 of the 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 proposed Development would be sited approximately 3 km south west of Barrhill in South Ayrshire just north-east of the ScottishPower Renewables (UK) Limited's existing Arecleoch Windfarm and includes shared infrastructure, including borrow pits, access roads and construction compound platform/laydown areas in addition to overlapping application boundaries. The proposed Development site comprises a plateau moorland landscape, covered mainly by commercial forest. The majority of the proposed Development will be located within South Ayrshire Council area but for one of the entrances to the site, Wheeb Bridge, taken from the A714 road within the Dumfries and Galloway Council area.

Consultation

Under paragraph 2(1) of Schedule 8 to the Act, the relevant planning authority is required to be notified in respect of a section 36 consent application. Further, in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 ("the 2017 Regulations") on 28 June 2019 the Company also submitted an Environmental Impact Assessment Report (the "EIA Report") describing the proposed Development and giving an analysis of its environmental effects.

In accordance with the Electricity (Applications for Consent) Regulations 1990 ("the Consents Regulations") and the 2017 Regulations, a notice of the proposed Development was published on the Company's website and advertised in the local and national press and the opportunity given for those wishing to make representations to do so. In addition, to comply with the 2017 Regulations, Scottish Ministers were required to consult the relevant planning authorities, as well as Scottish Natural Heritage (now operating as NatureScot) the Scottish Environment Protection Agency ("SEPA") and Historic Environment Scotland ("HES") as well as any other public body likely to be concerned by the proposed Development by reason of their specific environmental responsibilities. Notifications were sent to South Ayrshire Council and Dumfries & Galloway Council (the "Planning Authorities") as well as to NatureScot, SEPA and HES. A wide range of other relevant organisations were also notified and consulted.

Public Inquiry

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

As set out below, South Ayrshire Council, one of the relevant planning authorities, objected and did not withdraw that objection. Scottish Ministers did not consider it possible to overcome the objection by way of applying conditions to give effect to the planning authority's objection, and caused a public inquiry to be held.

Public Inquiry and its Report

The public inquiry Reporters held inquiry sessions on 13 - 15 January 2021, 1 - 3 February 2021, 9 - 10 February 2021 and hearing sessions on 12 January 2021 and 4 - 5 February 2021. The Reporters conducted an accompanied site inspection on 13 May 2021 and unaccompanied site inspections on 27 May 2021 in the evening. The report of that inquiry ("PI Report") was received by Scottish Ministers on 3 August 2021.

In each chapter of the PI Report, the Reporters have summarised the arguments for each party, taking account of the precognitions, hearing statements, hearing sessions, the discussion at the public inquiry and the closing submissions. The Reporters also took into account the environmental information included in the EIA Report, consultation responses, representations and all of the other information supplied for the inquiry and hearing sessions. The chapters of the PI Report provide the following:

Chapter 1 – Background, consultations and representations

Chapter 2 – Legislative and policy context

Chapter 3 – Landscape and visual impact

Chapter 4 – Private water supplies

Chapter 5 – Noise

Chapter 6 – Other matters comprising of:

- Transport and access
- Other infrastructure, including battery storage and grid issues
- Socio-economic and financial issues including tourism effects and constraints payments
- Bats
- Peatland
- Carbon balance

Chapter 7 – Other considerations:

- Other ecology and ornithology interests
- Archaeology and cultural heritage
- Shadow flicker

Chapter 8 – Proposed conditions

Chapter 9 – Policy assessment and overall conclusions

The Reporters' recommendation is that Scottish Ministers grant consent under section 36 of the Electricity Act 1989 and direct that planning permission is deemed to be granted; both subject to conditions'.

Summary of the Consultation Responses

Statutory Consultees

South Ayrshire Council (the “Planning Authority”) objected to the Application stating the proposed Development would be contrary to the adopted South Ayrshire Local Development Plan and its associated supplementary guidance on wind energy on the grounds that:

- It has unacceptable visual impacts on the character of Duisk Valley and Glen Tig due to the scale and positioning of the proposed turbines and unacceptable impacts on views from the Duisk Valley and settlement of Barrhill;
- it had not been demonstrated that aviation lighting would not introduce eye catching and prominent lights into an area important for its dark skies, thus adversely impacting upon views from the wild land and core area of the dark sky park; and
- the proposed Development would have a significant and overbearing impact on the residential amenity of nearby residential dwellings at Kilrenzie Farm and Wheeb Farm.

During the public inquiry proceedings, at a second pre-inquiry examination meeting held on 20 November 2020, South Ayrshire Council amended their reasons for objection to include a further reason for objection on the basis of:

- the risk of adverse effects on private water supplies (“PWS”).

They advised that this was because although South Ayrshire Council’s environmental health department initially took the view that there would be no adverse impacts, it changed its mind following further reflection. This was when it became aware of the range of properties potentially affected by pollution of PWS.

Dumfries and Galloway Council does not object subject to conditions. The proposed site entrance onto the A714 has approximately 65 metres of access track within Dumfries & Galloway Council area. They recommend conditions relating to transport matters if consent is granted.

HES does not object. HES advised the proposed Development does not raise any issues of national significance. Although it would have an impact on the setting of Cairn Kenny scheduled monument it would not impact on the key characteristics of the setting.

SEPA withdrew its initial objection following the submission of clarification in relation to water crossings, private water supplies, peat reuse, borrow pit restoration and forestry waste. SEPA advised that the construction environmental management plan

should be covered by a condition and that water crossings would be assessed as part of a licence application.

NatureScot does not object. They advised that there would be no adverse impact on nearby natural heritage interests of international or national importance. Conditions would be required to mitigate the impact on goshawk, bats and peatland.

NatureScot advised that there is potential for significant landscape effects on the Duisik valley but these would be moderated by existing forestry and woodland. In their view the layout is relatively compact with minimal outliers and from most viewpoints it would be perceived as an extension to Arecleoch. The proposed Development would result in minimal additional horizontal spread when viewed alongside existing and consented schemes. NatureScot further advised the proposed Development would introduce prominent lighting into an area important for its dark skies and could result in significant adverse impacts on views from the Merrick Wild Land Area and the core area of the Galloway Forest Dark Sky Park. They recommended the implementation of radar activated aviation lighting mitigation be required as a condition of any consent to avoid impacts of aviation lighting.

The landscape and visual impacts of the proposed Development as well as its impacts on residential amenity (visual impact and noise), private water supply, aviation lighting impacts and noise impacts, have been considered fully by the Reporters at the Inquiry and by Scottish Ministers in their consideration of the main determining factors set out under the heading “Assessment of Determining Issues” at page 11 of this decision letter.

Other matters and requirements raised in the responses from Dumfries & Galloway Council, NatureScot and SEPA have been considered by Reporters in Chapter 8 of the PI Report and Scottish Ministers have imposed appropriately worded conditions which address their requirements.

Internal Scottish Government advisors

Marine Scotland does not object. Conditions were requested requiring a fish monitoring plan and water quality monitoring programme to follow Marine Scotland guidelines.

Scottish Forestry does not object. Conditions would be required in relation to tree felling and compensatory planting.

Transport Scotland does not object. There would be no significant impact on the trunk road network. Conditions were requested to be imposed on the consent in relation to delivery routes of abnormal loads during construction period.

The Scottish Ministers have imposed conditions, recommended by the Reporters which gives effect to the requirements of the consultation bodies as set out above.

Advisors to Scottish Government

The Scottish Government obtained the services of consultants **Ironside Farrar Limited** to provide advice on the peat landslide hazard risk assessment (PLHRA) carried out by the Company. Clarification was submitted on behalf of the Company to address initial comments and Ironside Farrar thereafter concluded that no further response was required. The peat and landslide hazard risk assessment would be updated post-consent to determine appropriate mitigation through relocation or redesign.

Other Consultees

British Horse Society does not object. It indicates that the wind farm site should be open to access for all.

Ayrshire Rivers Trust does not object. It identified the need for mitigation and monitoring in relation to water quality and the movement of fish.

British Telecommunications (BT) does not object. BT concluded the proposed Development should not cause interference to BT's current and presently planned radio networks.

The Crown Estate Scotland does not object. No Crown Estate assets are directly affected.

The Defence Infrastructure Organisation does not object. Aviation safety lighting should be fitted to turbines. Notification should be received of the start and end dates of construction, the maximum height of construction equipment and the exact location of each turbine.

Fisheries Management Scotland does not object. It recommends that relevant guidelines are fully considered and that proposals are conducted in full consultation with local fishery boards and rivers and fisheries trusts: Stinchar and Cree District Salmon Fishery Board, Ayrshire Rivers Trust and Galloways Fisheries Trust.

Galloway Fisheries Trust does not object. The proposed Development does not lie within the River Cree catchment area.

Glasgow Prestwick Airport does not object. Analysis concluded the proposed Development is shielded from their primary radar.

Joint Radio Company Limited does not object to the proposed Development. The proposal would result in no interference with radio systems.

NATS Safeguarding does not object. The proposal would not conflict with its safeguarding criteria.

Network Rail does not object. It requires the developer to discuss and agree proposed construction traffic movements using the railway underbridge at Bents Farm.

RSPB Scotland does not object. It wishes to see a Habitat Management Plan focussing on peatland restoration.

The Scottish Rights Of Way And Access Society (“Scotways”) does not object. It advised that no rights of way are affected.

Scottish Water does not object to the proposed Development. There are no drinking water protection areas in the vicinity of the site.

Scottish Wildlife Trust does not object. It states that identified mitigation measures and monitoring commitments should be mandatory.

Visit Scotland does not object.

The Scottish Ministers have imposed conditions, recommended by the Reporters which gives effect to the requirements of Ayrshire Rivers Trust, Defence Infrastructure Organisation, RSPB and Scottish Wildlife Trust as set out above.

Community councils

Barrhill Community Council provided a mixed response on behalf of its members. Reasons for support include the economic and community benefits, and those who objected have concerns about the number of turbines and cumulative effects

Colmonell and Lendalfoot Community Council objected raising concerns regarding the cumulative impact of wind farms in South Ayrshire, visual and landscape impacts, the scale height of the turbines, noise, shadow and flicker and adverse impacts on wildlife.

New Luce Community Council did not submit a consultation response to Scottish Ministers however did take part in the public inquiry. As noted in the PI Report their main concerns relate to landscape and visual effects, the policy context for onshore wind and other doubts and uncertainties regarding energy storage, funding priorities, grid constraints and unimplemented wind farm consents.

All matters raised by the Community Councils were considered by Reporters and taken into consideration by Scottish Ministers in reaching their decision on the proposed Development.

The following organisations were consulted on the application but did not respond: **Ayrshire Roads Alliance, Ballantrae Community Council, Civil Aviation Authority, Cree Valley Community Council, John Muir Trust, Mountaineering Scotland; Pinwherry & Pinmore Community Council, River Stinchar Salmon Fisheries, Scottish Wildland Group and West of Scotland Archaeology Service (WOSAS).**

A summary of the consultation responses regarding the proposed Development are set out in page 13 – 15 of the PI Report and have been taken into account in the determination of the proposed Development.

Summary of Public Representations

The Scottish Ministers have received 42 representations, 12 letters in support of the Application and 30 in objection. A summary of the public representations are set out at paragraph 1.43 to 1.44 (page 15 – 16) of the PI Report and have been taken into account in the determination of the proposed Development.

The reasons for support can be broadly categorised as, local economic and community benefits and contribution to renewable energy and climate change targets

The reasons for objection can be broadly categorised as concerns in relation to cumulative impact; landscape and visual impact, proximity to settlements, noise, pollution, impacts on private water supply, impact on wildlife, impact on tourism and local economy, impact on roads, road safety and the need for the proposed Development.

The Scottish Ministers have considered the matters relating to the landscape and visual impacts, cumulative impacts, private water supply, impacts on residential amenity, impact on tourism and local economy, need for the proposed Development, raised by the representations in this decision letter under the heading “Assessment of Determining Issues” below.

The Scottish Ministers have taken into account Chapter 12, Access, Traffic and Transport of the EIA Report, South Ayrshire Council and Dumfries & Galloway Council comments and PI Report paragraphs 6.3 to 6.26 at pages 93-96. The Scottish Ministers are satisfied the concerns raised in the representations have been given due consideration and have imposed appropriately worded conditions, which requires the Company to submit and have approved by South Ayrshire Council (in consultation with Dumfries & Galloway Council and Transport Scotland) the trunk road signage and temporary control measures and a Traffic Management Plan.

The Scottish Ministers have taken into account Chapter 13 Noise Assessment of the EIA report, South Ayrshire Council’s response to Scottish Ministers dated 24 March 2020 in respect of noise and PI Report Chapter 5, in particular paragraphs 5.69 - 5.109 at pages 87 – 92 setting out the Reporters’ conclusion on noise. The Scottish Ministers are satisfied the concerns raised by representations (and interested parties to the inquiry) have been given due consideration and agree with the Reporters and South Ayrshire Council, that in this case the noise assessment is acceptable and have imposed an appropriately worded condition, which sets out the day time and night-time noise limits that the Company would be required to adhere to. The condition also sets out a procedure that would allow the relevant planning authority to investigate any complaints from occupants of a dwelling alleging noise disturbance at that dwelling.

The Scottish Ministers are satisfied, having taken into account the EIA Report Planning Statement, comments from the Planning Authorities, responses to the consultation and the PI Report, that the environmental impacts of the proposed development have been largely mitigated by design. Further environmental mitigation has been secured by Scottish Ministers through the imposition of conditions attached to the planning permission.

The remaining impacts, mainly landscape and visual impacts are considered to be acceptable in light of the overall benefits of the proposed Development. This reasoning is set out in more detail under the heading “Assessment of Determining Issues” at pages 11 through to 15 of this decision letter.

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

The Scottish Ministers Considerations

Legislation and Environmental Matters

Scottish Ministers have had regard to the matters set out in Schedule 9 of the 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.

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

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

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.

Scottish Ministers are satisfied that the EIA Report has been produced in accordance with the 2017 Regulations. Scottish Ministers have assessed the environmental impacts of the proposed Development and taken the environmental information, EIA Report, representations, consultation responses including those from NatureScot, SEPA, HES and the Planning Authorities, and the PI Report into consideration in reaching their decision.

Scottish Ministers consider that there is sufficient information to allow Scottish 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 proposed Development would not have any adverse effect on 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, the 2017 Regulations 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.

Conservation of Habitats and Species Regulations 2017

The proposed Development is situated close to the Glen App and Galloway Moors Special Protection Area (the “SPA”). 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, and if the proposed Development is directly connected with or necessary to the management of the European site by carrying out a Habitats Regulations Appraisal (“HRA”).

NatureScot advised in their response to the Application that the proposed Development would be situated “outwith the core foraging range for hen harrier,” which is the area in which NatureScot considered there may be connectivity between the proposed Development site and the qualifying interests of the SPA.

NatureScot also reviewed the ornithology survey results for the proposal, which found low levels of hen harrier flight activity within the proposed Development.

NatureScot advised that *“it is unlikely that the proposal will have a significant effect on the hen harrier qualifying interests of the SPA either directly or indirectly. An appropriate assessment is therefore not required”*.

The Scottish Ministers are satisfied, despite its proximity to the Glen App and Galloway Moors SPA that the proposed Development will not have a significant effect and that it is not therefore necessary to undertake an appropriate assessment in view of the SPA’s conservation objectives for its qualifying interests.

Main Determining Issues

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

- the environmental impacts of the proposed Development, in particular the adverse landscape and visual impacts of the proposed Development;
- the potential significant effects on the amenity of local residents, particularly in terms of visual impact and noise;
- and the potential for significant effects on private water supplies (PWS);

- the potential benefits of the proposed Development, including its renewable energy generation and targets, and net economic impact; and,
- the extent to which the proposed Development accords with and is supported by Scottish Government policies and local planning policies.

Assessment of the Determining Issues

Landscape and Visual Impact

The proposed Development would be entirely within the western part of the *plateau moorland with forestry and wind farms* landscape character type (LCT) as defined in South Ayrshire Landscape Wind Capacity Study (SALWCS). The SALWCS advises that this LCT (18c) has *'some limited scope for the very large typology (turbines >130m) to be accommodated within this landscape although capacity is close to being reached in the parts of this landscape character type which lie close to the Duisk Valley'*. Part of the site is located within the South Ayrshire Scenic Area (as defined in the LDP) due to the application boundary encompassing the existing access tracks from the A714 at Wheeb Bridge and Bents Farm, although it is noted that no turbines are proposed within this Scenic Area.

The nearest settlements to the proposed Development are Barrhill, approximately 3.5km to the east, Colmonell approximately 4.7km to the north-west and Pinwherry approximately 5km to the north east and Ballantrae approximately 9 km to the west.

The Reporters' conclusions on landscape and visual impact are detailed in Chapter 3 of the PI Report (pages 22 – 47). Their assessment of the landscape and visual impact of the proposed Development includes residential amenity and aviation lighting effects. The Reporters have considered the consultation responses of South Ayrshire Council, NatureScot as well as comments of third parties.

South Ayrshire Council, one of the relevant planning authorities, objected to the proposed Development on the basis that it would give rise to unacceptable visual impact on the character of Duisk Valley and Glen Tig due to the scale and positioning of the proposed turbines and unacceptable views from the Duisk Valley, that the introduction of aviation lighting may introduce eye catching and prominent lights into an area important for its dark skies, thus adversely impacting upon views from the wild land and core area of the dark sky park, and significant and overbearing impact on the residential amenity of nearby residential dwellings (Kilrenzie Farm and Wheeb Farm).

Scottish Ministers note NatureScot did not object to the proposal on the basis of the proposed Development's landscape and visual impacts and did not participate in the public inquiry. In their response to Scottish Ministers, they concluded that *"the actual visibility of the proposed Development from within the Duisk valley would be moderated by the substantial amount of forestry at the edges of the LCT and smaller woodlands and tree groups which restrict open views across the LCT."* NatureScot advised *"overall, the proposal is widely visible but would result in minimal additional horizontal spread, when seen in addition to existing and consented schemes"* and *"that in general, the layout is relatively compact with minimal outliers and from most*

viewpoints it would be perceived as an extension to Arecleoch. This is the case for most representative viewpoints in the Duisk Valley.”

In respect of aviation lighting effects, NatureScot concluded *“the proposal would introduce eye catching and prominent lights into an area important for its dark skies and in particular to a part of the view which contributes strongly to the dark sky experience. This could result in likely significant adverse impacts on views from the wild land area and core area of the dark sky park, as well as adverse impacts on the wild land qualities of the Merrick Wild Land Area.”* Scottish Ministers note NatureScot’s suggestion that the implementation of radar activated aviation lighting mitigation should be required as a condition to any consent.

Scottish Ministers also note the representations raising concerns and objections in respect of both the landscape and visual impacts of the proposed Development and their potential for resulting impacts on tourism.

In terms of landscape effects, the Reporters’ conclusions are set out at paragraph 3.87 – 3.98 of the PI Report. The Reporters concluded *“the addition of the Arecleoch extension would be consistent with the character of LCT 18c, which recognises wind farms as one of the key characteristics of the moorland plateau. The proposal would not, in their view, change this character to a wind farm landscape. In terms of the effect on LCT 18c, we consider that, even with the taller turbines, there would be sufficient landscape capacity to accommodate the development.”*

The Reporters considered the significant landscape effects of the proposed Development on the adjacent LCT 13 (intimate pastoral valleys) and LCT 14 (upper glens) and concluded at paragraph 3.96 of the PI Report *“overall there would be limited locations within the Duisk valley where the visibility of the proposed turbines would affect the intimate pastoral character of the valley, due to the rising topography to the north and south of the river and existing tree cover.”* Having regard to Glen Tig, the Reporters at paragraph 3.98 considered *“that the significant effects on the landscape character of Glen Tig would be localised in extent.”*

Scottish Ministers note the Reporters’ overall conclusions on the landscape effects of the proposed Development set out at paragraph 9.93 of the PI Report *“that the proposal would be located within a moorland landscape already characterised by wind farm development. The turbines would be sufficiently set back within the upland plateau and would not detract from the overall landscape character of the adjacent Duisk and Stinchar valleys or Glen Tig.”*

The Reporters’ assessments and conclusions in terms of visual effects are considered at 3.99 – 3.127 of the PI report. The Reporters agree with the EIA Report that the majority of significant visual effects would occur within approximately five kilometres but would extend to seven kilometres along the A714 and from Knockdolian and some other elevated locations around the site.

At paragraph 3.124 and 3.125 the Reporters conclude *“the proposal would not have significant visual effects on any of the nearby settlements as there would be limited or no visibility of the turbines. At a distance of 20 kilometres, there would be no significant*

effects on daytime views from the Merrick Wild Land Area.” The Reports find “that the most prominent views of the proposal would be experienced by road users travelling north on the A714 before reaching Barrhill and on some minor roads, and by walkers along the SA61 core path and at higher viewpoints such as Knockdolian and Chirmorie Cairn. However, in many instances the additional visual impact of the proposal would tend to be diluted by the presence of existing turbines”

Scottish Ministers note the Reporters’ overall conclusion at paragraph 3.172 – 3.173 that *“roads users on the A714 and some minor roads, and walkers on the SA61 core path and at higher viewpoints such as Knockdolian and Chirmorie Cairn, would experience significant visual effects. However in many of these locations existing turbines can also be seen, and when moving through the landscape the effects would only be experienced for a temporary period. Whilst the proposed turbines are taller than existing wind farms and more prominent in some views, in other locations they would appear similar in scale due to the effects of distance and perspective.”*

The Reporters concluded overall at paragraph 9.93 that *“the identified significant visual effects do not affect any particularly sensitive locations in terms of national designations and significant visual effects on local settlements have been avoided. Where there are significant visual effects, these would be localised in extent and for those travelling along the A714 or on walking routes, the effects would be of a transient nature”*

In terms of cumulative effects Scottish Ministers note some objectors raised concerns that the cumulative assessments of landscape and visual impacts and noise effects contained in the EIA Report were not updated, to take account of subsequent applications for Clauchrie wind farm and Kilgallioch wind farm extension. Scottish Ministers agree with the Company and Reporters’ view that there is no requirement to consider the potential cumulative effects with application-stage development that is behind the Arecleoch extension in the consenting process. However Scottish Ministers note the Reporters considered EIA documents submitted by the Company for the Clauchrie and Kilgallioch Extension, and concluded on cumulative effects at paragraph 1.9 of the PI Report in that they *“found nothing in the information before them, on landscape and visual impact (chapter 3) and noise (chapter 5), to indicate that Arecleoch extension alongside Clauchrie and/or Kilgallioch extension would result in significant cumulative effects.”*

The Reporters’ overall conclusions on landscape and visual impacts are set out at paragraph 3.169 to 3.177 of the PI Report. At paragraph 9.93 the Reporters conclude *“that the identified significant visual effects do not affect any particularly sensitive locations in terms of national designations and significant visual effects on local settlements have been avoided”* and where there are significant visual effects, these would be localised in extent and for those travelling along the A714 or on walking routes, the effects would be of a transient nature.

The Scottish Ministers have taken account the Application, the EIA Report, consultation responses and public representations alongside the Reporters’ considerations and subsequent conclusions. The Scottish Ministers agree with the Reporters conclusions in respect of the impact of the proposed Development on the

landscape character and visual amenity and adopt them for the purpose of their own decision.

In terms of the impacts of aviation lighting the Reporters consider this at paragraph 3.128 – 3.147 of the PI Report. Scottish Ministers agreed through the pre-application and scoping process that, given the distance of the proposed Development and lack of night time receptors, the effects of aviation lighting on the Merrick Wild Land Area and Dark Sky Park were not likely to be significant and did not require to be assessed in detail. However, Scottish Ministers note at paragraph 3.136 of the PI Report that the Reporters considered visualisations (submitted by the Company) from viewpoint 24 Benyellary included as part of the Clauchrie EIA Report in consideration of the effects of aviation lighting at Arecleoch Extension on the dark sky park and wild land area. The Reporters conclude at paragraph 9.93 that, *“the embedded mitigation measures proposed by the Company would significantly reduce the intensity of the aviation lighting and also the distances and locations at which there would be visibility. The locations within the Merrick Wild Land Area and Dark Sky Park at which the lights would potentially be visible are remote and therefore unlikely to attract many people during the hours of darkness. The potential for further measures to reduce the visual effects of aviation lighting can be secured by condition”*.

Scottish Ministers are satisfied that the conclusions of the Reporters verifies that effects of aviation lighting on the Wild Land Area would not be significant.

The Scottish Ministers also agree with the Reporters’ conclusion at paragraph 3.147 on the effects of aviation lighting more generally that *“as a result of the mitigation measures proposed by the Company, the significant visual effects of aviation lighting would be limited in extent. If the turbine lighting is more visible than predicted, the effects would be experienced by only a small number of people in the most sensitive locations. Subject to changes in aviation policy and technological advances, the visual effects of lighting would be likely to lessen over time.”*

Impacts on Residential Amenity (visual impacts and noise)

The assessments and the Reporters’ conclusions are detailed in Chapter 3 (landscape and visual impact) paragraphs 3.148 – 3.162 and 3.176, Chapter 5 (Noise) paragraphs 5.69 - and 5.109 and Chapter 9 (Conclusions) of the PI Report.

Scottish Ministers acknowledge there are two residential properties that are relevant in terms of significant effects on residential amenity which are Kilrenzie Farm and Wheeb Farm at distances of 1.26 km and 1.58 km respectively from the proposed Development.

Scottish Ministers note that whilst the proposed Development would have significant visual effects on the properties at Kilrenzie and Wheeb farms, the Reporters conclude at paragraph 3.176 that *“they do not consider that the residential visual amenity threshold would be breached at either property. The effects on these properties would not be so great as to raise issues of public interest.”* The Reporters’ overall conclusion at Paragraph 9.93 is *“that taking account of the scale and location of the turbines, impact on direct views from principal elevations and the extent and nature of the wider*

field of vision, the effects on residential visual amenity at Kilrenzie and Wheeb Farms would be significant, but not unacceptable.”

Scottish Ministers also note the Reporters considered the potential effects on Dochroyle Farm and concluded at paragraph 3.162 of the PI report that there would be no significant effects on residential visual amenity at Dochroyle Farm.

In terms of impacts on residential amenity from noise, Scottish Ministers agree with the Reporters overall conclusion at paragraph 9.93 that *“the proposal is not likely to result in audible noise levels above the limits set in accordance with ETSU-R-97 and mitigation measures can be secured by condition, should complaints arise”* and *“There is no policy context or direct evidence to justify refusal of the application on the grounds of concerns regarding infrasound and low frequency noise”*.

The Scottish Ministers have taken account the Application, the EIA Report, consultation responses and public representations alongside the Reporters considerations and subsequent conclusions. The Scottish Ministers agree with the Reporters conclusions in respect of the impact of the proposed Development on the residential amenity and adopt them for the purpose of their own decision.

Impacts on Private Water Supplies (PWS)

Three days of inquiry sessions, on effects on private water supplies (PWS), were held by the Reporters. SLR Consultants represented the Company, whose position was that the PWSRA concluded that the effects on PWS would be negligible. Connie Lobban represented South Ayrshire Council, who having not initially objected on PWS, later became aware of the range of properties potentially affected by pollution of PWS, therefore on reflection intimated at a second pre examination meeting they now objected on the basis of the risk of adverse effects on PWS. Dr Rachel Conner represented Susan Crossthwaite, who claimed numerous failings of the PWSRA.

The potential impacts of the proposed Development, particularly through the construction phase, on PWS are considered by the Reporters in full at Chapter 4 of the PI Report (page 48 – page 76) with the Reporters’ conclusions set out through paragraphs 4.116 to 4.187.

The Scottish Ministers note the consideration given by the Reporters to the status of evidence provided by the Company through the course of the PI (paragraphs 4.131-4.134) and their conclusion that the evidence provided did not amount to *“substantive information on a matter to be included in the EIA Report”*. The Scottish Ministers agree with the position reached by the Reporters and are satisfied that it was not necessary for the evidence to be advertised and consulted on in terms of requirements under the 2017 Regulations.

The Reporters’ conclusions on PWS in the context of; the EIA regulations (the 2017 Regulations); the PWS Regulations; the Water Framework Directive; private water supply risk assessments (“PWSRA”); risks to groundwater; guidance from SEPA and Scottish Renewables *et al*; cumulative effects; and, consideration of individual private water supplies is set out at paragraphs 4.186 - 4.187.

The Reporters conclude that *“there would be no significant effects on PWS”* subject to the mitigation measures proposed in the EIA Report and in proposed planning conditions which include agreement of a detailed construction and environmental management plan (“CEMP”), water quality monitoring arrangements and a scheme for the protection of PWS.

The Scottish Ministers have taken account the Application, the EIA Report, consultation responses and public representations alongside the Reporters’ considerations and subsequent conclusions. The Scottish Ministers agree with the Reporters conclusions in respect of the impact of the proposed Development on PWS and adopt them for the purpose of their own decision. The Scottish Ministers have further taken account of the proposed conditions discussed at chapter 8 of the PI Report and have imposed suitably worded conditions on the planning permission to secure the mitigation and monitoring measures identified in the Reporters’ conclusion as necessary to protect PWS.

Renewable Energy Generation and Targets

National Planning Framework 3 (‘NPF3’) is clear that planning must facilitate the transition to a low carbon economy, and help to deliver the aims of the Scottish Government’s Report on Proposals and Policies. Our spatial strategy facilitates the development of generation technologies that will help to reduce greenhouse gas emissions from the energy sector. Scotland has significant renewable energy resources, both onshore and offshore.

The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019 (2019 Act) received Royal Assent on 31 October 2019 and 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.

The proposed Development makes a significant contribution towards meeting greenhouse gas emission and renewable electricity targets. The proposed Development will have a generating capacity of up to 72.8 MW based on current technology. The Scottish Ministers agree with the conclusions of the Reporters at paragraph 9.93 of the PI Report that *“the proposal would make a meaningful contribution towards meeting UK and Scotland’s renewable energy and emissions reduction targets”* and are therefore satisfied that the deployment of this amount of renewable energy produced in Scotland is entirely consistent with the Scottish Government’s policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045.

The carbon payback figures for the proposed Development has been presented in the EIA Report (Volume 4b - Technical Appendix 15.1) using the approved Scottish Government carbon calculator. In overall terms the proposed Development if built would be expected to have a payback period of 2.2 years if it replaces the fossil fuel mix, 1.1 years if it replaces coal-fired and 3.7 years it replaces a grid mix of electricity generation.

Whilst noting the limitations of any such calculations, the online carbon calculator provides the best available means by which carbon calculations can be provided in a consistent and comparable format.

The Scottish Ministers note the Reporters discussed the Carbon Balance at Chapter 6, paragraphs 6.112 - 6.113 of the PI Report, agree with the Reporters findings and are satisfied that the proposed Development would provide carbon savings, and that these savings would be of an order that weighs in favour of the proposed Development.

Socio-Economic Benefits

The Reporters have set out their considerations and conclusions on the socio-economic benefits of the proposed Development at Chapter 6 at paragraph 6.58 – 6.77 of the PI Report. Scottish Ministers note this included consideration of tourism effects and constraint payments.

Scottish Planning Policy 2014 (“SPP”) advises that proposals for energy infrastructure developments should always take account of spatial frameworks for wind farms where these are relevant. Considerations will vary relative to the scale of the proposal and area characteristics but are likely to include, as well as a number of other considerations, net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.

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.

Scottish Ministers note Chapter 14 of the EIA Report considers the land use and socio-economic benefits of the proposed Development. The economic benefits of the proposal are summarised by the Company at paragraph 6.70 of the PI Report as follows:

- construction expenditure in Scotland of £18 million;
- construction peak employment of 120 jobs – 141 full time equivalent;
- operational value of £42 million in South Ayrshire; and
- operational jobs 10-14 FTE in South Ayrshire and Dumfries and Galloway.

Tourism and recreational assets are discussed in Chapter 14 of the EIA Report and TA 14.2. In relation to the local tourism industry paragraph 14.3.3.2 of the EIA Report states “*Other than the village stores in Barrhill, the majority of formal tourism and recreation receptors within the local area of influence (LAI) are accommodation businesses*”. Scottish Ministers note there are 18 accommodation businesses close or within the LAI and include the Queensland and Barrhill holiday parks.

Other tourism and recreations receptors considered in the EIA Report at paragraph 14.3.3.3 to – 14.3.3.5 include local centers of Barrhill and Comonell, Galloway Forest Park and Dark Skies Park, particularly Glentrool Forest, three long distance trails the

Southern upland Way, the Whithorn Way and E-Route 2 and some core paths all of which provide opportunities for walking, cycling, horse riding and other activities.

Scottish Ministers note the Reporters overall conclusion at paragraph 9.93 of the PI Report that *“the proposal would bring direct and indirect economic benefits and no tangible evidence has been provided to demonstrate that there would be significant adverse effects on tourism in the surrounding area”*. Therefore Scottish Ministers consider that the proposed Development would not have a significant adverse impact on tourism or recreation.

Scottish Ministers have considered the Reporters comments with regard to constraint payments at paragraph 6.75 – 77 of the PI Report and agree with their conclusion that these payments are not a consideration in an assessment of this application.

Whilst it is difficult to precisely quantify overall net economic benefits, given direct and indirect effects and timescales, The Scottish Ministers are satisfied the proposed Development has the potential for positive net economic benefits both to the local community, South Ayrshire and Scotland more generally.

Scottish Government Policies and Local Development Plan

Chapter 2 of the PI Report sets out the policy context against which the proposed Development should be considered and Chapter 9 of the PI Report sets out the Reporters’ consideration and assessment of the proposed Development in the context of relevant national climate change and energy policy, national planning policy and other relevant local planning policy and guidance.

Scotland’s renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up the proposed Development. NPF3, SPP, the Energy Strategy and the Onshore Wind Policy Statement 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.

Scottish Government’s Energy Strategy and Onshore Wind Policy Statement (“OWPS”) sets out targets for the increase in the supply of renewable energy. The OWPS in particular reaffirms the vital role for onshore wind in meeting Scotland’s energy targets. The statement sets out the Scottish Government’s position for the ongoing need for more onshore wind development in locations across Scotland where it can be accommodated. There is also clear support in principle for extending existing sites by making best use of the potential at existing sites.

The aforementioned NPF3 sets out Scottish Government’s commitment to establishing Scotland as a leading location for the development of renewable energy technology. In Scotland there has been significant progress towards low carbon objectives whilst continuing to protect our special places from significant adverse impacts.

SPP contains guidance in respect of the granting of consent for wind farm development and is to be read and applied as a whole. It sets out overarching principal policies to be applied to all development and subject policies which set out guidance in respect of development management.

An overarching principle of SPP is that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits over the longer term. The aim is to achieve the correct development in the right place, it is not to allow development at any cost. This means that decisions and policies should be guided by certain principles including, among others, giving due weight to net economic benefit; supporting the delivery of infrastructure; supporting climate change mitigation and protecting natural heritage. The aims of these policies require to be considered and balanced when reaching a decision on applications for wind energy development. At Chapter 9 of the PI Report the Reporters have taken account of the proposed Development against the provisions of SPP.

The relevant development plan policies for the proposed Development are contained in the South Ayrshire Local Development Plan (LDP) 2014 and associated supplementary guidance and the Dumfries and Galloway Local Development Plan 2019.

The Reporters consider in this instance, the South Ayrshire LDP 2014 and its accompanying supplementary guidance is of most relevance. However, they have also had regard to the adopted Dumfries and Galloway LDP 2019 and the modified proposed South Ayrshire LDP 2020. The modified proposed South Ayrshire LDP 2020 was submitted to Scottish Ministers for examination in December 2020 and had not concluded at the time of completion of the PI report, however the Reporters concluded at paragraph 9.88 *“No parties have drawn our attention to any aspect of the modified proposed South Ayrshire LDP which would alter our conclusions.”*

The Reporters conclusions on development plans are found at Paragraphs 9.80 - 9.88 of the PI Report where they concluded the proposed Development would accord overall with the aforementioned LDPs and associated supplementary guidance on wind energy.

The Scottish Ministers agree with the Reporters that *“the proposal would comply overall with the adopted South Ayrshire LDP and its associated supplementary guidance on wind energy, and accord with Scottish Planning Policy”* and that in balancing the factors for and against the proposed Development *“the contribution that the proposal would make towards meeting climate change objectives and emission reduction targets would outweigh the adverse landscape and visual effects in this instance.”*

With regards to the policy context more generally, the Scottish Ministers have taken account of the Reporter’s considerations at Chapter 9 of the PI Report, and agree the proposed Development is supported by both national and local planning policies, and adopt this reasoning for the purposes of their own decision.

National Planning Framework 4 (NPF4)

Since the PI Report was submitted to Scottish Ministers draft NPF4 has been published.

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.

The Scottish Ministers' Conclusions

Reasoned Conclusions on the Environment

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

The Scottish Ministers have fully considered the Application, including the EIA Report consultation responses, representations, the findings, conclusions and recommendation of the PI Report 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.

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

Other Considerations

Other issues raised by parties and other matters contained in the EIA Report and considered by the Reporters were effects on:

- other ecology and ornithology interests;
- archaeology and cultural heritage;
- shadow flicker;
- forestry;
- other hydrology related matters;
- telecommunications, broadcasting and radar equipment;
- aviation and defence

- air quality;
- risk of accidents and other disasters.

The Reporters set out their findings on these issues in the PI Report at Chapter 7 which concluded that any impacts of the proposed Development in relation to these matters would be insignificant, acceptable and/or mitigated successfully with conditions.

A question was raised on behalf of Bardrochart and Knockdolian Estates on whether Scottish Ministers would be conflicted in making a decision on this application because the land is in under Scottish Government ownership. The Reporters advise in the PI Report that this is a matter for Ministers to consider. The Scottish Ministers acknowledge that for certain developments they require to make decisions regarding development on land owned by them and that each planning decision must be taken on its own merits. The Scottish Ministers are satisfied in this case that the merits of the proposed Development have been considered before reaching a decision.

Acceptability of the proposed Development

The proposed Development is sited in an area with an already established use as a wind farm and, if built, will contribute to renewable energy targets and towards reducing greenhouse emissions. Economic benefits to the Scottish economy are anticipated alongside short and longer term benefits to the planning authority areas. The Scottish Ministers acknowledge that there will be some significant localised visual impacts and effects on residential amenity, however Scottish Ministers are satisfied that these effects are acceptable in the context of the benefits that the proposed Development will bring. The Scottish Ministers are satisfied that the other environmental issues will be appropriately addressed by the mitigation measures set out in the EIA Report and secured by relevant conditions attached to the planning permission deemed to be granted by the Scottish Ministers.

The Scottish Ministers consider that these are significant considerations which strongly support the decision to grant consent under section 36 of the Act, and deem planning permission to be granted.

Duration of planning permission

Section 58(1) of the Town and Country Planning (Scotland) Act 1997 provides that planning permission will lapse if development has not begun within a period of 3 years. Section 58(2) of that Act enables Scottish Ministers to direct that a longer period is allowed before planning permission will lapse. Scottish Government policy is that due to the constraints, scale and complexity of constructing such developments, a 5-year time scale for the commencement of development is 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. The 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.

Operational period of the Consent

Scottish Ministers note the Company is seeking Section 36 consent in perpetuity and the Company's Application assessments of all the technical areas considers the effects of the operational phase of the proposed development, without time limitations. This point has been addressed by the Reporter at Chapter 8, paragraphs 8.7-8.12.

Scottish Ministers note South Ayrshire Council does not support a consent in perpetuity stating that turbines are not permanent structures and the sensitivity of the landscape context may change over time. The South Ayrshire Council's position is that the permission should be 25 years or the life expectancy of the turbines.

Scottish Ministers note the Company states that if a time limit is required, they consider that this period should be 40 years as this would reflect the expected lifespan of the proposed turbines.

Scottish Ministers appreciate that the lifespan of wind farm sites vary and are usually dependant on elements such as site specific weather conditions, turbine performance and condition over time, therefore, the proposed Development (if built) would likely require being revisited at an optimal point in the future. Granting the consent for a longer period than is typically granted, whilst securing any future requirement to decommission, presents a real opportunity to take advantage of potential technological advances in wind turbine replacement and will allow the proposed Development to produce renewable electricity for as long as is possible. It does not permit the Company at a future date to extend the wind farm or materially diverge from the description of the consented Development.

The opportunity in this case to extend the production of renewable energy and promote good practice in the maintenance and operation of the proposed Development, to extend its operational life in line with the principles as set out in SPP, is considered by Scottish Ministers to be appropriate in this case.

With continual advancement of technology and the production of more efficient wind turbines it is generally expected that these machines will be capable of producing electricity over a longer period. Nevertheless it is acknowledged in practical terms that, even with good practice in maintenance, wind turbine generators have a natural lifespan of operation.

Scottish Ministers therefore agree with the Reporters' reasoning at paragraph 8.11 that a consent period of 40 years would be appropriate and provides scope for a future review of the consent.

Appropriate conditions have been imposed by Scottish Ministers at Annex 2 of this consent to ensure the proposed Development is maintained and operated in accordance with the terms of the consent.

The Scottish Ministers' Determination

As set out above the Scottish Ministers have considered fully the Reporters' findings and their reasoned conclusions, including their reasoned conclusion on the likely significant effects of the Development on the environment, and adopt them for the purposes of their own decision.

The Scottish Ministers agree with the Reporters' recommendation that section 36 consent should be granted for the construction and operation of the Arecleoch Windfarm Extension, and that a direction deeming planning permission to be granted should be given for the Development.

Subject to the conditions set out in **Part 1 of Annex 2**, the Scottish Ministers grant consent under section 36 of the Electricity Act 1989 for the construction and operation of the Arecleoch Windfarm Extension, a wind powered electricity generating station in the South Ayrshire Council and Dumfries & Galloway Council area, as described in Annex 1.

Subject to the conditions set out in **Part 2 of Annex 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 Development as described in Annex 1.

Section 36 consent and expiry of Planning Permission

The consent hereby granted will last for a period of 40 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.

Scottish Ministers 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, unless the development to which the permission relates is begun before the expiry of that period.

In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, 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 Authorities (South Ayrshire Council and Dumfries & Galloway Council), NatureScot, SEPA and HES. This letter has also been published on the Scottish Government Energy Consents website at <http://www.energyconsents.scot>.

The Scottish Ministers' decision is final, subject to the right of any aggrieved person to apply to the Court of Session for judicial review. Judicial review is the mechanism by

which the Court of Session supervises the exercise of administrative functions, including how the Scottish Ministers exercise their statutory function to determine applications for consent.

The rules relating to the judicial review process can be found on the website of the Scottish Courts:

<https://www.scotcourts.gov.uk/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap58.pdf?sfvrsn=20>

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

Yours faithfully,

REDACTED

William Black
For and on behalf of the Scottish Ministers
A member of the staff of the Scottish Government

ANNEX 1

Description of the Development

The Development is comprised of a wind power powered electricity generating station known as Arecleoch Windfarm Extension, with a generating capacity exceeding 50 megawatts, located on land within Arecleoch Forest approximately 3 km south west of Barrhill, in the planning jurisdictions of South Ayrshire Council and Dumfries & Galloway Council.

The Arecleoch Windfarm Extension and related ancillary developments will be comprised of:

- 13 turbines (including external transformers) with maximum tip height not exceeding 200 metres;
- Associated transformers;
- Battery storage facility;
- Turbine foundations and crane hardstandings;
- new and upgraded access tracks and water crossings where necessary;
- Underground electrical cabling;
- Substation compounds;
- 1 permanent anemometer mast;
- Up to 4 temporary power performance masts;
- Close circuit television and communication masts;
- Search areas for up to 6 borrow pits;
- 1 temporary construction compound area;
- Forestry Felling and compensatory planting.

All as more particularly shown on plan reference Figure 3.1 of Environmental Impact Assessment Report ("EIA Report") dated June 2019 forming Annex 3 to this letter, which was submitted by the Company (Registered Number NI028425) on 28 June 2019.

ANNEX 2

Part 1 - Conditions attached to Section 36 consent

1. Duration of consent

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

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

2. Commencement of Development

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

Reason: *To avoid uncertainty and ensure that the consent is implemented within a reasonable period.*

3. Non-assignment

- 1) This consent may not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment of the consent (with or without conditions) or refuse assignment as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure.
- 2) The Company shall notify the Planning Authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Scottish Ministers of an assignment having been granted.

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

4. Serious incident reporting

In the event of any breach of health and safety or environmental obligations relating to the Development during the period of this consent, the company will provide written notification of the nature and timing of the incident to the Scottish Ministers and the Planning Authority, including confirmation of remedial measures taken and/or to be taken to rectify the breach, within 24 hours of the incident occurring.

Reason: *to keep the Scottish Ministers and the Planning Authority informed of any such incidents, which may be in the public interest.*

Annex 2

Part 2 - Conditions to be attached to the deemed planning permission

5. Design and operation of 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, any anemometry masts and all associated apparatus) have been submitted to and approved in writing by the Planning Authority. The turbines shall be consistent with the candidate turbine or range assessed in the EIA Report, and the blade tip height shall not exceed a height of 200 metres above ground level. The turbines and blades shall be painted in non-reflective pale grey semi-matt paint of a colour and tone approved by the Planning Authority.
- 2) The Development shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.
- 3) All wind turbine blades shall rotate in the same direction as those of the existing Arecleoch wind farm.
- 4) None of the wind turbines shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority.

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

6. Design of sub-station and ancillary development

- 1) No development shall commence unless and until final details of the external appearance, dimensions, and surface materials of the substation building, battery facility and associated compounds, construction compound boundary fencing, external lighting and parking areas have been submitted to and approved in writing by the Planning Authority. The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.
- 2) None of the anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority.

Reason: *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 EIA Report and in the interests of the visual amenity of the area.*

7. Micro-siting

- 1) All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the locations shown on Figure 3.1: Proposed Site Layout, dated 24 April 2019 (EIA Report volume 3a) and in Table 3.3 (EIA Report volume 2). Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and NatureScot), any micro-siting adjustment is subject to the following restrictions:
 - a. No wind turbine or infrastructure shall be moved more than 50 metres from the position shown on Figure 3.1: Proposed Site Layout and in any event Turbine 4 shall not be moved any nearer to the properties at Glenour, Wheeb Farm and Kilrenzie Farm;
 - b. No infrastructure other than as required for a water course crossing will be micro-sited to within 50 metres of a water course as shown on OS data 1:50,000 digital data set;
- 2) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW).
- 3) No later than one month after the date of First Commissioning, an updated site plan to a scale of 1:30,000 must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

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

8. Borrow Pits – Scheme of Works

- 1) No development shall commence unless and until a site specific scheme for the working and restoration of each borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include:
 - a. a detailed working method statement based on site survey information and ground investigations;
 - b. details of the handling of any overburden (including peat, soil and rock);
 - c. drainage, including measures to prevent surrounding areas of peatland, water dependent 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. full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles.

2) The approved restoration scheme shall thereafter 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 that the mitigation measures contained in the EIA Report accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pit(s) at the end of the construction period.*

9. Borrow Pits – Blasting

- 1) No development shall commence unless and until a monitoring scheme for borrow pit blasting has been submitted to and agreed with the Planning Authority.
- 2) Blasting shall only take place on the site between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on a Bank Holiday or Public Holiday (unless otherwise approved in advance in writing by the Planning Authority).
- 3) Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at agreed blasting monitoring locations. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface.

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

10. Ecological Clerk of Works

- 1) No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with NatureScot. The terms of appointment shall:
 - a. impose a duty to monitor compliance with the ecological and hydrological commitments provided in the EIA Report and other information lodged in support of the application, the approved CEMP, the approved Habitat Management Plan, and other plans approved in terms of conditions 18 - 22 (“the ECoW works”);
 - b. require the ECoW to report to the Company’s nominated construction Project Manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;

- c. require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
 - d. require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.
- 2) The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of conditions 12 and 18 - 22 and at the expense of the Company.
 - 3) No later than 18 months prior to any decommissioning of the Development or the expiration of this consent (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development to the Planning Authority for approval in consultation with NatureScot. 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.*

11. Planning Monitoring Officer (PMO)

- 1) No development shall commence unless and until the Planning Authority has approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant (the “PMO”) to assist the Planning Authority in monitoring compliance with the terms of the planning permission and conditions attached to this consent. The terms of appointment shall:
 - a. impose a duty to monitor compliance with the terms of the planning permission and conditions attached to this consent;
 - b. require the PMO to submit monthly reports to the Planning Authority summarising works undertaken on site; and
 - c. require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the planning permission and conditions attached to this consent at the earliest practical opportunity.
- 2) The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of construction.

Reason: *To enable the Development to be suitably monitored to ensure compliance with the consent issued.*

12. Construction and Environmental Management Plan

- 1) No development shall commence unless and until a Construction and Environment Management Plan (CEMP) outlining site specific details of all on-

site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA.

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

- a. a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- b. details of the formation of the construction compound, welfare facilities, areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and construction compound boundary fencing;
- c. a dust management plan;
- d. site specific details for management and operation of any concrete batching plant (including disposal of pH-rich waste water and substances);
- e. 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;
- f. a pollution prevention plan, including arrangements for the storage and management of oil and fuel on the site;
- g. soil storage and management;
- h. a peat management plan, to include details of vegetated turf stripping and storage, peat excavation (including volumes), handling, storage and re-use;
- i. a water management plan covering water control and the means of drainage from all hard surfaces (including internal access tracks, construction and lay-down areas, turbine pads and crane pads) and structures within the site;
- j. site illumination;
- k. the construction of the access into the site and the creation and maintenance of associated visibility splays;
- l. a construction method statement for the following:
 - crane pads;
 - turbine foundations;
 - working cable trenches;
 - erection of the wind turbines and meteorological masts; and
 - watercourse crossings.
- m. post-construction restoration/reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas, within six months of the end of construction and commissioning. Wherever possible, reinstatement is to be achieved by the careful use of

turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;

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

13. Construction Hours

- 1) Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 13.00 on Saturdays, with no construction work taking place on a Sunday or on a Bank Holiday or Public Holiday. Outwith these specified hours, construction work on the site shall be limited to turbine erection, maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority.
- 2) HGV access into and out of the site during the construction of the wind farm shall be limited to 07.00 to 19.00 Monday to Friday, and 07.00 to 16.00 on Saturdays, with no HGV access into or out of the site taking place on a Sunday or on a Bank Holiday or Public Holiday.

Reason: *In the interests of local amenity.*

14. 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, in consultation with Dumfries and Galloway Council, the local roads authority, Transport Scotland and Police Scotland. The TMP shall include:
 - a. a detailed construction programme;
 - b. details of deliveries related to the construction programme;
 - c. a road condition survey (before and after) for key access routes to site;
 - d. the routing of all traffic associated with the Development on the local road network;
 - e. measures to ensure that the specified routes are adhered to, including monitoring procedures;
 - f. details of all signage and lining arrangements to be put in place;
 - g. details of all off-site highway alterations required to accommodate deliveries;
 - h. provisions for emergency vehicle access;

- i. identification of a nominated person to whom any road safety issues can be referred; and
 - j. a plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries, the length, width and axle configuration of all extraordinary traffic accessing the site
- 2) The approved TMP shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

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

15. Abnormal Loads

- 1) Prior to commencement of deliveries to the site, the proposed route for any abnormal loads on the trunk road network, along with accommodation measures required including the removal of street furniture, junction widening and traffic management must be approved, in writing, by the Planning Authority, in consultation with Dumfries and Galloway Council, local roads authority, Transport Scotland and Police Scotland where necessary.
- 2) The approved scheme shall be implemented in full.

Reason: *In the interests of road safety.*

16. Trunk road signage and temporary traffic control measures

- 1) Prior to the commencement of deliveries to the site, any additional signage or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be approved, in writing, by the Planning Authority, in consultation with Dumfries and Galloway Council, local roads authority and Transport Scotland where necessary.
- 2) The approved scheme shall be implemented in full.

Reason: *In the interests of road safety.*

17. Habitat Management Plan

- 1) No development shall commence unless and until a Habitat Management Plan has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA.
- 2) The Habitat Management Plan shall set out proposed habitat management of the wind farm site during the period of construction, operation, decommissioning, restoration and aftercare of peatland within the site. The Habitat Management Plan shall also include proposals to monitor the impact of deer grazing/trampling on peatland habitats.

- 3) The Habitat Management Plan shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives and to ensure there are no negative impacts on peatland.
- 4) Unless otherwise agreed in advance in writing with the Planning Authority, the approved Habitat Management Plan shall be implemented in full.

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

18. Species Protection Plan

- 1) No development shall commence unless and until such times as protected species surveys have been carried out by a suitably qualified person. The surveys shall inform the mitigation measures required for the protection of such species which shall be incorporated into a Species Protection Plan.
- 2) The Species Protection Plan shall be submitted to and approved in writing by the Planning Authority in consultation with NatureScot prior to the Commencement of Development.
- 3) The approved Species Protection Plan shall be implemented in full.

Reason: *In the interests of nature conservation.*

19. Bird Protection Plan

- 1) No Development shall commence unless and until a Bird Protection Plan has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The Bird Protection Plan shall set out measures to protect Goshawk, including post construction ornithology surveys.
- 2) The approved Bird Protection Plan shall be implemented in full.

Reason: *In the interests of protecting Goshawk through the life time of the wind farm.*

20. Water Quality Monitoring Plan

- 1) No Development shall commence unless and until a Water Quality Monitoring Plan has been submitted to and approved in writing by the Planning Authority. The Water Quality Monitoring Plan shall identify the location, duration and frequency of monitoring to be undertaken within the watercourse catchment areas identified as being at risk of potential construction effects in the EIA Report.
- 2) The approved Water Quality Monitoring Plan shall be implemented in full.

Reason: *In the interests of protecting water quality.*

21. Fish Monitoring Plan

- 1) No development shall commence unless and until such times as fisheries surveys have been carried out by a suitably qualified person.
- 2) The surveys shall inform the mitigation measures required for the protection and monitoring of fisheries which shall be incorporated into a Fisheries Monitoring Plan. The Fisheries Monitoring Plan shall be submitted to and approved in writing by the Planning Authority prior to the Commencement of Development.
- 3) The approved Fisheries Monitoring Plan shall be implemented in full.

Reason: *In the interests of protecting fisheries.*

22. Bat Mitigation and Monitoring Plan

- 1) No development shall commencement unless and until such times as a Bat Mitigation and Monitoring Plan has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot.
- 2) The approved Bat Mitigation and Monitoring Plan shall be implemented in full.

Reason: *In the interests of nature conservation.*

23. Programme of Archaeological Works

- 1) No development shall commence unless and until the Planning Authority has approved the terms of a programme of archaeological works to be observed during construction of the Development, to include measures to be taken to protect and preserve any features of archaeological interest in situ and the recording and recovery of archaeological features which cannot be so preserved.
- 2) The approved scheme of archaeological works shall thereafter be implemented in full.

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

24. Replanting of Forestry

- 1) No development shall commence unless and until a woodland planting scheme to compensate for the removal of 60.1 hectares of existing woodland ("the Replanting Scheme") has been submitted for the written approval of the Planning Authority in consultation with Scottish Forestry.
- 2) The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (2017) (Ref: ISBN 978-0-85538-999-4) and the guidelines to which it refers, or such replacement standard as may be in place at the time of

submission of the Replanting Scheme for approval. The Replanting Scheme must include:

- a. details of the location of the area to be planted;
 - b. the nature, design and specification of the proposed woodland to be planted;
 - c. the phasing and associated timescales for implementing the Replanting Scheme;
 - d. proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme.
- 3) The approved Replanting Scheme (or, as the case may be, an approved amended Replanting Scheme) shall be implemented in full, unless otherwise agreed in writing by the Planning Authority in consultation with Scottish Forestry.

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

25. Wind Farm Forestry Felling Plan

- 1) No development shall commence unless and until a Wind Farm Forestry Felling Plan has been submitted to and approved in writing by the Planning Authority, in consultation with Scottish Forestry. The Wind Farm Forestry Felling Plan shall cover the application site and provide details of phase 1 felling, restocking proposals and forestry management practices.
- 2) The approved Plan shall be implemented in full, unless otherwise agreed in writing by the Planning Authority, in consultation with Scottish Forestry.

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

26. Construction Noise

- 1) Construction works require to be carried out in accordance with the approved Code of Practice BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 Noise and Vibration Control on Construction and Open Sites or any subsequent code amending consolidating or replacing it as approved by the Secretary of State pursuant to Sections 71(2) and 104 of the Control of Pollution Act 1974.
- 2) As the Development is in an area of existing low ambient noise levels and the construction activities continue for more than one month, the following minimum criteria are applicable:

Assessment category and threshold value period (LAeq) threshold value in decibels (dB), Category A (5228-1 Annex E.)

Night time (23.00-07.00)	45
Evenings and Weekends*	55
Daytime (07.00-19.00) and Saturdays (07.00-13.00)	65

*19.00-2300 weekdays, 1300-23.00 Saturdays and 07.00-23.00 Sundays.

Reason: *To minimise disturbance to residents from noise and vibration.*

27. Operational Noise

The rating level of noise immissions from the combined effects of the wind turbines forming part of the Development and the turbines of the Arecleoch Wind Farm (including the application of any tonal penalty) 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 consent. The turbines shall be designed to permit individually controlled operation or shut down at specified wind speeds and directions in order to facilitate compliance with noise criteria and:

a) The Company shall continuously log power production, wind speed and wind direction. These data shall be retained for a period of not less than 24 months. The Company shall provide this information to the Planning Authority within 14 days of receipt in writing of a request to do so.

b) There shall be no First Commissioning of the Development until the Company has received written approval from the Planning Authority of a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

c) Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a consultant approved by the Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property. The written request from the Planning Authority shall set out at least the date, time and location to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions,

power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph c, and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where the property to which a complaint is related is not listed in the tables attached to this condition, the Company shall submit to the Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's property for compliance checking purposes. The proposed noise limits are to be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's property. The rating level of noise immissions resulting from the combined effects of the wind turbines shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's property.

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

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

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Balkissock	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9
Bellimore-on-Tig	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9	39.9
Brooklyn	38.7	38.7	38.7	38.7	38.7	38.7	38.7	38.7	39.6	41.4	43.1	44.6
Chirmorrie*	37.2	37.2	37.2	37.2	37.2	37.2	37.2	37.2	37.2	37.2	37.2	37.2

Dochroyle Cottage	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5	37.5
Dochroyle Farm	37.6	37.6	37.6	37.6	37.6	37.6	37.6	37.6	37.6	37.6	37.6	37.6
East Altercannoch	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	39.5	42.0	44.2	46.2
Farden	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3	39.3
Glenour	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8
Gowlands Terrace	39.2	39.2	39.2	39.3	39.7	40.4	41.3	42.4	43.8	45.2	46.8	48.4
Kilrenzie	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8
Laggish	36.5	36.5	36.5	36.5	36.5	36.5	36.5	36.5	36.5	38.3	40.5	42.3
Queensland Caravan Park	39.3	39.3	39.3	39.3	39.7	40.4	41.2	42.2	43.3	44.6	46.1	47.8
Ward of Cairnlea	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.3	38.4
West Altercannoch	38.5	38.5	38.5	38.5	38.5	38.5	38.5	38.5	39.7	42.2	44.5	46.4
Wheeb	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8	39.8
White Cairn	37.9	37.9	37.9	37.9	37.9	37.9	37.9	37.9	37.9	37.9	37.9	39.9

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods.

Location	Standardised wind speed at 10 metre height (m/s) within the site averaged over 10-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Balkissock	42.9	42.9	42.9	42.9	42.9	42.9	42.9	42.9	42.9	42.9	42.9	42.9
Bellimore-on-Tig	42.9	42.9	42.9	42.9	42.9	42.9	42.9	42.9	42.9	42.9	42.9	42.9
Brooklyn	41.7	41.7	41.7	41.7	41.7	41.7	41.7	41.7	41.7	41.7	42.7	44.4
Chirmorrie*	40.2	40.2	40.2	40.2	40.2	40.2	40.2	40.2	40.2	40.2	40.2	40.2
Dochroyle Cottage	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5	40.5
Dochroyle Farm	40.6	40.6	40.6	40.6	40.6	40.6	40.6	40.6	40.6	40.6	40.6	40.6
East Altercannoch	41.3	41.3	41.3	41.3	41.3	41.3	41.3	41.3	41.3	41.3	43.3	45.3
Farden	42.3	42.3	42.3	42.3	42.3	42.3	42.3	42.3	42.3	42.3	42.3	42.3
Glenour	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8
Gowlands Terrace	42.1	42.1	42.1	42.1	42.1	42.1	42.1	42.3	43.1	44.2	45.4	46.9
Kilrenzie	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8

Laggish	39.5	39.5	39.5	39.5	39.5	39.5	39.5	39.5	39.5	39.5	39.5	40.6
Queensland Caravan Park	42.3	42.3	42.3	42.3	42.3	42.3	42.3	42.3	42.3	43.3	44.8	46.4
Ward of Cairnlea	41.3	41.3	41.3	41.3	41.3	41.3	41.3	41.3	41.3	41.3	41.3	41.3
West Altermannoch	41.5	41.5	41.5	41.5	41.5	41.5	41.5	41.5	41.5	41.5	43.5	45.6
Wheeb	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8	42.8
White Cairn	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9

Note: If the Chirmorie windfarm is constructed, the Chirmorie(*) property would become unoccupied and a noise limit would not apply to that property. Otherwise, the limits specified in Tables 1 and 2 apply at this property only over wind directions in the range of 235 to 45 degrees from North.

Table 3 – Indicative locations (easting/northing of the properties of Tables 1 and 2)

Property	Easting	Northing
Balkissock	214111	582010
Bellimore-on-Tig	214900	582900
Brooklyn	223714	581742
Chirmorie*	220829	576943
Dochroyle Cottage	223088	579112
Dochroyle Farm	223105	579237
East Altermannoch	223729	580939
Farden	219373	583713
Glenour	217250	583100
Gowlands Terrace	223203	582210
Kilrenzie	217794	583411
Laggish	223141	578208
Queensland Caravan Park	221680	583374
Ward of Cairnlea	222696	581542
West Altermannoch	223450	581200
Wheeb	217206	583624
White Cairn	222238	582574

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

28. Shadow Flicker

- 1) No development shall commence unless and until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the Development and which lawfully exists or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority.
- 2) The approved mitigation scheme shall thereafter be implemented in full.

Reason: *To offset impacts of shadow flicker on the amenity of residential and commercial property.*

29. Television Reception

- 1) No development shall commence unless and until a Television Reception Mitigation Plan has been submitted to, and approved in writing by, the Planning Authority. The Television Reception Mitigation Plan shall provide for a baseline television reception survey to be carried out prior to the installation of any turbine forming part of the Development, the results of which shall be submitted to the Planning Authority.
- 2) The approved Television Reception Mitigation Plan shall thereafter be implemented in full.
- 3) Any claim by any individual person regarding television picture loss or interference at their house, business premises or other building, made during the period from installation of any turbine forming part of the Development to the date falling twelve months after the date of Final Commissioning, shall be investigated by a qualified engineer appointed by the Company and the results shall be submitted to the Planning Authority and the complainant (if requested). Should any impairment to the television signal be attributable to the Development, the Company shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline television reception.

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

30. Private Water Supplies

- 1) No development shall commence unless and until a method statement has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the Development.
- 2) The method statement shall include water quality sampling methods and shall specify abstraction points. It shall incorporate the suggested mitigation measures in Section 3 of Technical Appendix TA10.3 – Private Water Supply Risk Assessment of the EIA Report, including traffic management and drainage infrastructure checks along the stretches of access track relevant to private water supplies PWS2, PWS4 and PWS10.
- 3) The method statement shall also incorporate an Emergency Action Plan which states clearly who would be responsible, when they would be required to take action, where and how preventative measures would be implemented and what

action and mitigation will be implemented, should any emergencies arise. The Emergency Action Plan shall detail the emergency contacts, with contact telephone numbers and email addresses to be provided to South Ayrshire Council's Planning and Environmental Health Departments and the occupiers of all properties which are served by private water supplies at the date of this consent and which may be affected by the Development.

- 4) The approved method statement shall thereafter be implemented in full.

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

31. Redundant Turbines

If a turbine fails to generate electricity for a continuous period of twelve months, then unless otherwise agreed in writing by the Planning Authority, the Company shall;

- a. within three months, submit a scheme to the Planning Authority setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and
- b. implement the approved scheme within six months of the date of its approval, all to the satisfaction of the Planning Authority.

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

32. Aviation lighting

- 1) No development shall commence unless and until an Aviation Lighting Landscape and Visual Impact Mitigation Plan (the ALLVI mitigation plan) has been submitted to and approved in writing by the Planning Authority, following consultation with the Civil Aviation Authority. The ALLVI mitigation plan shall provide:
 - a. for the use of an aircraft detection lighting system or a scheme which demonstrates minimisation of the visual impact of the proposed lighting, including;
 - b. the extent of reduction of lighting intensity during good meteorological visibility as allowed by Civil Aviation Authority policy and guidelines on wind turbines;
 - c. the technical specification of light fittings designed to emit light horizontally in 360 degrees;
 - d. the extent of cardinal or strategic lighting of selected turbines; and
 - e. the timescale of and parameters for the periodic review of the operation and effectiveness of the ALLVI mitigation plan following its approval over the lifetime of the Development, to allow for adaptation and modification (with the written approval of the Planning Authority in consultation with

the Civil Aviation Authority) in light of monitoring, reviews and changes in technology and relevant policy.

- 2) The approved ALLVI mitigation plan shall be fully implemented throughout the lifetime of the Development, unless otherwise approved in writing by the Planning Authority following a periodic review.

Reason: In the interests of aviation safety.

33. Aviation Safety

No development shall commence unless and until the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information, and has provided evidence to the Planning Authority of having done so;

- 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; and
- c. the position of the turbines and masts in latitude and longitude.

Reason: *In the interests of aviation safety.*

34. Site Decommissioning, Restoration and Aftercare

- 1) The Development will be decommissioned and will cease to generate electricity by no later than the date falling forty years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Decommissioning without prior written approval of the Planning Authority.
- 2) There shall be no Commencement of Development unless a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.
- 3) No later than 3 years prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with NatureScot and SEPA. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

- a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
 - b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
 - c. a dust management plan;
 - d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
 - e. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
 - f. soil storage and management;
 - g. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
 - h. sewage disposal and treatment;
 - i. temporary site illumination;
 - j. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays; and
 - k. details of watercourse crossings.
- 4) The Development shall be decommissioned, site restored, and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the 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.*

35. Financial Guarantee

- 1) No less than one month before the Commencement of Development the Company shall deliver a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in condition 34 to the Planning Authority.
- 2) The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in condition 34.
- 3) The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or

decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

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

36. Site Inspection Plan

- 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 and every 5 years thereafter. 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 5 and condition 27; 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 5 and condition 27 and is to ensure the Development is being monitored at regular intervals throughout its operation.*

Definitions and Abbreviations

Commencement of Development	means the implementation of the consent and deemed planning permission by the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997.
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.
Development	means the Arecleoch Windfarm Extension authorised by this consent and deemed planning permission as described at Annex 1.
EIA Report	means the Environmental Impact Assessment Report, comprising volumes 1 – 4, dated June 2019.
The Company	means ScottishPower Renewables (UK) Limited (Company No. NI028425) a company incorporated under the Companies Acts and having its registered office at The Soloist, 1 Lanyon Place, Belfast, Northern Ireland, BT1 3LP, or such other person for the time being entitled to the benefit of the consent under section 36 of the Act 1989.
Planning Authority	means South Ayrshire Council.
Planning Authorities	means South Ayrshire Council and Dumfries & Galloway Council.
Bank Holiday	means New Year's Day, if it is not a Sunday or, if it is a Sunday, 3rd January. 2nd January, if it is not a Sunday or, if it is a Sunday, 3rd January. Good Friday. The first Monday in May. The first Monday in August. 30th November, if it is not a Saturday or Sunday or, if it is a Saturday or Sunday, the first Monday following that day. Christmas Day, if it is not a Sunday or, if it is a Sunday, 27th December. Boxing Day, if it is not a Sunday or, if it is a Sunday, 27th December.
Public Holiday	means Good Friday, Easter Monday, the first Monday in May and the third Monday in September.
SEPA	means the Scottish Environment Protection Agency.

Guidance Notes for Operational Noise Condition

These notes are to be read with and form part of the operational 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 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 dwelling to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the condition to be evaluated, the wind farm operator 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 at any on site meteorological mast(s), if available, together with the arithmetic mean power generated by each turbine, all in successive 10-minute periods. 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, as determined from whichever source is agreed in writing with the Planning Authority as being most appropriate to the noise compliance measurements being undertaken, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter.

(e) Data provided to the Planning 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.

(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 standardised ten metre height wind speed, as derived from the site measured wind speed source(s) agreed in writing with the Planning Authority in accordance with 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. Alternatively, an average value in each wind speed 1 m/s bin centred on each integer wind speed may be used if the independent consultant considers this is more representative of the data.

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) The tonal penalty is derived from the margin above audibility of the tone according to Fig 17 on page 104 of ETSU-R-97.

Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3, the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Planning Authority in its written protocol under paragraph (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 Tables 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 wind farm operator 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 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

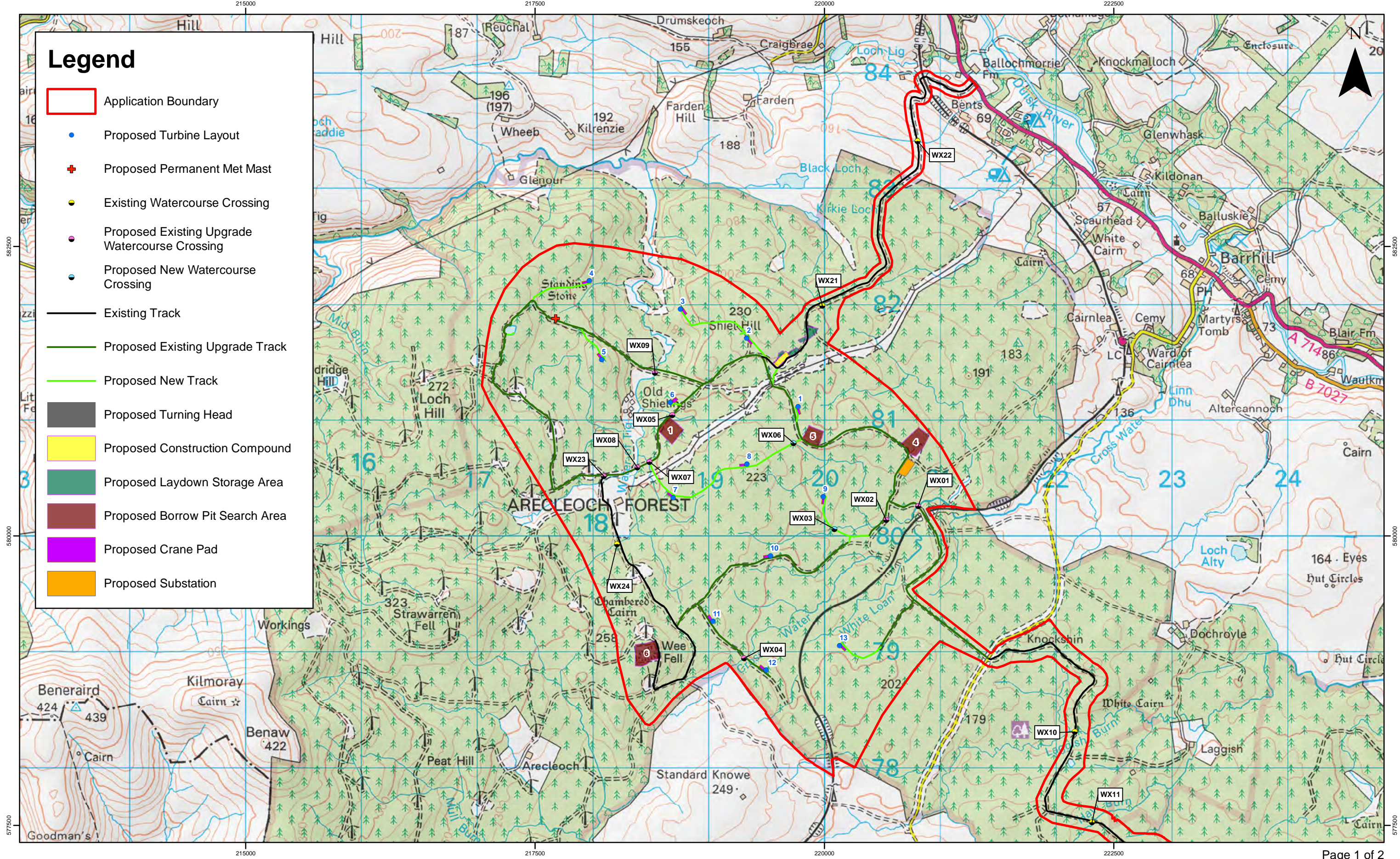
requested by the Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(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 (as specified in ETSU-R-97 page 88):

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

(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.

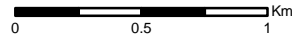
(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with Guidance Note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the 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 Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the operational noise condition then the Development fails to comply with the conditions.



B	24/04/19	LM	Second Issue.
A	14/03/19	LM	First Issue.
Rev	Date	By	Comment

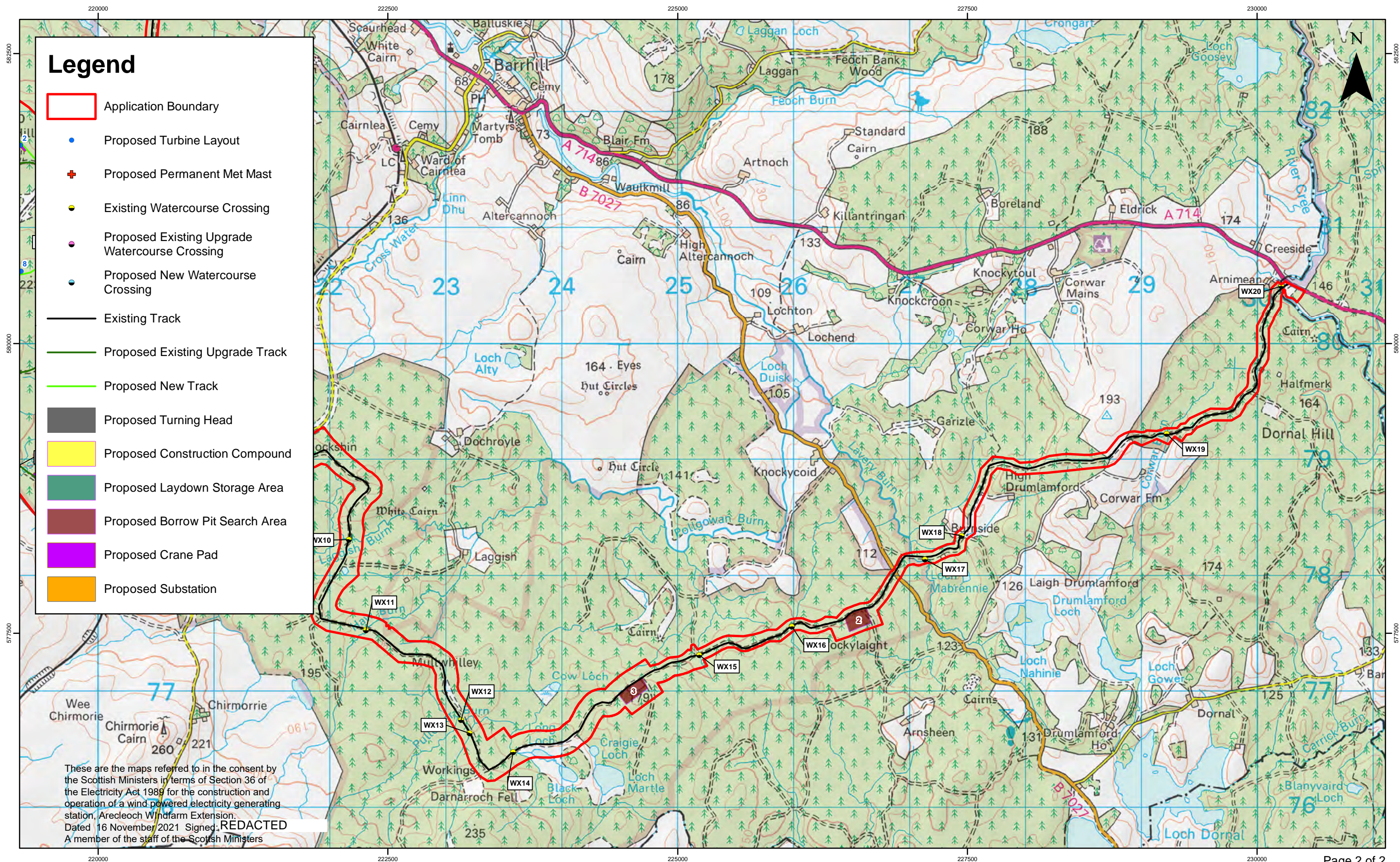
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Arecleoch Windfarm Extension - EIAR
Description of the Development
Proposed Site Layout

Drg No	00481.00049.3.1.1		
Rev	B	Datum: OSGB36	
Date	24/04/19	Projection: TM	
Figure	3.1		



B	24/04/19	LM	Second Issue.
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Scale @ A3

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Arecleoch Windfarm Extension - EIAR

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