

**Description of the Development**

The Development comprises a wind-powered electricity generating station with an installed capacity of over 50 MW and potential battery energy storage system of up to 50 MW collectively known as Quantans Hill Wind Farm, located around Quantans Hill, northeast of the village of Carsphairn in the planning authority area of Dumfries and Galloway Council, and as more particularly shown on Proposed Site Layout (Annex 3).

The principal components of the Development include:

- Up to 14 turbines at a maximum tip height of up to 200 m, including within the hardstanding arrangement:
  - Temporary storage areas;
  - Permanent turbine foundations; and
  - Permanent crane pads.
- Substation, control building and compound
- Potential for battery energy storage infrastructure of up to 50 MW
- Approximately 15 km of new access tracks, with 31 watercourse crossings identified, largely culverts of varying sizes and two bridges
- Underground electricity cables
- Anemometry mast
- Signage
- Temporary borrow pits
- Temporary construction and storage compounds, laydown areas and ancillary infrastructure
- Drainage and drainage attenuation measures (as required)
- Associated ancillary works

**Part 1 – Section 36 Conditions**

**The consent granted in accordance with section 36 of the Electricity Act 1989 is subject to the following conditions:**

**1. Notification of Date of Final Commissioning**

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

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

**2. Commencement of development**

(1) The commencement of the development shall be no later than six (6) 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 Planning Authorities no later than one calendar month before that date.

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

**3. Non-assignment**

(1) This consent shall not be assigned without the prior written authorisation of the Scottish Ministers. The Scottish Ministers may authorise the assignment, with or without conditions.

(2) The Company shall notify the Planning Authorities in writing of the name of the assignee, principal named contact and contact details within fourteen days of the consent being assigned.

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

**4. Serious incident reporting**

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 Authorities, including confirmation of remedial measures taken and/ or to be taken to rectify the breach, within 24 hours of the incident occurring, or as soon as practicable thereafter.

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

## Part 2 – Deemed Planning Conditions

### Conditions to be attached to the Deemed Planning Permission

#### 5. Design and operation of wind turbines

(1) No turbine erection shall commence until the external finishes and colour of the turbines and any anemometry masts have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented.

(2) The tip height of turbines shall not exceed 200 metres to tip above ground level.

(3) All wind turbine blades shall rotate in the same direction.

(4) No part of the development shall display any name, logo, sign or other advertisement other than as specified in the application, unless approved in advance in writing by the Planning Authority or if required by law.

*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 Environmental Impact Assessment Report (2018) and in the interests of the visual amenity of the area.*

#### 6. Construction compounds

No development on the compounds shall commence until final details of the external appearance, dimensions, and surface materials of any construction compounds, or any other compound, including any boundary fencing, external lighting and parking areas, have been submitted to and approved in writing by the Planning Authority. The approved details shall be implemented.

*Reason: to ensure that the environmental impacts of all construction and other compounds associated with the development conform to the impacts assessed in the Environmental Impact Assessment Report (2018) and in the interests of the visual amenity of the area.*

#### 7. Micro-siting

All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the locations shown in Annex 3. The location of the wind turbines, masts, areas of hardstanding and tracks may be varied (micro-sited) within the site subject to the following, unless otherwise approved in advance in writing by the Planning Authority:

(a) no wind turbine foundation shall be positioned higher than 1 metre above the position shown on Annex 3, when measured in metres Above Ordnance Datum (Newlyn);

(b) no wind turbine, building, mast, track or hardstanding shall be moved more than 100 metres from the position shown on Annex 3;

(c) no development shall take place within 50 metres of any water course other than the five water course crossing shown in Environmental Impact Assessment Report Volume 3 Technical Appendix 8.1; and

(d) all micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW) required to be employed pursuant to Condition 9(c).

(2) No later than one month after the Date of First Commissioning, an updated site plan shall be submitted to the Planning Authorities showing the final position of all wind turbines, masts, anemometry, 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 the Environmental Clerk of Works or Planning Authority's letter of approval, as applicable.

*Reason: to control environmental impacts while taking account of local ground conditions, including existing infrastructure.*

#### **8. Planning Monitoring Officer**

(1) There shall be no Commencement of Development 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 as a Planning Monitoring Officer (PMO) to assist the Planning Authorities' in the monitoring of compliance with conditions attached to this deemed planning permission during the period from Commencement of Development to completion of post-construction restoration works.

(2) The terms of appointment shall:

(a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;

(b) require the PMO to submit a monthly report 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 deemed planning permission and conditions attached to it at the earliest practical opportunity.

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

## 9. Environmental Clerk of Works

(1) No development shall commence until the Planning Authorities' have approved in writing the terms of appointment by the Company of an independent Environmental Clerk of Works (ECoW) and that person has been appointed on the approved terms. The terms of appointment shall:

(a) impose a duty to monitor compliance with the ecological and hydrological commitments required in terms of Condition 10a (Habitat Management Plan) and Condition 12 (Construction and Environmental Management Plan) – 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; and,

(c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site and incidents of micro siting in accordance with Condition 7(d).

(2) The ECoW shall be appointed on the approved terms prior to the commencement of development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of Condition 24(3).

(3) No later than 6 months prior to 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. 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.*

## 10a. Habitat Management Plan

(1) No development shall commence until a Habitat Management Plan has been submitted to and approved in writing by the Planning Authority, in consultation with NatureScot and other relevant stakeholders.

(2) The Habitat Management Plan shall set out proposals for the creation and management of the habitats within the wind farm development area to improve their ecological condition and function, for general biodiversity enhancement and for the specific benefit of bird species of conservation concern such as red kite, black grouse, and curlew, during the periods of construction, operation and decommissioning of the development and during the restoration of the site after the development has been removed.

(3) OR alternative Habitat Management works may be undertaken outside the wind farm as agreed in advance in writing with the Planning Authority

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

## **10b. Regional Habitat Management Plan**

(1) No development shall commence until a regional Habitat Management Plan (HMP) and the delivery mechanism for the HMP have been submitted to and approved in writing by the Planning Authority, in consultation with NatureScot and other relevant stakeholders.

(2) The HMP shall set out proposals for the creation and management of habitats in the region of the windfarm site to improve ecological condition and function in the region, for general biodiversity enhancement.

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

## **11. Redundant turbines**

(1) If one or more turbine fails to generate electricity for a continuous period of 12 months (excluding any periods of constraint imposed by the National Grid during which turbines are not operating), then unless otherwise agreed in writing by the Planning Authority, the Company shall submit a scheme to the Planning Authority for its approval setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored thereafter.

(2) The Company shall implement the scheme as approved in writing by the Planning Authority 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.*

## **12. Construction and Environmental Management Plan, including Construction Method Statement**

(1) No Development shall commence until a Construction and Environmental Management Plan ("CEMP"), which shall include a Construction Method Statement, is submitted to and approved in writing by the Planning Authorities in consultation with SEPA. The CEMP shall include (but is not limited to) the following:

(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, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;

(c) details of borrow pit excavation, including excavation times and restoration;

(d) a dust management plan;

(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 and control method statement, including arrangements for the storage of oil and fuel on the site;
  - (g) soil storage and management;
  - (h) a peat management plan;
  - (i) a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources;
  - (j) sewage disposal and treatment;
  - (k) temporary site illumination;
  - (l) the construction of the access into the site and the creation and maintenance of associated visibility splays;
  - (m) the method of construction of the crane pads;
  - (n) the method of construction of the turbine foundations;
  - (o) the method of working cable trenches;
  - (p) the method of construction and erection of the wind turbines;
  - (q) details of watercourse crossings;
  - (r) post-construction restoration/ reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound and other construction areas;
  - (s) a pre-construction and construction fish monitoring programme;
  - (t) details of all construction works on the site and the timing of these works; and,
  - (u) pre-construction surveys for species and habitat protection plan
- (2) The approved CEMP shall be implemented throughout the construction and site restoration phases unless otherwise agreed in writing by the Planning Authority.

*Reason: to ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Impact Assessment Report (2018) accompanying the application, or as otherwise agreed, are fully implemented.*

### **13. Programme of Archaeological Works**

- (1) No Development shall commence until a programme of archaeological works, informed by a Written Scheme of Investigation, is submitted to and approved in writing by the Planning Authorities. The programme shall be observed during the construction of the development and 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. The programme of archaeological works shall thereafter be implemented.

(2) The Written Scheme of Investigation shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists.

*Reason: in the interests of the protection of archaeological sites and works located on the Development site.*

#### **14. Traffic Management Plan**

(1) No Development shall commence until a Traffic Management Plan ("TMP") has been submitted to and approved in writing by the Planning Authorities, in consultation with Transport Scotland. The TMP shall include:

- (a) the routing of all traffic associated with the development on the local and trunk road network;
- (b) measures to ensure that the specified routes are adhered to, including monitoring procedures;
- (c) details of signage and lining arrangements to be put in place;
- (d) provision for emergency vehicle access;
- (e) identification of a nominated person to whom any road safety issues can be referred; and,
- (f) 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 approved in advance in writing by the Planning Authorities

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

#### **15. Abnormal loads using the trunk road network**

Prior to commencement of abnormal load deliveries to site, the proposed route for any abnormal loads on the trunk road network must be submitted to and approved in writing by the Planning Authorities in consultation with the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required, including the removal of street furniture, junction widening, traffic management must be approved in writing by the Planning Authorities.

*Reason: to minimise interference and maintain the safety and free flow of traffic on the Trunk Road as a result of the traffic moving to and from the development.*



## **16. Trunk road signage and temporary traffic control measures**

During the delivery period of the wind turbine construction materials any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised quality assured traffic management consultant, to be approved by the Planning Authorities in consultation with Transport Scotland before delivery commences.

*Reason: to ensure that the transportation will not have any detrimental effect on the road and structures along the route.*

## **17. Construction hours**

(1) Construction work shall only take place on the site between the hours of 07.00 and 19.00 on Monday to Friday inclusive and 07.00 and 16.00 on Saturdays, with no construction work taking place on a Sunday or on national public or bank holidays (see definitions below). Outwith these specified hours, development 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 Authorities.

(2) Heavy Goods Vehicle ("HGV") movements to and from the site (excluding abnormal loads) during construction of the wind farm shall only take place between the hours of 07.00 to 19.00 Monday to Friday and 07.00 to 16.00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or on national public or bank holidays.

*Reason: in the interests of local amenity.*

## **18. Private water supplies**

(1) No Development shall commence until a private water supply method statement is submitted to and approved in writing by the Planning Authorities.

(2) The method statement should detail 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.

(3) The method statement shall include water quality sampling methods and shall specify abstraction points.

(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. To ensure that all construction operations are carried out in a manner that minimises their impact on amenity and the environment and that the mitigation measures proposed in the method statement accompanying the application, or as otherwise approved, are implemented.*

## 19. Aviation warning lighting

Lights for the purposes of aviation safety shall be installed in accordance with the lighting scheme approved by the Civil Aviation Authority (CAA) on [date] and infra-red lighting shall be installed in accordance with the scheme approved by the Ministry of Defence on [date].

Reason: *in the interests of aviation safety.*

## 20. Aviation safety

(1) No development shall commence until the Company has submitted details to the Planning Authority of any construction equipment and temporary structures with a total height of 50 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with.

(2) No development shall commence until the Company provides the Planning Authorities, Ministry of Defence, Defence Geographic Centre and NATS with the following information:

(a) the date of the expected commencement of each stage of construction including the date of the commencement of the erection of wind turbine generators;

(b) the height above ground level of the tallest structure forming part of the development;

(c) the maximum extension height of any construction equipment; and,

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

(e) the expected date any wind turbine generators are brought into use.

(3) Evidence shall be provided to the Planning Authorities that this information has been submitted to the Ministry of Defence, Defence Geographic Centre and NATS.

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

Reason: *in the interests of aviation safety.*

## 21. Aviation Safety – Radar Mitigation

(1) No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Planning Authority in order to avoid the impact of the development on the Primary Radars of the Operator located at Lowther Hill and Great Dun Fell and associated air traffic management operations.

(2) No part of any turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme. For the purpose of conditions 1 and 2 above; "Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that

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

Reason: *in the interests of aviation safety.*

## **22. Forestry – Compensatory Planting**

- (1) No development felling shall commence until a Woodland Replanting Scheme has been submitted to, and approved by the Planning Authority in consultation with Scottish Ministers.
- (2) The Woodland Planting Scheme shall provide for the replanting of 26.7 hectares of woodland, or such other amount as may be agreed with the Planning Authority, in consultation with Scottish Forestry.
- (3) The approved Woodland Planting Scheme shall thereafter be implemented in full.

Reason: *To secure compensatory planting for the loss of woodland arising from the Development.*

## **23. Access Management Plan**

Once approved, no development shall commence until a public path and access management plan has been submitted to and approved in writing by the Planning Authorities, once approved the development should be carried out in accordance with the agreed details. The plan shall include;

- (a) all existing core paths and rights of way;
- (b) any temporary diversions to rights of way during construction, their duration and any proposed signage;
- (c) proposals to restore any existing core paths or rights of way to their previous condition between construction and decommissioning and once full decommissioning has taken place;
- (d) proposals to enhance public access within and adjacent to the site during the lifetime of the development; and,
- (e) proposed signage of routes.

Reason: *the provision is required to ensure health and safety of those using the existing core paths and rights of way is preserved, and that any changes to those paths and rights of way are reversed on completion of the development.*

## **24. Decommissioning, Restoration and Aftercare**

- (1) The Development will be decommissioned and will cease to generate electricity by no later than the date falling 39 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 after the date of

decommissioning without prior written approval of the Planning Authorities in consultation with the Scottish Ministers.

(2) There shall be no Commencement of Development unless and until a decommissioning, restoration and aftercare method statement has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The method statement shall include measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the above ground elements of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

(3) No later than three years prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare method statement, based upon the principles of the approved decommissioning, restoration and aftercare method statement, shall be submitted to the Planning Authority for written approval in consultation with NatureScot and SEPA. The detailed decommissioning, restoration and aftercare method statement will provide updated and detailed proposals for the removal of above ground elements of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions. It should include (but shall not be limited to):

- (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- (b) details of the formation of new features required to facilitate the decommissioning and restoration including but not limited to: 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 detailed decommissioning, restoration and aftercare method statement as

approved, unless otherwise agreed in writing in advance with the Planning Authorities 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.*

## **25. Financial Guarantee**

(1) No development shall commence until the Company has delivered a bond or other form of financial instrument in terms acceptable to the Planning Authorities which secures the anticipated cost of performance of the obligations contained in the decommissioning, restoration and aftercare method statement submitted to the planning authorities in accordance with Condition 24(2).

(2) The bond or financial instrument shall thereafter be maintained in favour of the Planning Authorities until the date of completion of all restoration and aftercare obligations.

(3) The value of the bond or financial instrument 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 the decommissioning, restoration and aftercare method statement.

(4) The value of the bond or financial instrument 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 secure the performance of the obligations of the Company as to decommissioning and removal of the development as well as for any aftercare and restoration of the development by ensuring that suitable financial provision has been made for the performance of those obligations in the event of the Company's default.*

## **26. Noise**

The rating level of noise immissions from the combined effects of the wind turbines forming part of the development (including the application of any tonal penalty) shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to this condition (see Appendix A) at any dwelling which is lawfully existing or has planning permission at the date of application. 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 Authorities within 14 days of receipt in writing of a request to do so;

(b) prior to the Date of First Commissioning of the development the Company shall submit for the written approval from the Planning Authorities 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 Authorities;

(c) upon the Planning Authorities' receipt of a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Planning Authorities shall review the Company's operational data. If the complaint is deemed to be justified by one or both of the Planning Authorities, the Company shall, at its expense, employ a consultant approved by the Planning Authorities' to assess the level of noise immissions from the wind farm at the complainant's property. The written request from the Planning Authorities 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 Authorities, 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 Authorities. 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 Authorities under paragraph c, and such others as the independent consultant considers likely to result in a breach of the noise limits (procedures described in the attached Guidance Notes require to be followed);

(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 Authorities 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 when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Planning Authorities for the complainant's property; and,

(f) the Company shall provide to the Planning Authorities the independent consultant's assessment of the rating level of noise immissions within 2 months of the date of the written request of the Planning Authority for compliance measurements to be made under paragraph e), unless the time limit is extended in writing by the Planning Authorities. Certificates of calibration of the instrumentation used to undertake the measurements should be submitted to the Planning Authorities with the independent consultant's assessment of the rating level of noise immissions and be in accordance with the Guidance Notes.

*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.*

**Definitions:**

"The Application" means the application submitted by the Company on DD Month YYYY.

"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; and,
- Boxing Day, if it is not a Sunday or, if it is a Sunday, the 27th December.

“Public Holiday” means Easter Monday and the third Monday in September.

“Commencement of Development” means the date on which Development shall be taken as begun in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997 (as amended).

“the Company” means Vattenfall Wind Power Ltd, registered address 5th Floor, 70 St Mary’s Axe, London, EC3A 8BE or such other person for the time being entitled to the benefit of the consent under section 36 of the Electricity Act 1989.

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

“Dwelling” means a building within Use Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 which lawfully exists or had planning permission at the date of this consent and deemed planning permission.

“Excess Amplitude Modulation (Excess AM)” means the modulation of aerodynamic noise produced at the frequency at which a blade passes a fixed point and occurring in ways not anticipated by ETSU-R-97, The Assessment and Rating of Noise from Wind Farms, at page 68.

“Date of Final Commissioning” means the earlier of (a) 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 (b) the date 18 months after the Date of First Commissioning.

## Appendix A

Table A.1: Operational Noise Limits for Quantans Hill Acting Alone (dB L<sub>A90</sub>)

Receptor Name	Easting	Northing	Noise Limit (dB L <sub>A90</sub> )
Bridgend	255745	594484	40
Old Burnfoot Cottage	259010	592316	40
Glendean	256290	593282	40
Knockgray Cottage	257674	593193	40
Marbrack Cottage*	259648	593236	45
Marscalloch Cottage	260382	591387	40



Nether Loskie	260027	591748	40
Furmiston*	260326	592328	45
Kensglen	259680	591873	40
Burniston	259214	592308	40
Burnfoot	259119	592426	40
Marbrack Farm*	259729	593306	45
Bardennoch	257836	591822	40
Cumnock Knowes	257778	592585	40
Stables Cottage	257625	593197	40
Knockgray*	257854	593392	45
North Liggate	256790	593209	40
South Liggate	256765	593181	40
The Cabin	256212	593360	40
The Birks	256619	592939	40
Carsphairn Primary School	256203	593197	40
4 Mcadams Way	256057	593469	40
Marbrae	258277	592843	40

*NB Financially interested properties are denoted with an asterisk (\*)*

Table A2: Cumulative Operational Noise Limits (dB L<sub>A90</sub>)

Receptor Name	Easting	Northing	Noise Limit (dB L <sub>A90</sub> )
Bridgend	255745	594484	40
Old Burnfoot Cottage	259010	592316	40
Glendean	256290	593282	40
Knockgray Cottage	257674	593193	40
Marbrack Cottage*	259648	593236	45
Marscalloch Cottage	260382	591387	40
Nether Loskie	260027	591748	40
Furmiston*	260326	592328	45
Kensglen	259680	591873	40
Burniston	259214	592308	40
Burnfoot	259119	592426	40
Marbrack Farm*	259729	593306	45



Bardennoch	257836	591822	40
Cumnock Knowes	257778	592585	40
Stables Cottage	257625	593197	40
Knockgray*	257854	593392	45
North Liggate	256790	593209	40
South Liggate	256765	593181	40
The Cabin	256212	593360	40
The Birks	256619	592939	40
Carsphairn Primary School	256203	593197	40
4 Mcadams Way	256057	593469	40
Marbrae	258277	592843	40

*NB Financially interested properties are denoted with an asterisk (\*)*



