



Appendix 1B

Stornoway S36 Consent 7 September 2012



Ron Peddie
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Stornoway Wind Farm
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7 September 2012

Dear Mr Peddie

CONSENT AND DEEMED PLANNING PERMISSION GRANTED BY THE SCOTTISH MINISTERS TO CONSTRUCT AND OPERATE THE STORNOWAY WIND FARM ELECTRICITY GENERATING STATION 1.5 KM WEST OF THE TOWN OF STORNOWAY ON THE ISLE OF LEWIS

Application

I refer to the Application made by Lewis Wind Power Limited, ("The Company") dated 30 June 2011 for:

- (i) consent under section 36 of the Electricity Act 1989 ("The Electricity Act") for construction and operation of Stornoway wind farm electricity generating station 1.5 km west of the town of Stornoway on the Isle of Lewis with a generation capacity of up to 151.2 MW.
- (ii) a direction under section 57 (2) of the Town and Country Planning (Scotland) Act 1997 ("the planning act") that planning permission be deemed to be granted in respect of that generating station.

Consultation

In accordance with statutory requirements, advertisements of the Application had to be placed in the local and national press. Ministers note that these requirements have been met. Under Schedule 8 of the Electricity Act, the relevant planning authority is required to be notified in respect of a section 36 consent application.

Notifications were sent to Comhairle nan Eilean Siar as the Planning Authority, as well as to Scottish Natural Heritage (SNH) and the Scottish Environment Protection Agency (SEPA).

Objections from the Scottish Wildlife Trust and the Stornoway Angling Association are being maintained. The details of all responses received from consultees are summarised below.

Statutory Consultees

Comhairle nan Eilean Siar (a statutory consultee and the relevant Planning authority) responded to the consultation on 09 March 2012 and did not object to the proposal. They were broadly supportive of the development, noting the need for Scottish Ministers in particular to address ornithological and aviation issues, and the views of the Stornoway Angling Association, the most prominent objector to the development. The Comhairle noted that the proposal as presented could not be fully assessed as in compliance with the Development Plan or the Comhairle's Supplementary Guidance due to the above issues. However, they highlighted that Scottish Ministers should note the national importance of large scale wind farms in the Outer Hebrides and that the area proposed for development by the Stornoway Wind farm is largely within a 'broad area of search' for large scale wind farms in the Comhairle's Large Scale Wind Energy Developments Supplementary Guidance and therefore, in principle, the Comhairle is supportive of the proposed development. The also Comhairle recommended discounting the Pairc Wind Farm proposal from the cumulative impact assessment for Golden Eagles within the Outer Hebrides Natural Heritage Zone.

Scottish Natural Heritage (SNH) (a statutory consultee) originally maintained their objection in relation to impact on the qualifying interests of the Lewis Peatlands Special Protection Area (SPA), in particular golden eagle and red-throated diver, highlighting that further survey work, or an adjustment to the layout, was required to address these issues. However, further dialogue between the Company and SNH has since identified six turbines numbered 1, 5, 10, 11, 15 and 38, the removal of which would allow SNH to withdraw their objection. This has led to consideration of the option of a partial consent, withholding consent for the identified "problem" turbines. SNH wrote on 20 June 2012 outlining their position should the six turbines be removed.

It considered the potential displacement of golden eagles from two ranges within the SPA and concluded that in the absence of these six turbines, the residual range loss would be such that these ranges would neither be abandoned nor suffer from reduced productivity. In respect of the cumulative collision mortality risk from all proposed and consented wind farms in the Western Isles Natural Heritage Zone (NHZ) excluding Pairc, it concluded there would not be an adverse effect on SPA integrity.

The Scottish Government has carried out an Appropriate Assessment which takes the removal of the six identified turbines into account. It can be ascertained with sufficient confidence that the proposal without the six "problem" turbines will not have an adverse impact on the integrity of the SPA, therefore it is concluded that impacts on site integrity can be avoided.

With regards to landscape and visual impacts, SNH consider that a wind farm could be accommodated within the proposed development site, but that the wind farm currently proposed would have significant adverse landscape and visual impacts. SNH note that a change to the layout to deal with bird issues may also have a mitigating effect on the landscape and visual impacts predicted.

Scottish Environment Protection Agency (SEPA) did not object to the proposal but expressed concerns relating to the re-use of surplus peat, impact on wetlands, borrow pits and flood risk. Information in the addendum dealt with most of these issues and SEPA listed appropriate conditions which they requested be attached to any consent granted. SEPA have outstanding concerns around re-use and management of surplus peat, and would prefer that certain surveys proposed in the ES were undertaken prior to any consent being granted, due to the commercial risks to the Company in the absence of these surveys. These surveys have not been undertaken so there is a planning condition which requires them to be carried out.

Non Statutory consultees

BAA Airports Ltd had no objection to the proposal and concluded it is outwith their area of concern.

BT originally stated that it would object to future development of this Wind farm if it strongly interfered with the existing BT radio links. BT has subsequently confirmed to the Scottish Government that it withdrew its objection to the proposal on 1 August 2011.

The **Civil Aviation Authority (CAA)** had no objection to the proposal but recommended that due regard be given to consultation responses from Highlands and Islands Airports Ltd, NATS and the Ministry of Defence.

The **Crown Estate** indicated that it had no comments to make.

Forestry Commission Scotland did not object to the proposal. It recommended that a scheme of compensatory planting to offset any woodland removal be made a condition of any consent, noting that this could be included in a wider habitat management plan.

Halcrow undertook a preliminary peat landslide hazard assessment for the Scottish Government. It recommended that a formal peat stability assessment report be produced, in accordance with the Best Practice Guidance, documenting the assessment undertaken to inform the design layout and mitigation measures. Following the subsequent production of such a report and its consideration by Halcrow, it concluded a sufficiently robust assessment of the peat landslide risk had been made. It went on to recommend a number of conditions that should be attached to any consent, relating to peat excavation, drainage, tracks, and geotechnical risk management.

Highlands and Islands Airports Limited (HIAL) initially objected to the proposal, commenting that some of the turbines could infringe upon some of Stornoway

airport's officially safeguarded areas and impact on the airport's ability to operate safely. It explained that there could be impacts on Instrument Flight Procedures, the Circling minima and the Visual Manoeuvring minimum clearance height, and that more detailed work need to be undertaken to give a full assessment, which would then require approval from the CAA. HIAL subsequently wrote to Ministers indicating that it would withdraw its objection on condition that no work commences on the development until it has approved details of a scheme of mitigation to be funded wholly by the Company.

Historic Scotland at first objected to the proposal then later revised its position stating that the impact of the development on the setting of the scheduled monument index no 5504, Druim Dubh stone circle, would be reduced by the removal of turbines 28 and 29. It added that its objection should be deemed withdrawn if Ministers were satisfied that the development could not go ahead without these two turbines.

The **Joint Radio Company Limited** (JRC) initially objected to the proposal on the grounds that all turbines except 18, 19 and 20 would have unacceptable impacts on either 460MHz Telemetry and Telecontrol links or Microwave point-to-point links. It has since indicated that following a detailed study, the micrositing of turbines could resolve the unacceptable impacts if a new scanning telemetry station is also built on site and withdrew its objection on condition that no work commences on the development until it has approved details of micrositing and a new scanning telemetry station. It noted that micrositing for Turbine 4 would need to be greater than the 50 m proposed in the Environmental Statement to move it to the location at British national grid coordinates 139297 935644.

Marine Scotland Science – Freshwater Laboratory (MSS-FL) commented that disturbance, as a result of construction activities associated with the proposal, in this already sensitive location could potentially be damaging to salmonid stocks. It indicated that it had reviewed the mitigation measures and safeguards in the Environmental Statement and made a number of recommendations: that MSS-FL should review the proposed Fish Monitoring Plan; that there should be at least 12 months of baseline data gathered on surface water quality prior to construction commencement; that there should be a macroinvertebrate monitoring programme; and an additional macroinvertebrate and hydrochemistry sampling site downstream of the development area on Abhainn a' Ghlinn Mhoir (in addition to those sites sampled in the baseline survey). It also recommended that there be control sampling sites where impacts from the development are unlikely.

The **Ministry of Defence** initially objected to the development as it considered the impact of the proposed turbines on the line of sight of the Druim-A-Starraig weather radar would be unacceptable. It added that should a solution be found to mitigate the impact on Druim-A-Starraig weather radar, aviation safety lighting must be fitted to the turbines. It subsequently withdrew its objection on condition that no work commences on the development until it has agreed a scheme and programme of works with the Company to relocate the Druim-A-Starraig weather radar.

The **Mountaineering Council of Scotland** wrote to say it did not intend to respond the consultation.

NATS En-Route Plc (NERL) objected to the proposal on the grounds that the predicted impact to the Sandwick AGA voice communications system would be unacceptable. It then withdrew its objection on condition that no work commences on the development until it has agreed a mitigation scheme with the Company, if it determines that a mitigation scheme is necessary.

RSPB Scotland originally objected to the application stating that the Environmental Statement did not contain sufficient information to demonstrate there would be no adverse impacts on Golden eagle, Black-throated diver and Red-throated diver which are the qualifying interests of the Lewis Peat lands Special Protection Area (SPA). They suggested that the number of turbines should be reduced in order for them to review their position in relation to the impact on the Golden eagle.

Following the dialogue between LWP and SNH which identified the six turbines numbered 1, 5, 10, 11, 15 and 38, the removal of which would allow SNH to withdraw their objection, RSPB Scotland has indicated that it would also withdraw its objection if these turbines were removed.

Scottish Water indicate that they have water assets in the area that may be affected by the proposed development, therefore it is essential these assets are protected from the risk of contamination and damage and provided a list of precautions to be taken into account including a detailed method statement and risk assessment to be submitted to Scottish Water.

Scottish Wildlife Trust objected to the application stating they were concerned that the collision risk to notable species such as red throated and black-throated diver, golden eagle merlin and golden plover could not be assessed as being “not significant” based on the data collected. There concerns were not allayed by information contained in the addendum and their objection remains.

Stornoway Angling Association have objected on the following points. Failure to acknowledge the presence of two wind farms within the River Creed fishery catchment area and to assess their cumulative impact on the fishery. Failure to consider the impact of constructing a wind farm in close proximity to salmon and sea trout fishery. Failings in the Company’s assessment of peat assessment and peat management plan. Failure to assess the socio economic impact of the wind farm on the River Creed fishery and the Stornoway Angling Association. Failure to consider the extent to specific regions of the river systems. They have produced explanations to support these statements and have held meetings with the Company to discuss these issues on several occasions.

Transport Scotland did not object to the application and concluded that while the impact on the trunk road network would not be significant during the operational period of the wind farm, that many of the construction loads are likely to be categorised as abnormal, requiring authorisation from its management organisation Scotland Transerv.

Western Isles District Salmon Fisheries Board do not object to the wind farm they have proposed recommendations over the location of borrow pits. They have

welcomed the Company's proactive approach to engaging with the fisheries industry and have stated that input and feedback provided by them to the Company has been acted upon. In addition they have highlighted their appreciation of the Company's comprehensive assessment of fish populations within the ES and support the proposal for the development of a Fisheries Monitoring Plan (FMP) and Pollution Prevention Plan (PPP).

Visit Scotland made no objection but recommended that any potential detrimental impact - visually environmentally and economically - of the proposed development on tourism be identified and considered in full, including when taking decisions over turbine height and number.

OFCOM was consulted but no response was received.

Planning

The legislation requires that the Commencement of the Development should begin within a 3 year time scale. Scottish Government policy, however, is that due to the constraints, scale and complexity of constructing Wind Power Developments above 50 MW, that a 5 year time scale for the Commencement of the Development is granted. A direction by Scottish Ministers under section 58 of the Town and Country Planning (Scotland) Act 1997 has therefore been made as part of the determination for this consent.

Environmental matters

An Environmental Statement has been produced in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 ("the 2000 Regulations").

The 2000 Regulations prohibit the Scottish Ministers from granting consent unless they have taken into consideration the environmental information, as defined in those regulations and unless the applicable procedures regarding publicity and consultation laid down in those regulations have been followed..

Schedule 9 of the Act places a duty on the Company to have regard to 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. It requires the Company to do what it reasonably can to mitigate the effects that the Development would have on these features. Schedule 9 also requires that Scottish Ministers have regard to these features and the extent to which the Company has complied with this duty.

The Scottish Ministers are satisfied that the Company has had due regard to these features and have complied with the duty in Schedule 9. The Scottish Ministers have also considered the environmental information carefully; in addition to the Environmental Statement they have considered the submissions prepared by the Planning Authority, those designated as statutory consultees in terms of Regulation

6 of the Electricity (Applications for Consent) Regulations 1990 and those of the consultative bodies in terms of the 2000 Regulations. They have also considered representations made by other persons about the likely environmental effects of the proposed Development.

Scottish Ministers have had regard to the views of SNH, RSPB Scotland and the Scottish Wildlife Trust and agree that the proposal is likely to have a significant effect on the qualifying interests of the Lewis Peatlands Special Protection Area (SPA). Accordingly, Scottish Ministers have carried out an Appropriate Assessment as required under the Conservation (Natural Habitats, &c.) Regulations 1994 as amended for construction and operation of a 36 turbine, 129.6 MW Stornoway Wind Farm excluding the 6 turbines numbered 1, 5, 10, 11, 15 and 38.

The Appropriate Assessment has been taken into account and concludes that the proposal without the 6 identified turbines will not have an adverse impact on the integrity of the SPA.

The Scottish Ministers' Considerations

The Scottish Ministers have considered fully and carefully the Application and accompanying documents and all relevant responses from consultees and the fifteen public representations received, eleven of which were objections to the wind farm and four which were in support.

The 129.6 MW Development 1.5 km west of the town of Stornoway on the Isle of Lewis will annually generate renewable electricity equivalent to the demand from approximately 60,000 homes. This increase in the 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 for renewable sources to generate the equivalent of 100% of Scotland's annual electricity demand by 2020.

Scottish Ministers aim to achieve a thriving renewables industry in Scotland. The focus being to enhance Scotland's manufacturing capacity, to develop new indigenous industries, particularly in rural areas, and to provide significant export opportunities. Scottish Ministers have considered material details of how this proposal can contribute to local or national economic development priorities as stated in Scottish Planning Policy (SPP).

With regards to the development's landscape and visual impact, Scottish Ministers consider that the removal of six turbines to protect the interests of the SPA will reduce the landscape and visual impacts of the development, but that significant impacts remain. Ministers note that the relevant planning authority, Comhairle nan Eilean Siar did not raise an objection and did not highlight the issue as of particular importance. While Ministers accept that landscape and visual impacts remain which cannot reasonably be mitigated, they are of the opinion that these are outweighed by the economic benefits the development will bring, both to the Western Isles and nationally, and by the benefits of renewable energy generation.

With regards to the Stornoway Angling Association's objection, Ministers consider that the Company has done everything which can reasonably be expected to assess the key environmental impacts of the development and the impacts on the River Creed salmon fishery. Ministers note that the Western Isles District Salmon Fisheries Board did not object to the wind farm, and indeed praised the Company's engagement and approach. Ministers also note that socio economic impacts on the Stornoway Angling Association and the River Creed fishery will be mitigated through arrangements made with the Company for various improvements to the fishery, including renovations to the hatchery, and Ministers have imposed conditions of consent to ensure these arrangements are met. Ministers consider that these improvements, in combination with the Fisheries Protection Plan and Pollution Prevention Plan, will appropriately mitigate the impacts of the wind farm on the River Creed fishery and the Stornoway Angling Association.

Ministers have considered Historic Scotland's original objection to the scheme for its impact on the setting of the scheduled monument known as Druim Dubh stone circle, although they later withdrew that objection. Ministers are of the opinion that there is insufficient justification for withholding consent for a further two turbines as proposed by Historic Scotland, given the effect it could have on the economics of the development. Druim Dubh stone circle is in poor condition, would not be immediately apparent to the uninformed passer by, and is not signposted as an attraction of any sort. Notwithstanding this, however, there is also other development in close proximity to the monument, in the form of a large garage and several overhead power lines on wooden poles, including one on heavy trident poles. The setting is therefore far from pristine, and Ministers are of the opinion that in this context the potential impact of the wind farm does not justify the removal of two turbines.

The Scottish Ministers' Determination

Subject to the conditions set out in Part 1 of Annex 2, Scottish Ministers **grant consent** under section 36 of the Electricity Act 1989 for construction and operation of a 36 turbine, 129.6 MW Stornoway Wind Farm approximately 1.5 km west of Stornoway on the Isle of Lewis (as described in Annex 1). Ministers refuse consent for the 6 turbines numbered 1, 5,10,11,15 and 38.

Subject to the conditions set out in Part 2 of Annex 2, Scottish Ministers direct under section 57 (2) of the Town and Country Planning (Scotland) Act 1997 that **planning permission be deemed to be granted** in respect of the Development described in Annex 1. Deemed planning permission is not granted for the 6 turbines numbered 1, 5, 10,11, 15 and 38.

The 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 because of the constraints of constructing a generating station with a capacity of over 50 MW within 3 years and that planning permission is to lapse on the expiry of a period of 5 years from the date of this direction if there has not been Commencement of the Development within that period.

The Scottish Ministers direct that within 2 months of the date of this consent (and within 2 months of the final commissioning if there has been any variation on the original approved plan), the Company shall provide to Scottish Ministers a detailed plan showing the site boundary and all turbines, anemometer masts, access tracks and infrastructure in a format compatible with the Scottish Government's Spatial Data Management Environment (SDME), along with appropriate metadata. The SDME is based around Oracle RDBMS and ESRI ArcSDE and all incoming data should be supplied in ESRI shapefile format. The SDME also contains a metadata recording system based on the ISO template within ESRI ArcCatalog (agreed standard used by the Scottish Government), all metadata should be provided in this format.

In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 (as amended), the Company must publicise this determination for two successive weeks in the Edinburgh Gazette and one or more newspapers circulating in the locality in which the land to which the Application relates is situated.

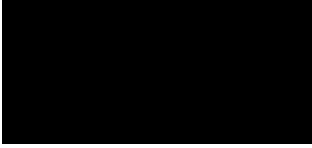
In reaching their decision, the Scottish Ministers have taken into account the environmental information submitted with the Application, including the Environmental Statement, the representations made by statutory consultative bodies and others, in accordance with the Electricity Works (Environmental Impact Assessment)(Scotland) Regulations 2000; the Application; further representations received, including all objections, in the context of the expert advice provided by statutory consultees, and Government energy and climate change policy.

As the relevant Planning Authority has not objected to the Application, the Scottish Ministers have considered all material considerations and have concluded that there is no need to conduct a public inquiry before reaching their decision. In reaching their decision they have had regard to all relevant considerations and, subject to the conditions of this consent and deemed planning permission, are satisfied that it is appropriate for the Company to construct and operate the generating station in the manner set out in the Application. The Scottish Ministers also note that the Development is consistent with Government policy on the promotion of renewable energy.

Copies of this letter and the consent have been sent to the Planning Authority. This letter has also been published on the Scottish Government Energy Consents and Deployment Unit website.

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 – <http://www.scotcourts.gov.uk/session/rules/print/rules/CHAP58.pdf>. Your local Citizens' Advice Bureau or your solicitor will be able to advise you about the applicable procedures.

Yours sincerely



SIMON COOTE

Head of Energy Consents and Deployment Unit
A member of the staff of the Scottish Ministers

Annex 1

DESCRIPTION OF THE DEVELOPMENT

The development as indicated on Figure 1.2 (of the Environmental Statement Addendum) excluding turbines 1, 5, 10, 11, 15 and 38, shall have a maximum generating capacity of 129.6 MW, and shall comprise a wind-powered electricity generating station approximately 1.5km west of Stornoway, Isle of Lewis including:

1. not more than 36 wind turbines each with maximum height to vertical blade tip up to 143.5 m above ground level;
2. all foundations and crane hard-standing areas excluding those for turbines 1, 5, 10, 11, 15 and 38;
3. a substation compound;
4. up to 28 km of new and upgraded access/site tracks, turning areas and watercourse crossings;
5. two permanent anemometry masts of steel lattice construction;
6. buried cables (for electricity transmission and for control systems) linking the turbines to the sub-station excluding those for turbines 1, 5, 10, 11, 15 and 38;
7. a number of temporary construction compounds and temporary areas of hardstanding to be used as laydown areas and to site temporary security kiosks at access points and for construction worker parking;
8. temporary peat storage areas to be used during construction prior to peat re-use in restoration;
9. up to 10 borrow pits for sourcing aggregates for access road construction; and;
10. modifications to junctions interfacing with the local road network for two site entrances from the A859.

all as specified in the Application and the accompanying Environmental Statement dated June 2011, as modified, amended or added to by the Supplementary Environmental Information Addendum dated January 2012 (excluding the turbines 1, 5, 10, 11, 15 and 38 and their ancillary developments inclusive comprised of foundations, crane hard-standing areas and buried cables described in paragraphs 2 and 6), and references in this consent and deemed planning permission to “the Development” shall be construed accordingly.

Annex 2

CONDITIONS

Part 1

Conditions of Section 36 Consent

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

1. The consent is for a period from the date of this consent until the date occurring 25 years after the Final Commissioning of the Development. Written confirmation of the date of the Final Commissioning of the Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month after that event.

Reason: To define the duration of the consent.

2. The Commencement of the Development shall be no later than 5 years from the date of this consent, or such other period as the Scottish Ministers may hereafter direct. If Commencement of the Development does not occur by the end of such period, then by no later than the date occurring 6 months after the end of the period, the Site and the ground shall be fully reinstated by the Company to the specification and satisfaction of the Scottish Ministers, following consultation with the Planning Authority.

Reason: To ensure the Commencement of the Development is undertaken within five years

3. In the event that any wind turbine installed and commissioned fails to produce electricity on a commercial basis to the public network for a continuous period of 6 months, then unless otherwise agreed in writing with the Scottish Ministers, after consultation with the Planning Authority and SNH, such wind turbine shall be deemed to have ceased to be required. If deemed to have ceased to be required, the wind turbine and its ancillary equipment shall be dismantled and removed from the Site by the Company within the following 6 month period, and the ground fully reinstated to the specification and satisfaction of the Scottish Ministers after consultation with the Planning Authority and SNH.

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

4. The Company shall not be permitted to assign the consent set out in paragraph one above without the prior written authorisation of the Scottish Ministers after consultation with the Ministry Of Defence on behalf of the

Meteorological Office. The Scottish Ministers may grant consent (with or without conditions) or refuse such authorisation 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.

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

5. In the event of a serious health and safety, environmental or construction incident occurring on site during the period of consent, the Company must notify Scottish Ministers within 24 hours of the incident occurring.

Reason: *To ensure compliance with Health and Safety legislation.*

Meteorological Radar Services

6. (1) Prior to the erection of any of the turbines on the site, the Company shall submit a Radar Mitigation Scheme for the written approval of the Scottish Ministers, following consultation with the Ministry of Defence ("MOD") on behalf of the Meteorological Office ("Met Office").
 - (2) "Radar Mitigation Scheme" means a detailed scheme which sets out the measures to implement the mitigation solution the purpose of which is to prevent, remove or reduce to an acceptable level any adverse impacts which the operation of the Development would, but for the implementation of such measures, have upon the operation of the weather radar at Druim-a-Starraig on the Eye Peninsula by the Met Office and therefore to ensure that the Met Office's minimum operational requirements are maintained.
 - (3) The Radar Mitigation Scheme will set out the measures to replace the existing Druim-a-Starraig weather radar by installing a radar installation at a suitable alternative location for meteorological radar on the Western Isles from which the Development will not affect the Met Office's radar equipment or associated operational requirements.
 - (4) The Met Office's minimum operational requirements are that meteorological radar coverage is maintained which is no worse than that currently provided by the existing radar installation at Druim-a-Starraig. The Radar Mitigation Scheme will also provide for the steps to be taken by the Company in the event that the installation of a replacement radar does not meet the minimum operational requirements of the Met Office.
 - (5) The Company will meet all costs, and any increase in costs to the Met Office compared to the operation of the existing radar, that are attributable to the Development, delivery into service and support and operation of the mitigation solution contained within the Radar Mitigation Scheme, to include the costs associated with the decommissioning of the existing radar installation. The

Company will provide such (if any) financial bond or guarantee regarding payment of these costs as may be appropriate and reasonable in the circumstances having regard at the appropriate time and from time to time thereafter to the level of any costs then outstanding or to become due and the covenant of the Company to meet such costs throughout the remainder of the period of the Development.

- (6) No turbines shall be erected under this consent until the approved Radar Mitigation Scheme has been implemented as required by the approved Radar Mitigation Scheme; to include testing to ensure that the replacement radar meets the Met Office's minimum operational requirements, (save for any ongoing obligations), and that implementation has been approved by the Scottish Ministers in consultation with the MOD on behalf of the Met Office. The Company shall comply with any ongoing obligations contained within the approved Radar Mitigation Scheme throughout the remainder of the period of the Development.

Reason: To mitigate the adverse impacts of the Development on the provision of meteorological radar services by the Met Office from the Isle of Lewis.

Aviation

7. (1) No development shall commence until either—
- (a) an Air-Ground-Air Communication Mitigation Scheme has been submitted to and approved in writing by the Scottish Ministers following consultation with NERL; or
 - (b) NERL have notified the Scottish Ministers in writing that they do not consider that an Air-Ground-Air Communication Mitigation Scheme is required.
- (2) Where an Air-Ground-Air Communication Mitigation Scheme is approved by the Scottish Ministers, the approved Scheme shall be implemented as approved and the Development shall thereafter be operated fully in accordance with the approved Scheme.
- (3) In this condition—
- (a) "Air-Ground-Air Communications Mitigation Scheme" means a detailed scheme agreed with NERL which sets out the measures to be taken to ensure that at all times no adverse impacts are caused by the Development to the Stornoway radio station of NERL located at Sandwick, Stornoway, Isle of Lewis HS1 2UT and associated air-traffic management operations; and
 - (b) "NERL" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hampshire PO15 TFL 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).

Reason: To mitigate the adverse impacts of the Development on the provision of meteorological radar services by the Met Office from the Isle of Lewis.

8. No erection of turbines shall take place until details of a scheme to mitigate any adverse effects of the Development on the approach procedures at Stornoway Airport, and including the arrangements for the implementation of the scheme following approval of a safety case by the Civil Aviation Authority, have been submitted to and approved in writing by Scottish Ministers, following consultation with the Airport Operator and the Civil Aviation Authority. No turbines shall be erected until the mitigation scheme has been fully implemented in accordance with the approved details, this having been confirmed in writing by the Scottish Ministers, following consultation with the Airport Operator and the Civil Aviation Authority. The entire cost of preparing and implementing the mitigation scheme shall be at all times borne by the Company.

Reason: To mitigate the adverse impacts of the Development on air traffic to and from Stornoway Airport.

9. The Company shall install MOD-accredited combination red 25 candela/infrared warning lighting on the highest practicable point of each of the cardinal turbines. MOD-accredited red 25 candela or infrared lights shall be fitted on every third perimeter turbine and on four central turbines. Infrared lights shall have an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration. The turbines will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent unless no longer required by the MOD.

Reason: To mitigate the impact of the Development on aviation safety.

Part 2 Planning Conditions

The planning permission is subject to the following planning conditions:

Construction

1. The Development shall be undertaken in accordance with the terms of the Application and the accompanying Environmental Statement dated June 2011, as modified, amended or added to by the Supplementary Environmental Information Addendum dated January 2012, except in so far as amended by the terms of this consent and deemed planning permission.

Reason: In order to define the permission and ensure the Development is implemented as proposed.

2. (1) At least two months prior to Commencement of the Development, a Construction Environmental Management Plan (CEMP) which includes details of any proposals for micro-siting shall be submitted to and approved in writing by the Planning Authority after consultation with SNH, SEPA, Joint Radio Company Limited (JRC), EDF Energy Renewables Limited (EDF), Scottish and Southern Energy plc (SSE), Scottish Water, Western Isles District Salmon Fisheries Board and Stornoway Angling Association. Construction of the Development shall proceed in accordance with the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP must include the following details:-
- (a) the appointment, at the expense of the Company, of a suitably qualified ecologist to supervise construction activities;
 - (b) detailed justification for any culverting elements and design of any such culverting;
 - (c) measures to prevent entry of cement or any other pollutant materials to watercourses;
 - (d) the source of all fill and bulk materials;
 - (e) identification of waste streams arising from the works, such as peat, spoil and other excavated material, and the means of dealing with these;
 - (f) excavation and make-up of internal access tracks and hard-standing, including measures to address silt-laden run-off from temporary and permanent access tracks, soil storage and other engineering operations;
 - (g) construction arrangements for turbine foundations including concrete batching and de-watering arrangements to treat potentially sediment-laden water;
 - (h) cable laying within the Site;
 - (i) construction management operations including Site lighting, temporary servicing for workers, vehicle storage and other storage arrangements;
 - (j) associated vehicle movements and routeing for different phases of construction;
 - (k) proposals for phasing of operations, including the provision of information on the construction timetable which takes into account the implications of times of the year when high rainfall is more likely;

- (l) the detailed siting and design of the construction works compound together with associated concrete batching areas including a strategy for their eventual removal and satisfactory re-instatement;
- (m) re-instatement of ground post-construction, including re-vegetation of access track edges and hard-standing areas, together with monitoring and maintenance arrangements;
- (n) arrangements for fuel storage and fuelling, the storage and handling of oils and lubricants, and the handling of cement materials all to prevent any entry to watercourses with contingency plans in the event of spillage;
- (o) measures to prevent erosion, sedimentation or discolouration of watercourses, together with monitoring proposals and contingency plans;
- (p) measures to monitor pre- and post-construction surface water run-off and, where necessary, further mitigation measures to be implemented to manage surface water flow;
- (q) surface water drainage arrangements, to comply with "Sustainable Urban Drainage Systems" (SUDS) principles, including provision of calculations of pre- and post-development run-off to equivalent of predevelopment run-off, and sensitivity testing of the effect of large return period rainfall events;
- (r) provision of welfare facilities on Site during construction and the means of disposal of sewage effluent;
- (s) mechanisms to ensure that sub-contractors and all other parties on the Site are managed and aware of issues and provisions relating to pollution, including emergency procedures;
- (t) contingency measures for periods of unexpected bad weather;
- (u) avoiding excavation close to watercourses where possible, especially in wet weather;
- (v) where possible avoiding construction activity near watercourses suitable for spawning/juvenile fish habitat in sensitive periods;
- (w) measures to safeguard fisheries in the River Creed including improvement works to the existing hatchery in the grounds of Lews Castle in order to secure a local and readily available stock of juvenile fish which could be used for restocking in the event of a pollution incident;
- (x) measures including the installation of box culverts, rams and covers over excavations to minimise potential impacts on otters;

(y) and other measures as described in Appendix 4A of the Environmental Statement except in so far as amended by the terms of the conditions in this Annex and any approval given thereunder;

(z) proposals for timing of the works.

(2) The Development shall be carried out and operated in accordance with the approved CEMP.

Reason: In order to ensure proper management of the Development to minimise pollution risks arising from construction activities, and to protect public amenity.

3. (1) No work shall commence on the Development until a Water Assets Protection Scheme, prepared in accordance with this condition, has been submitted to, and approved by the Planning Authority after consultation with Scottish Water.

(2) The Water Assets Protection Scheme is a Scheme setting out measures to protect against the risk of contamination of water or damage to water infrastructure in the course of the construction and operation of the Development and is to include-

(a) measures relating to the location of works, including the placement of plant or excavated materials, in relation to water mains or other water assets;

(b) arrangements for, and specification of works relating to, the altering of the level of any chambers;

(c) details of how any excavation or pumping in the proximity of a water main is to be undertaken; and

(d) details of how any piling or other construction methods which create vibrations in pipelines or ancillary apparatus are to be carried out.

(3) The Development shall be carried out in accordance with the approved Water Assets Protection Scheme.

Reason: For the protection of public water assets from the risk of contamination and damage.

4. No work shall commence on the Development until a 'Telemetry scanning station' scheme has been submitted to and approved in writing by the Planning Authority (in consultation with Scottish & Southern Energy and the Joint Radio Company) providing for the mitigation of the impact of the Development on telecommunications links within the vicinity of the Stornoway wind farm and operated by Scottish & Southern Energy. The scheme shall be implemented as approved.

Reason: In order to minimise impact on the telecommunications links and to fill the area potentially sterilised by this proposal.

Management Plans

5. (1) No work shall commence on the Development until the following management plans have been submitted to and approved in writing by the Planning Authority in writing, namely-
- (a) Transportation Management Plan: incorporating a scheme relating to improvements required to the public road (the A859) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and SNH.
 - (b) Access Management Plan: to cover any closures of public rights of way, footways and points of access onto highways;
- (2) The Development shall then be undertaken and retained throughout the life of the Development in compliance with the approved management plans.

Reason: *In order to ensure proper management of the Development to protect public amenity.*

6. (1) Prior to any turbine being erected, a plan which details arrangements for micrositing to be implemented and controlled in relation to telecommunications links, peat and terrestrial ecosystems shall be submitted to and approved in writing by the Planning Authority after consultation with SEPA, SNH, Joint Radio Company Limited (JRC), EDF Energy Renewables Limited (EDF), Scottish and Southern Energy plc (SSE) and Scottish Water. The plan shall specify the exact position in latitude and longitude of the wind turbine towers, hard-standings, access tracks and any other such facilities as required by the Development.
- (2) Any changes to the locations of the turbines, hard-standings, tracks or of any other such facilities as required by the Development shown on the approved plans beyond the micrositing identified in paragraph (3) shall be required to be approved by the Planning Authority following consultation with SEPA, SNH, JRC, EDF, SSE and Scottish Water.
- (3) Micrositing referred to in paragraph (2) is micrositing of up to 50 metres from the centroid of each turbine location, hard-standing location, the centre line of each track or the location of any other such facilities as required by the Development shown on the approved plans, provided this does not conflict with the buffer distances agreed pursuant to condition 7 of this consent.
- (4) Notwithstanding paragraphs (2) and (3) above, in respect of turbine 4 and its associated hard-standing area and access track only, micrositing of up to 75 metres from the centroid of the said turbine location shown on the approved plans shall be permitted, provided this does not conflict with the buffer distances agreed pursuant to condition 7 of this consent. Any micrositing

beyond that identified in this paragraph (4) shall require to be approved by the Planning Authority following consultation with SNH, SEPA, JRC, EDF, SSE and Scottish Water.

Reason: In order to ensure proper management of the Development to protect the environment and telecommunications links.

7. At least one month prior to commencement of the Development, details of a scheme of buffer distances between all turbines and other construction activities (except roadworks leading up to a watercourse crossing) and the watercourses on the Site shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and SNH. The approved scheme shall be implemented in full by the Company.

Reason: In order to ensure the protection of watercourses on the Site by minimising the risk of pollution.

8. (1) No work shall commence on the Development until the Planning Authority has issued written approval of—
 - (a) the details of the materials and colours to be used for the external walls, roofs, windows and doors of the substation; details of the siting and external appearance of any temporary compound buildings or fixed plant and machinery; and
 - (b) the details of the precise size and colour of the turbines;
- (2) The Development shall be undertaken and retained throughout the life of the Development in compliance with the approved details.

Reason: In the interests of the visual amenity of the area.

9. (1) No work shall commence on the Development until a Habitat Management Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH.
- (2) Unless already covered in the CEMP, the Habitat Management Plan shall cover the following:
 - (a) restoration of degraded spawning and parr habitat under the advice of an appropriately qualified fisheries expert;
 - (b) re-instatement of peatland;
 - (c) restoration of damaged or degraded peatland;
 - (d) borrow pit restoration and after-use; and

- (e) a programme of long-term monitoring and remedial feedback measures in order to amend Site management in relation to habitat restoration performance.
 - (f) proposals for the removal of woodland, compensatory planting and any associated works.
- (3) The approved Habitat Management Plan shall thereafter be implemented as approved.

Reason: In the interests of ensuring minimal disruption to habitats.

- 10.(1) The installation of turbine 9 shall not commence until a scheme to address any impacts of the installation of turbine 9 on the Cell containment systems and landfill site netting systems at Bennadrove Landfill Site have been approved in writing by the Planning Authority.
- (2) The Development shall be undertaken and retained throughout the life of the Development in compliance with the approved scheme unless agreed otherwise in writing with the Planning Authority.

Reason: In order to protect the integrity of the Landfill Site.

- 11.(1) No work shall commence on the Development until the information requested by SEPA on 26 September 2011 para 15.5 has submitted to the Planning Authority for written approval, in consultation with SEPA.
- (2) The Development shall be undertaken and retained throughout the life of the Development in compliance with the approved details.

Reason: In order to protect the integrity of the Landfill Site

Management/Monitoring

- 12.(1) No work shall commence on the Development until the Planning Authority has agreed the arrangements whereby the Company shall meet the reasonable costs arising from the provision by the Planning Authority of the services of –
- (a) an ecologist;
 - (b) an archaeologist;
 - (c) a Roads and Traffic Management Officer; and
 - (d) a Planning Conditions Monitoring Officer.
- (2) The approved arrangements shall then be retained throughout the life of the Development unless agreed otherwise in writing with the Planning Authority.

Reason: In order to ensure proper management of the Development.

- 13.(1) The Company shall afford access to the Site at all reasonable times to the archaeologist, ecologist and planning conditions monitoring officer appointed by virtue of arrangement agreed under condition 12 (and/or to their nominees) and shall allow them to observe work in progress and record items of interest and finds.
- (2) Notification of the commencement of the Development shall be given by the Company to the archaeologist, ecologist and planning conditions monitoring officer in writing not less than 14 days in advance.
- (3) Weekly throughout the Construction Period the Company shall send to the archaeologist, ecologist and planning conditions monitoring officer written notification of the proposed programme of works for the following four weeks (or for such other period as the Planning Authority require).
- (4) The remit of the archaeologist, ecologist and planning conditions monitoring officer shall include a duty to review the programme or methods of working and to refer any concerns they may have to the Company and the Planning Authority.
- (5) The Company must undertake any works recommended by the archaeologist, ecologist or planning conditions monitoring officer if reasonably required to do so by the Planning Authority.

Reason: In order to ensure proper management of the Development and proper recording and protection of items of archaeological or ecological interest.

- 14.(1) At least 1 month prior to the commencement of the Development, details of a scheme for monitoring the impact of the Development on birds during years 1-5, 10 and 15 of the Operational Period, of the Development shall be submitted for the written approval of the Planning Authority in consultation with SNH.
- (2) The scheme shall include arrangements for the regular recording of bird strike casualties in particular.
- (3) Over the first 5 years of Operational Period the results of the monitoring pursuant to (1) above shall be collated into an annual report and shall be submitted to the Planning Authority within 6 months of the end of the period to which they relate for consideration by the Planning Authority and for suggestions, in consultation with SNH and the Company, for any necessary remedial, mitigation or compensation action.
- (4) The Company shall carry out any remedial, mitigation or compensation action if reasonably required to do so by the Planning Authority.

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

15.(1) Details of the method for monitoring, design and construction of Site roads, including any water crossings including details ensuring no obstruction to fish passage and clarification of the Observational Method shall be submitted to and approved in writing by the Planning Authority before construction of any Site road commences.

(2) The Development shall be undertaken in accordance with the approved methods.

Reason: In order to ensure proper management of the Development and to comply with the Salmon (Fish Passes and Screens) (Scotland) Regulations 1994.

16.(1) At least 1 month prior to the commencement of the Development the Company shall undertake baseline hydrochemistry, including turbidity data, macroinvertebrate and additional electrofishing surveys which must be submitted to and approved by the Planning Authority after consultation with Marine Scotland Science-Freshwater Laboratory, Western Isles District Salmon Fisheries Board and Stornoway Angling Association.

(2) A Fisheries Monitoring Plan shall also be developed and submitted to and approved in writing by the Planning Authority after consultation with Marine Scotland Science-Freshwater Laboratory, Western Isles District Salmon Fisheries Board and Stornoway Angling Association for hydrochemistry, turbidity, fish and macroinvertebrates during the Construction Period, operational and decommissioning phases of the Development. The approved Fisheries Monitoring Plan shall be implemented in full thereafter.

Reason: In order to establish effective fish monitoring procedures.

17.(1) No work shall commence on the Development until details of a Nature Mitigation and Compensation Management Plan for otter have been submitted to and approved in writing by the Planning Authority after consultation with SNH. The plan shall set out details of how the following measures shall be provided:

(a) works must be restricted within 200m of shelters;

(b) there will be no blasting except between the hours of 10am to 4pm;

(c) all pipelines and culverts must be capped at the end of each working day to prevent otter becoming entrapped;

(d) water quality must be adequately protected;

(e) the otter population shall be monitored during construction and two additional post construction surveys (3 and 6 months after completion of construction) should also be undertaken;

- (f) mammal culverts and fencing shall be installed around road upgrades;
 - (g) implementation of all other measures specified in the Environmental Statement and/or the addendum to mitigate impacts on otter;
 - (h) provision of a suitable otter ledge and dry culvert on any upgraded bridges where there is likely to be otter activity.
- (2) The approved Nature Mitigation and Compensation Management Plan shall be implemented throughout the life of the Development.

Reason: In order to safeguard otters.

Roads/Transportation

18.(1) Before the construction of any section of new track–

- (a) the route of such new track is to be pegged out to a distance at least 500m; and
 - (b) the line of the section of track and method of construction shall be approved by the Planning Authority following confirmation that it has been inspected and approved by the on Site ecologist and in consultation with SEPA and SNH.
- (2) Construction of that section of track shall be in accordance with the line and methods approved by the Planning Authority.

Reason: In order to ensure proper management of the Development in the interests of the habitat, fauna and fisheries.

19. Prior to the commencement of the Development, the working areas, including the new access roads, shall be taped off or otherwise demarcated and no vehicle movements shall take place across the peatlands, outwith such demarcated working areas unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure Site ground disturbance is kept to a minimum in the interests of nature conservation.

20. All parking associated with the construction and maintenance of the Site shall be accommodated within the areas demarcated as working areas/compounds under condition 19.

Reason: To ensure Site ground disturbance is kept to a minimum in the interests of nature conservation.

21. Prior to the construction of the Development commencing, details of arrangements to be made to ensure no spread of mud or other materials onto the public highways shall be submitted to and approved in writing by the Planning Authority. The approved arrangements shall thereafter be implemented.

Reason: In order to ensure safety of traffic on the public highway.

22. Prior to commencement of the Development, the Company shall undertake trial excavations of access tracks and turbine bases in a wet time of the winter or such other appropriate time as may be agreed with the Planning Authority and in locations to be agreed in writing beforehand with the Planning Authority, in consultation with the SEPA and SNH, in order to fully assess potential difficulties and learn from any problems that arise. All work to be undertaken in accordance with the specified requirements of the Planning Authority thereafter.

Reason: In order to test and refine construction methodology in the interests of the habitat, fauna and fisheries.

Peat Management

- 23.(1) Prior to commencement of the Development, a scheme showing the Site survey information and details of peat/soil stripping at the Site and the storage and proposed use and replacement of peat/soil and subsoil shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA and SNH.
- (2) The scheme shall have regard to the drainage implications of soil movement and storage and shall in particular incorporate a method statement setting out the measures to protect, store and replace peat/soil and any necessary mitigation measures.
- (3) All soil stored on the Site shall be stored in accordance with BS 3882.
- (4) All soil stripping, storage and replacement operations shall accord with the approved scheme.

Reason: In the interests of the amenity and in order to retain effective planning control, and to minimise environmental impacts.

24. The Company shall undertake on-going assessment of ground conditions as construction progresses. The results of this monitoring shall be fed into a geotechnical risk register and submitted to the Planning Authority on a monthly basis throughout the Construction Period. At the expense of the Company, on-going assessment and call out services shall be provided by a professionally qualified geotechnical engineer. If a risk of peat failure is

identified, the Company shall install and monitor ground conditions using suitable geotechnical instrumentation as recommended by the approved geotechnical personnel. Any remediation considered necessary shall be approved in writing by the Planning Authority in consultation with SEPA and SNH prior to implementation.

Reason: To minimise the risk peat landslide.

Rock Extraction

25.(1) In respect to each of the rock source and batching plant areas, details of the proposed operation and restoration work shall be submitted to the Planning Authority no later than one month prior to the relevant works for approval in consultation with SEPA and SNH. The submission will establish the following details at each rock source and batching plant area:

- (a) Site set up, including details of any buildings, plant and machinery;
- (b) drainage, and management of Site run off;
- (c) dust control methods;
- (d) overburden storage;
- (e) extraction methods; and
- (f) restoration plans, specifications and timescale and a ZVI diagram.

(2) Restoration shall be undertaken in accordance with the terms and details approved following submission in accordance with paragraph (1)(f).

Reason: In order to ensure proper planning control over the design and operation of the rock source/quarry areas.

Water/Drainage

26.(1) Prior to the construction of the Development commences a hydrological and hydro geological survey supplemental to those provided with or subsequent to the Application shall be submitted to and approved in writing by the Planning Authority.

(2) The hydrological and hydro geological survey is a survey to determine the effects on the surface and ground waters supplying any public water supply or private water supply catchment areas together with a survey of the direct effects within such catchments with proposed mitigation measures.

(3) Any mitigation measures approved by the Planning Authority in consultation with SEPA and SNH shall be implemented.

Reason: In order to ensure construction works do not harm water supplies.

27.(1) No work shall commence on the Development until details of foul drainage arrangements for all forms of permanent or temporary buildings have been submitted to and approved in writing by the Planning Authority.

(2) The approved foul drainage arrangement shall thereafter be implemented in full.

Reason: In the interests of public health.

28. No work shall commence on the Development until details of water supply arrangements, both during construction and subsequently, have been submitted to and approved in writing by the Planning Authority. The approved water supply arrangements shall thereafter be implemented in full.

Reason: In the interests of public health and to ensure the protection of the local water supply system.

29. No work shall commence on the Development until a detailed drainage plan including a Drainage Impact Assessment have been submitted to and approved in writing by the Planning Authority. The approved drainage plan shall thereafter be implemented in full.

Reason: To ensure minimal impact on the Site hydrology.

30.(1) Unless already provided for in the CEMP, no work shall commence on the Development until details of a method statement for discharges from dewatering operations has been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and SNH.

(2) Such method statement is to–

(a) include best practice in accordance with SEPA advice;

(b) to require that no water from foundation dewatering operations shall be discharged directly into a watercourse; and

(c) include measures including (but not limited to) settling ponds and the installation of buffer strips to remove sediment from pumped water to prevent pollution of the water environment.

(2) The approved method statement shall thereafter be implemented in full.

Reason: In order to ensure proper management of the Development in the interests of the habitat, fauna and fisheries.

31.(1) Unless already provided for in the CEMP, no work shall commence on the Development until details of the matters specified in paragraph (2) have been submitted to and approved in writing by the Planning Authority, in consultation with SEPA and SNH.

(2) The matters are–

(a) the design, flow rates and likely effluent composition of the discharges from the cement batching compounds;

(b) the various proposed silt attenuation structures;

(c) any other discharges to the water environment; and

(d) the dilution available in receiving waters at low flow conditions for each of the proposed discharges.

(3) The works shall thereafter be carried out in accordance with the approved details.

Reason: *In order to prevent pollution and silting in the interests of the habitat, fauna and fisheries.*

Pollution Control

32.(1) Unless already provided for in the CEMP, no work shall commence on the Development until details of pollution prevention methods, taking account of SEPA guidance regarding use and design of oil interceptors and requiring provision of oil spill kits at fuel depots and on each on site vehicle, shall be submitted to and approved in writing by the Planning Authority, in consultation with SEPA and SNH.

(2) The approved methods shall be implemented throughout the life of the Development.

Reason: *In order to prevent pollution in the interests of public health the habitat, fauna and fisheries.*

Construction Time Limits

33. Unless agreed otherwise in writing beforehand by the Planning Authority, construction work, (including any form of quarrying, blasting, crushing or batching) shall take place only within the hours of 0700 to 1900 Mondays to Saturdays and shall not take place at all on Sundays or local public holidays. Outwith the days and times specified above, activities at the Site shall be limited to turbine erection, emergency works, dust suppression works and testing of plant and equipment.

Reason: *In order to protect the occupants of nearby premises from nuisance caused by noise and disturbance.*

34. Unless agreed otherwise by the Planning Authority (for example under the terms of the Transportation Management Plan) throughout the life of the Development to which this permission relates, access to the Site by heavy goods vehicles shall be restricted to 0700 to 1900 on Mondays to Fridays and from 0700 to 12 noon on Saturdays with no such access on Sundays. The delivery of turbine blades, nacelles and towers only shall be permitted outwith the days and hours specified above.

Reason: *In order to protect the occupants of nearby premises from nuisance caused by noise and disturbance.*

Construction Noise

- 35.(1) No work shall commence on the Development until details of the location and methods for any blasting operations (to include a method statement from a qualified shot blaster) which are to be undertaken in connection with the Development are submitted to and approved in writing by the Planning Authority.

- (2) Subject to condition 36, any blasting on the Site shall be undertaken in accordance with the details approved in compliance with this condition.

Reason: *In order to safeguard birds, fish and other fauna and the safety and amenities of people and structures in the area.*

36. Details of the methods and locations for measuring any blasting which is to be undertaken to prepare the Site shall be submitted for approval by the Planning Authority.

Reason: *In order to safeguard birds, fish and other fauna and the safety and amenities of people and structures in the area.*

37. Following compliance with conditions 35 and 36, the results of the first blast shall be referred to the Planning Authority and no further blasts shall be undertaken until the Planning Authority has indicated in writing that it is satisfied with the blasting methods being used.

Reason: *In order to safeguard birds, fish and other fauna and the safety and amenities of people and structures in the area.*

38. Noise from activities involved in the construction of the Development shall be limited to a level of 55 dB LAeq 10hr at any time at any residential property. Providing that this condition shall only apply to residential properties lawfully existing at the date of this consent.

Reason: *In order to protect the occupants of nearby premises at Sidebhal and Seaforth Head from nuisance caused by noise and disturbance.*

39. Unless otherwise specified by the Planning Authority, all construction activities shall be undertaken in accordance with good practice as set out in BS5228 (1997) Noise and Vibration Control on Construction and Open Sites.

Reason: *In order to protect the occupants of nearby premises from nuisance caused by noise and disturbance.*

40. At the request of the Planning Authority, following a complaint to the Planning Authority relating to noise emissions from the construction phase, the Company shall measure, at its own expense, the level of noise emissions from the Site, by the methodology in Annex E of BS 5228 (1997) Noise and Vibration Control on Construction and Open Sites.

Reason: *In order to protect the occupants of nearby premises from nuisance caused by noise and disturbance.*

Suppression of Dust

- 41.(1) No work shall commence on the Development until details of measures to be followed for the suppression of dust during construction of any part of the Development have been submitted to and approved in writing by the Planning Authority.

- (2) The approved measures shall then be implemented before development starts and shall be retained throughout construction to the satisfaction of the Planning Authority.

Reason: *In the interests of the health, safety and amenity of people in the vicinity.*

Site Reinstatement

- 42.(1) No work shall commence on the Development until—

- (a) details of the reinstatement of the wind turbine plinths and the hardstandings for the crane required in connection with the turbine foundations; and

(b) details of the reinstatement of land disturbed by the insertion of underground cables,

have been submitted to and approved in writing by the Planning Authority in consultation with SEPA and SNH.

(2) Such details shall include–

(a) provision for the surface of each tower base to be at least 0.5m below adjacent land surface levels;

(b) provision for reinstatement of the edges of the access tracks to leave them at the minimum width needed to allow necessary service access during the Operational Period; and

(c) the size of the operating area around plinths, storage of removed peat/soil and type of crane hardstanding to be formed and details of the vegetation types to be used.

(3) Such reinstatement shall be carried out up to the base mounting and retained throughout the life of the Development in compliance with the approved details.

Reason: *To reduce the impact of the proposed Development into the surrounding landscape in the interests of nature conservation and visual amenity.*

43. The approved reinstatement shall be undertaken in accordance with the approved scheme referred to in condition 42 and shall be carried out progressively within 12 months of commissioning of each turbine unless any variation of the approved scheme has been agreed in writing by the Planning Authority beforehand. The approved reinstatement scheme shall then be maintained throughout the life of the Development.

Reason: *In order to ensure the implementation of the approved landscaping in the interests of the amenity of the area.*

44. All land disturbed by the insertion of underground cables shall be reinstated within 6 months of completion of the said works to the satisfaction of the Planning Authority in consultation with SEPA and SNH.

Reason: *In the interests of visual amenity and nature conservation.*

45.(1) All compound, laydown and materials storage areas shall be constructed with a geotextile or geogrid base unless agreed otherwise beforehand in writing with the Planning Authority.

- (2) Prior to the creation of any such areas, full details for their restoration shall be agreed in writing with the Planning Authority, in consultation with SEPA and SNH.
- (3) Within 6 months of the last turbine or last group of turbines comprised in the Development becoming operational, all temporary buildings, containers, machinery and equipment shall be removed and the temporary compound/laydown area and materials storage area shall be fully restored to the satisfaction of the Planning Authority in consultation with SEPA and SNH.

Reason: In the interests of visual amenity and nature conservation.

Wind Speed

- 46.(1) The Company shall log wind speed and wind direction data continually and shall retain the data, which has been obtained for a period of no less than the previous 12 months. The data shall include the average wind speed in metres per second for each 10-minute period. The measuring periods shall be set to commence on the hour or in 10-minute increments thereafter.
- (2) The wind speed data shall be made available to the Planning Authority on request and shall be provided on a Microsoft Excel spreadsheet in electronic format or such other format as may be agreed with the Planning Authority.
 - (3) In the case where the wind speed is measured at a height other than at 10m, the data shall be supplemented by adjusted values, which allow for wind shear, normalised to 10m height. Details of the wind shear calculation shall be provided.

Reason: To provide information necessary for accurate assessment of noise impact.

Noise

- 47.(1) At Wind Speeds not exceeding 12m/s, as measured at or calculated to a height of 10m above ground level at the nearest wind monitoring mast; the Wind Turbine Noise Level at any dwelling or other Noise Sensitive Premises lawfully existing as at the date of this consent shall not exceed:–
- (a) during night hours, 43dB LA90, 10min, or the Night Hours LA90, 10min Background Noise Level plus 5dB(A), which ever is the greater;
 - (b) during Quiet Waking Hours, 35dB LA90,10min or the Quiet Waking Hours LA90, 10min Background Noise Level plus 5 dB(A), which ever is the greater,
- unless agreed otherwise with the Planning Authority.
- (2) This condition does not apply to the house known as Druim Dubh.

Reason: To protect the amenity at noise sensitive premises.

48.(1) At the request of the Planning Authority, following a complaint from a local resident to the Planning Authority relating to noise emissions from the wind turbines, the Company shall measure, at its own expense the level of noise emissions from the wind turbines.

(2) The measurement and calculation of noise levels shall be undertaken in accordance with "The Assessment & Rating of Noise from Wind Farms", September 1996, ETSU report number ETSU-R-97 having regard to paragraphs 1-3 and 5-11 inclusive, of the Schedule, pages 95 to 97; and Supplementary Guidance Notes to the Planning Obligation, pages 99 to 109.

Reason: To quantify the loss of amenity at noise sensitive premises resulting from the operation of the wind farm.

49. Should the noise levels in the foregoing condition 47 be exceeded, the Company shall take steps to ensure that noise emissions from the wind turbines are reduced to the aforementioned noise levels or less, within a time period set by the Planning Authority after consultation with the Company.

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

Archaeology

50.(1) No work shall commence on the Development until the Company has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation ("the Scheme") which has been submitted to and approved in writing by the Planning Authority.

(2) The Scheme shall specify the appointed archaeological contracting company, their staffing and qualifications, and set out measures for the preservation, interpretation and recording of archaeological remains on the application site and, as a minimum shall make provision for the following;

(a) an advance 10% evaluation on top soil/peat strip in all excavated areas below 250 metres AOD, including cabling, access tracks, borrow pits, crane hardstandings, turbine bases, sub-stations and any other ground disturbance works;

(b) advance 10% evaluation of the area of any development within 20m of the visible edge of any archaeological remains regardless of elevation AOD;

- (c) provision for the excavation of identified sites, or preservation in situ and appropriate re-routing/relocation of elements of the Development as appropriate;
- (d) a full watching brief on all remaining unexcavated areas of ground disturbance;
- (e) provision for the paleoenvironmental sampling of any basins located during the stripping of top soil/peat, an appropriate sampling for other purposes, including but not limited to, dating, species identification and soil micromorphology;
- (f) the recording of archaeological remains which are not to remain in situ and the disposal of finds via the Scottish Archaeological Finds Allocation Panel as required by law;
- (g) appropriate arrangements for the publication of results of the archaeological work.

Reason: In order to protect cultural heritage.

51. No works shall take place near identified sites of archaeological importance until fencing has been erected, in a manner to be agreed with the Planning Authority, to protect any such identified sites of archaeological importance during construction and no works shall take place within the area inside that fencing without the prior agreement of the Planning Authority.

Reason: In order to protect cultural heritage.

- 52.(1) The Company shall afford access at all reasonable times to the Planning Authority Archaeologist (or such other archaeological organisation acceptable to the Planning Authority) and to the archaeological officer appointed pursuant to the Scheme, and shall allow them to observe work in progress and record items of interest and finds.

- (2) Information as to whom the Planning Authority Archaeologist or other archaeological organisation should contact on Site shall be given to the Planning Authority in writing not less than 14 days before Commencement of the Development.

Reason: In order to protect cultural heritage.

Decommissioning and Restoration

- 53.(1) Within 36 months prior to the expiry of the Operational Period, the Company shall submit for the written approval of the Planning Authority a Decommissioning and Restoration Management Plan setting out how the Development is to be decommissioned and the Site restored.

(2) All decommissioning and restoration work shall be undertaken in accordance with the approved Decommissioning and Restoration Management Plan to the satisfaction of the Planning Authority.

(3) The Decommissioning and Restoration Management Plan may be amended with the agreement of the Planning Authority.

Reason: In order to ensure proper management of the Development.

54. Within 2 years of the expiry of the Operational Period, the wind turbines, wind monitoring masts and other fixtures associated with the Development shall be removed and the Site restored in accordance with the approved Decommissioning and Restoration Management Plan to the satisfaction of the Planning Authority, unless a further consent to operate the Development after that date has previously been granted.

Reason: In order to restore the Site to the satisfaction of the Planning Authority

Other

55. The access tracks to, and all areas around, the turbine bases shall remain unfenced unless agreed to in writing beforehand by the Planning Authority.

Reason: In order to retain open access.

56. No symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on any part of the turbines nor any other buildings or structures without the written consent of the Planning Authority.

Reason: In order to minimise the visual impact of the proposals in the interests of visual amenity.

57. Throughout the life of the Development any extraneous spoil produced in the course of the Development shall be tipped only in locations that have previously been agreed in writing as part of the CEMP with the Planning Authority in consultation with SEPA and SNH.

Reason: In the interests of visual amenity and nature conservation.

58. Throughout the life of the Development turbine blades shall all rotate in the same direction.

Reason: In the interests of safety and visual amenity.

59.(1) No generation of electricity to the grid from the Development shall take place until a scheme has been submitted to and approved in writing by and deposited with the Planning Authority providing for the remediation of any interference to domestic television reception caused by the operation of the turbines (such remediation to be at the cost of the Company).

(2) The approved scheme shall thereafter be implemented and retained throughout the life of the Development to the satisfaction of the Planning Authority.

Reason: In the public interest.

60. All electrical cabling between the turbines and between the turbines and substation/control buildings within the Site forming part of the Development, shall be underground unless otherwise agreed by the Planning Authority.

Reason: For the avoidance of doubt and in order to safeguard amenities, landscape, natural and built heritage resources.

Definitions

In the section 36 consent and the deemed planning permission, and in the conditions, unless the context otherwise requires:

“Application” means the application by the Company under section 36 of the Electricity Act 1989 dated 30th June 2011;

“AOD” means above ordnance datum;

“CEMP” means the Construction Environmental Management Plan approved in accordance with condition 2;

“Commissioning of the Development” means the first date on which any turbine generator forming part of the Development first supplies electricity on a commercial basis;

“Commencement of the Development” means the date on which development will be taken as begun following a material operation in accordance with section 27 of the Town and Country Planning (Scotland) Act 1997 but excluding any survey works or other preparatory works undertaken for the purpose of discharging any of the pre-commencement conditions of this consent;

“Company” means Lewis Wind Power Limited (company number SC225262) and its successors and assignees;

“Construction Period” means the period from the commencement of the development until the Site compounds have been reinstated in accordance with the conditions of this consent;

“Decommissioning and Restoration Management Plan” means the plan approved in accordance with condition 53;

“Development” means the Stornoway wind powered electricity generating station and associated works described in Annex 1;

“EDF” means EDF Energy Renewables Limited (company number 06456689);

“Environmental Statement” means the Environmental Statement submitted by the Company in June 2011;

“Final Commissioning of the Development” means the date on which all wind turbine generators forming the Development have supplied electricity on a commercial basis or such earlier date as the Scottish Ministers deem the Development to be complete;

“JRC” means the Joint Radio Company Limited (company number GB657319317);

“Observational Method” in respect of ground engineering is a continuous, managed, integrated, process of design, construction control, monitoring and review that enables previously defined modifications to be incorporated during or after construction;

“Operational Period” means the period from the date of the Final Commissioning of the Development until the last date on which any of the wind turbine generators supplies electricity on a commercial basis;

“Planning Authority” means Comhairle nan Eilean Siar – Western Isles Council and their statutory successors;

“SEPA” means the Scottish Environment Protection Agency;

“Site” means the area of land outlined in red on Figure 1.2 of the Environmental Statement;

“SNH” means Scottish Natural Heritage;

“SSE” means Scottish and Southern Energy plc (company number SC117119)

“Wind Turbine Noise Level” means the rated noise level due to the combined effect of all the wind turbines, excluding existing Background Noise Level but including any tonal penalty incurred under the methodology described in ETSU-R-97, pages 99-109;

“Wind Speeds” means wind speeds measured at or calculated to a height of 10 metres above ground level on the Site at the wind monitoring mast nearest to the premises of interest;

"Night Hours" means 23:00 — 07:00 hours on all days;

"Quiet Waking Hours" means 18:00 — 23:00 hours on all days, plus 07:00 — 18:00 on Sundays and 13:00 — 18:00 hours on Saturdays;

"Noise Sensitive Premises" means premises, the occupants of which could be exposed to noise from the Development and includes hospitals, residential homes and nursing homes lawfully existing as at the date of the consent.

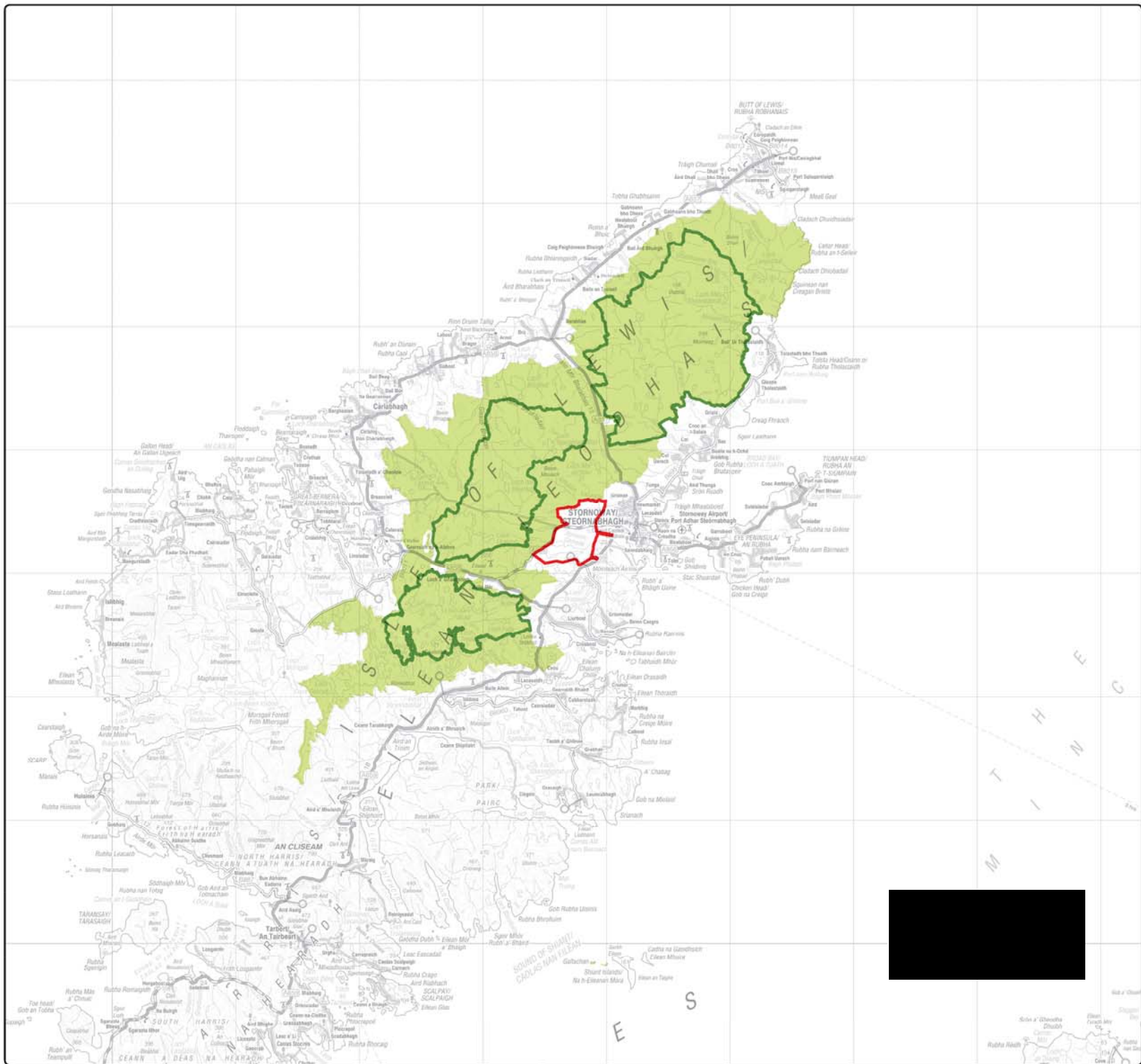
"Background Noise Level" means the ambient noise level already present within the environment (in the absence of noise generated by the Development) as measured and correlated with Wind Speeds;





SIMON COOTE

HEAD OF ENERGY CONSENTS AND DEPLOYMENT UNIT

A member of the staff of the Scottish Ministers



Legend

-  Development Area
-  Lewis Peatlands Special Protection Area
-  Lewis Peatlands Special Area of Conservation

Notes:
 i) This figure has been based on the following parameters:
 Turbine layout file: LSTORNWAY011_Kv2.WPL
 Hub height: 90m
 Rotor diameter: 107m
 Height to blade tip: 143.5m

Orientation

0 5km

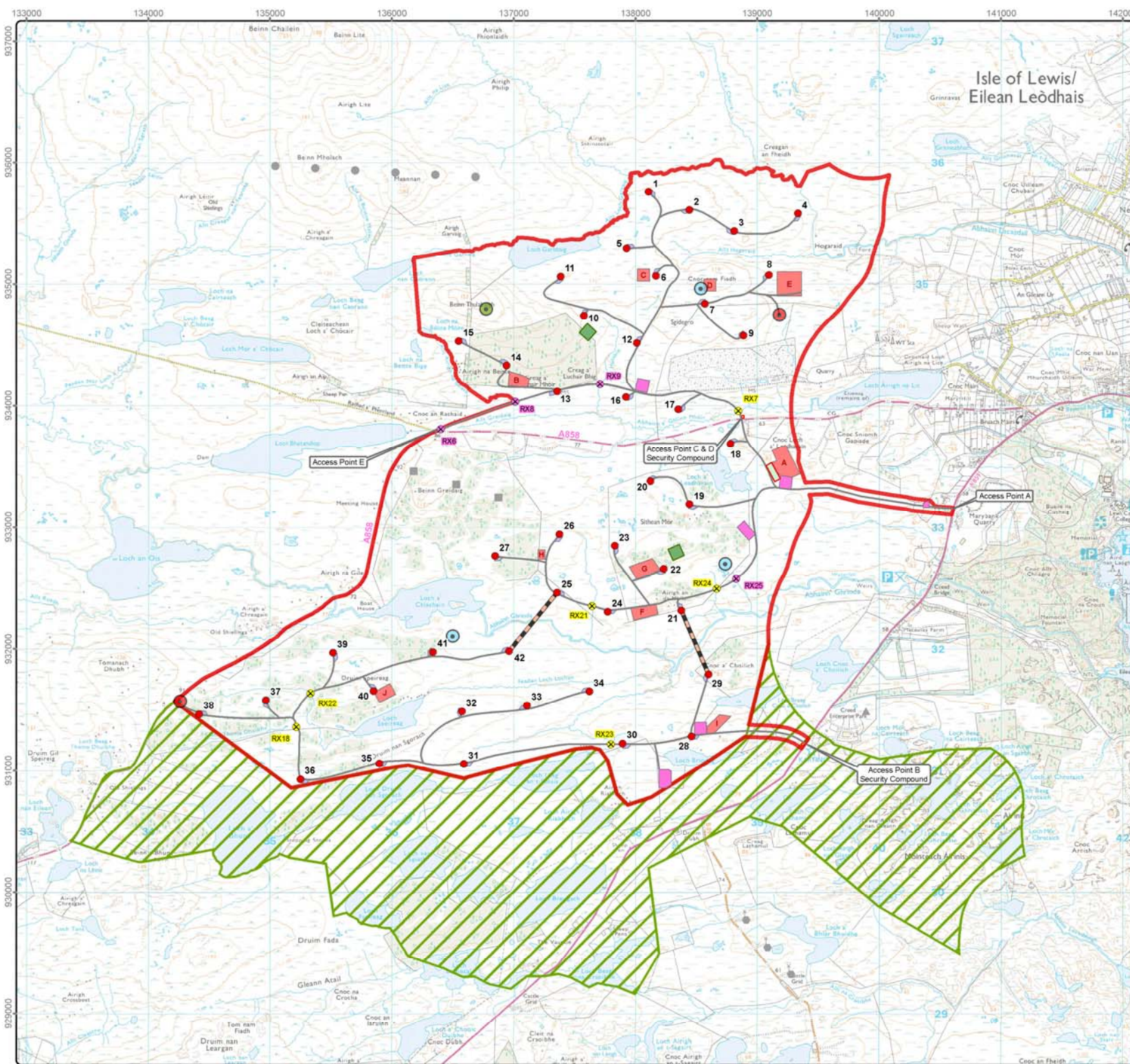
Client Name

Lewis Wind Power


Figure ES Addendum Figure 1.1

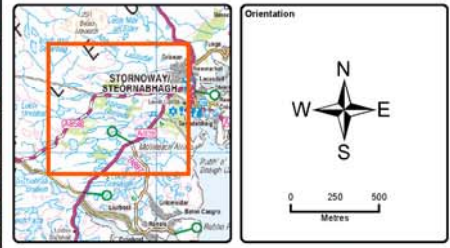
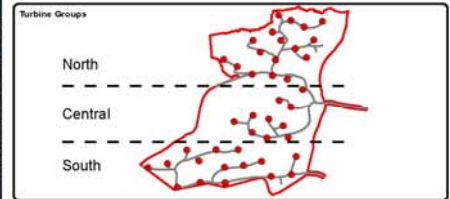
Title Site Location Map

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Date Jan 2012	Sheet Size A3	
Drawing Number 28343-G080b.indd	Rev B	Scale 1:300,000



Legend

- Proposed Stornoway Wind Farm Turbine
- River Crossings**
 - ✕ Bridge
 - ✖ Culvert
- Mast Locations**
 - ⊙ Existing Met-Mast
 - ⊙ Permanent Supervision Met-Mast - Proposed
 - ⊙ Temporary Met-Mast - Consented
- Access Road
- Underground Cable (Directional Drill)
- ▭ Sub-Station
- ▭ Security Compound
- ▭ Compound
- ▭ Crane Pads
- ▭ Borrow Pit Search Area
- ▭ Peat Storage Area (Temporary)
- ▭ Development Area
- ▭ No Turbine Construction
- Other Wind Farm Developments**
 - Arnish Wind Farm (operational)
 - ▲ Creed Turbine (consented)
 - Pentland Road Wind Farm (consented)
 - Point and Sandwick Wind Farm (consented)



Lewis Wind Power

Figure Figure 1.2
Title Site Layout with Borrow Pits

Drawn	CH	Checked	-	Approved	RP
Date	24 January 2012			Sheet Size	A5
Drawing Number	1690_ENV_ECO_1100	Rev	P1	Scale	1:30,000