



# Appendix 1C

## Stornoway S36 Variation 22 March 2016



John Buswell  
Lewis Wind Power Limited  
75 Trafalgar Lane  
Edinburgh  
EH6 4DQ

Your ref: 31191\_ES2015\_CL

22 March 2016

Dear Mr Buswell

**APPLICATION UNDER SECTION 36C OF THE ELECTRICITY ACT 1989 TO VARY THE CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 ON 7 SEPTEMBER 2012 TO CONSTRUCT AND OPERATE THE STORNOWAY WIND FARM (AND TO VARY THE ASSOCIATED DEEMED PLANNING PERMISSION)**

1. I refer to the Application for Variation dated 6 May 2015 made by Lewis Wind Power Limited, a company registered under the Companies Acts with company number SC225262 and having its registered office at EDF Energy, GSO Business Park, East Kilbride G74 5PG (“the Company”), for:

- variation under section 36C of the Electricity Act 1989 to the consent granted under section 36 of the Electricity Act 1989 on 7 September 2012 for construction of Stornoway Wind Farm electricity generating station located approximately 1.5 km west of the town of Stornoway on the Isle of Lewis (“the section 36 consent”) and
- a direction under section 57(2ZA) of the Town and Country Planning (Scotland) Act 1997 to vary the planning permission deemed to be granted by a direction given by the Scottish Ministers under section 57(2) of that Act on 7 September 2012 (“the section 57(2) direction”).

**Nature of Variation Sought**

2. The section 36 consent is for the construction and operation of a wind farm with 36 turbines with a nominal generating capacity of 129.6 MW.

3. The Application for Variation as amended by the Supplementary Environmental Information Addendum (SEI) submitted on 22 September 2015 seeks to vary the section 36 consent and deemed planning permission as follows:

**Turbine locations:** movement of 17 turbines by up to 50m and movement of 8 turbines between 50m and 147m to avoid areas of deep or wet peat.

**Access tracks:** extensive modification to the track layout to avoid areas of wet peat.

**Red line boundary:** minor revisions to avoid an area of deep peat and to reroute the track around a proposed salt barn.

**River crossings:** a new design can be installed without working in the river and avoiding the need to drill cables under the river.

**Borrow pits:** revisions which exclude four of the borrow pits of the consented development.

**Turbine models:** additional models assessed to reflect those now on the market which would offer greater yield from the site.

**4. This letter contains the Scottish Ministers' decision to grant the application for variation and to vary the section 36 consent and deemed planning permission granted by the section 57(2) direction.**

## Consultation

5. Regulation 4 of the Electricity Generating Stations (Applications for Variation of Consent) (Scotland) Regulations 2013 provides that an Applicant must publish a copy of the Application for Variation on a website, serve a copy of it on the Planning Authority and publish notices in the Edinburgh Gazette and two other newspapers. These and other requirements of Regulation 4 have been met.

6. The Scottish Ministers consulted a wide range of relevant organisations on the Application for Variation including the Planning Authority Comhairle nan Eilean Siar, Scottish Natural Heritage (SNH), Scottish Environmental Protection Agency (SEPA) and other non-statutory consultees. A summary of the responses received follows.

## Statutory Consultees

7. Comhairle nan Eilean Siar (the relevant Planning authority) does not object to the application for variation and has indicated that the proposal is broadly assessed as in compliance with the Development Plan and the Comhairle Supplementary Guidance. It asked Ministers to note the national importance of large scale wind farms in the Outer Hebrides in delivering interconnector infrastructure and renewables targets set out in the Scotland's National Planning Framework 3. The Comhairle requested that Scottish Ministers undertake to update and revise the planning conditions required by the original consent and conduct a Habitats Regulations Appraisal (Appropriate Assessment) in respect of the qualifying interests of the Lewis Peatlands SPA.

8. The Comhairle also indicated that, should Ministers grant consent, it wished to have a role in the approval process arising out of conditions to address mitigation of flood risk, waste and peat management and construction methods, noise and shadow flicker.

9. The Comhairle proposed conditions on noise (which update conditions in the consent granted on 7 September 2012) and shadow flicker.

10. SEPA responded to the consultation with an objection on the grounds that further information was necessary to support the Company's assertion that the revised layout

minimises the impacts on peat. SEPA subsequently responded to the consultation on the SEI and indicated it was satisfied enough information had been collected to demonstrate that, as far as practicably possible at that stage, the layout had been designed to minimise impacts on deep peat. SEPA indicated that it no longer objected to the development provided that appropriate conditions were in place regarding a Peat Management Plan; Floating Tracks; Watercourse Crossings; Micro-Siting; Minimising impacts on groundwater dependent terrestrial ecosystems (GWDTEs); Monitoring GWDTEs; a Habitat Management Plan; a Construction and Environmental Management Plan (CEMP); Borrow Pits; and Decommissioning.

11. SNH did not object to the application and recommended conditions for detailed post-construction monitoring; full breeding bird and year-round vantage point survey in years 1 to 5, 10 and 15. In SNH's view the natural heritage interests of international importance on the site will not be adversely affected by the proposed variation, and it will not affect the conservation status of red-throated diver and golden eagle in the Western Isles Natural Heritage Zone (NHZ).

12. SNH indicated it thought the proposal was likely to have a significant effect on the golden eagle and red-throated diver qualifying interest of the SPA and consequently advised Ministers to conduct an Appropriate Assessment in view of the site's conservation objectives for its qualifying interests. In its own assessment SNH concluded that site integrity would not be adversely affected in respect of displacement of golden eagle and red-throated diver. SNH advised that if the proposed variation to the development was undertaken, the cumulative golden eagle collision mortality risk would not increase above the level at which the population would stop expanding. Similarly it concluded that red-throated diver collision mortality would not increase above the level at which the population would stop expanding as a consequence of the variation to the development.

13. SNH recommended that if the variation is granted, detailed post-construction monitoring should be secured by way of condition. It recommended full breeding bird and year-round vantage point survey in years 1 to 5, 10 and 15 to be a condition of any consent.

### Non-Statutory Consultees

14. The British Horse Society responded to the consultation on the SEI and stated that if good quality multi-use access tracks are created, then they could provide good riding for local horse riders. It added that in its view, wind farms can improve access to the countryside and local riders on Stornoway would welcome this opportunity.

15. BT indicated that it did not wish to comment on the proposal.

16. The Civil Aviation Authority indicated that the requested variation did not concern its aviation interests and it did not wish to comment further.

17. Forestry Commission Scotland responded that there would be no impact on woodland and therefore it had no comment to make.

18. CH2M Hill Limited initially commented in response to consultation on the application that the Review of the Peat Slide Risk Assessment included in the application for variation would benefit from further explanation and information in areas which it set out in its response. In addition it indicated that it had considered comments from the Stornoway Angling Association and stated that it concurred with AMEC (on behalf of the Company)

that elements of the risk assessment have not been overlooked in favour of others. CH2M gave its support to the back-analysis of the “River Creed Bog Slide” proposed by the Company and highlighted another feature on the northern shore of Loch Garbhaig which should also be taken into consideration either prior to consent or as a condition of consent. It also confirmed that it regarded the aerial photograph used as sufficient for the investigation and in line with Best Practice Guidance at this stage.

19. CH2M Hill Limited subsequently responded to the consultation on the SEI and stated that it welcomed the commitment for back-analysis of the two incidents highlighted above. It was satisfied that the SEI addressed the remaining concerns it had highlighted in its response to the consultation on the application.

20. The Defence Infrastructure Organisation (part of the Ministry of Defence) did not object to the development subject to the inclusion of conditions 4, 6 and 9 of the section 36 consent.

21. Highlands and Islands Airports Limited (HIAL) responded to the consultations on the application and SEI indicating that it did not object to the application subject to the requirements of conditions 7 and 8 of the section 36 consent.

22. Historic Environment Scotland did not object and stated that it was satisfied there would be no additional significant effects on the site or setting of any heritage assets within its remit due to the proposed variation.

23. The Joint Radio Company (JRC) responded to the consultation on the application and indicated that it had not fully analysed the entire development but objected on the basis that at least one turbine (turbine 32) would be located within 0.5 to 1 km of a protected local electricity utility link site or path managed by JRC.

24. JRC subsequently wrote to the Scottish Government on 29 February 2016 and 2 March 2016 indicating that it no longer objected subject to its requirements on micro-siting being met and appropriate mitigation provided to address impacts on telecommunications links operated by Scottish and Southern Energy plc (SSE) and Scotia Gas Networks Limited (SGN). JRC has a role with regard to clearance of micro-siting plans in planning conditions 2 and 6, and mitigation is provided by planning condition 4 in the section 36 consent.

25. Marine Scotland Science (MSS) did not object to the application. It welcomed the movement of a number of turbines to avoid areas of deep or wet peat; and highlighted that the increased number of watercourse crossings and the positioning of some turbines and access tracks within the proposed buffer zone raise concern regarding fisheries related issues. It made a number of recommendations for environmental monitoring and sampling sites.

26. MSS commented that construction activities in such sensitive areas as the development site could potentially be damaging to fish populations. It explained that it welcomed the proposed mitigation measures and that water quality, macroinvertebrate and fish monitoring, during and after construction, can provide important and rapid assessments of impacts, ensuring effective site management, mitigation and, if necessary, restoration throughout the course of the wind farm. MSS recommended such an integrated monitoring programme including the design strategy, list of parameters, methodology, data analysis, reporting and an action plan. MSS welcomed the proposed appointment of

Ecological Clerk of Works (ECOW) and underlined the added importance of qualifications and experience in hydrology and fisheries related issues.

27. Commenting on the proposed monitoring programme in the SEI in response to MSS's earlier comments on the application, MSS made a number of further recommendations including on sampling sites, that acid neutralising capacity be included in the water quality parameters monitored, and that the monthly water sampling proposed for the pre-construction period be carried over to at least one year post construction, with the latter period dependent on results from monitoring during construction. MSS added that it would welcome further discussion on threshold values for water quality parameters and an action plan, outlining what action would be taken should threshold values be exceeded throughout the course of the development.

28. NATS Safeguarding responded to the consultation on the application indicating that it objected to the development but was in discussions with the developer with regard to potential mitigation. In its response to the consultation on the SEI it stated that it had no comments to make and its position requiring aviation issues to be mitigated remained.

29. On 13 January 2016, NATS Safeguarding wrote to the Scottish Government and stated that it no longer required air-ground-air communication mitigation measures to be put in place and was satisfied that the development could go ahead.

30. RSPB Scotland responded to the consultation on the application in a letter dated 3 July 2015 stating that it objected to the application pending further information from the Company on collision risk modelling to allow it to make an assessment on the impact of the application in comparison with that of the development granted consent on 7 September 2012. In its response it described the information it would require. It added that the proposed alterations to turbine layout and access tracks did not cause additional concern in terms of disturbance to protected breeding bird species during construction or operation, and that RSPB Scotland supported the Company's effort to avoid areas of deep peat. It also underlined the importance of thorough pre-construction ornithological monitoring in order to inform timings of operations and other measures to mitigate against disturbance.

31. RSPB Scotland then wrote to the Scottish Government on 18 August 2015 withdrawing its objection. It stated that it had received and examined the additional information it had requested from the Company. It explained that while the information showed a modest increase in collision risk for red-throated diver, golden eagle and white-tailed eagle, it did not consider this to be significant. RSPB Scotland explained that it agreed the information suggested that the impacts of the variation in addition to those predicted for other consented developments on the Western Isles would not have a detrimental impact on the Lewis Peatlands SPA or the Western Isles NHZ populations of red-throated diver, golden eagle and white-tailed eagle.

32. RSPB Scotland also responded to the consultation on the SEI and recommended that a comprehensive post construction ornithological monitoring programme should be a condition of any consent issued. It added that this should include vantage point watches in each month of the year through several years, breeding bird surveys and carcass searches, with a methodology that allows comparison between pre and post construction flight activity, breeding locations and breeding success so that the actual impacts of the development could be assessed. It stated the monitoring should focus on the species most at risk from collision or displacement in particular golden eagle, red-throated diver and white-tailed eagle. RSPB Scotland further recommended that a comprehensive habitat

management plan should be a condition of any consent, to mitigate against any damage to peatland habitat through peatland restoration such as removal of non-native conifers planted over deep peat.

33. Planning condition 14 provides for a post-construction ornithological scheme. Planning condition 9 provides for a Habitat Management Plan.

34. Scottish Water did not object to the application. It responded to the consultation on the application and indicated that its position was that neither the consented development nor the variation applied for present a risk to drinking water quality or quantity. It re-stated its advice first given to the Company in relation to the development consented on 7 September 2012 that the Company should obtain updated asset plans from Scottish Water's asset plan providers.

35. Scottish Water responded to the consultation on the SEI indicating that it wished to carry forward previously issued consultation recommendations and conditions. It referred the Company to the information from Scottish Water provided in its letter of 7 October 2014, which was then subsumed into the Scoping Opinion dated 19 November 2014 issued to the Company by Scottish Ministers for the proposed variation.

36. Scotways responded to the consultation on the Application but declined to comment. It did not respond to the consultation on SEI.

37. The Stornoway Angling Association (SAA) responded to the consultation on the application and did not object to the application. It indicated that it was engaged in ongoing negotiations with the Company on socio-economic mitigation measures and set out in detail its concerns about possible pressures on its finances should the development contribute to increased running costs for the SAA to maintain the level of ticket sales that generate its income. It voiced concern at the proposed construction of a bridge on the River Creed and the potential for low frequency sound vibrations from bridge traffic and other unknown effects to disturb resident or migrating salmon and affect reproduction in the area. It stated that it believed detailed remedial plans should be in place to address any decline in stocks.

38. The SAA also expressed concern that the application would increase the risk of peat slide affecting the main river and stated its view that the new water crossing area had not been examined for peat slide risk in sufficient detail. It stated that it believed that planning condition 2(w) of the development consented on 7 September 2012 should be carried forward through any variation of the consent.

39. The SAA subsequently responded to the consultation on the SEI with a number of emails. In an email dated 13 November 2015 it disputed that what CH2M referred to as an instability feature on the northern shore of Loch Garbhaig, indicating that it was, in the SAA's view, a peat landslide and not a feature. In a second email dated 13 November 2015, the SAA suggested that the risk of peat slides seemed greater given this recent discovery which made the SAA's interpretation of the peat slide assessment information difficult. It stated that in its view a fisheries plan should include measures for re-stocking with juvenile salmon to mitigate the risk of a peat slide blocking the River Creed or the Soluis/Speireag burns. The SAA also suggested the risk of serious pollution of watercourses during construction could not be discounted and commented on emerging information regarding changes in water quality and salmon population during construction of other wind farms, although it was highly critical of some of the conclusions drawn by the research.



40. In a subsequent email dated 30 November 2015, the SAA provided further information on discussions with the Company on proposed fisheries measures. The SAA restated its support for restocking mitigation measures such as those provided by planning condition 2(w) of the development consented on 7 September 2012. It referred to a proposal from the Company to commission an independent fisheries expert to survey the Creed system, not only to characterise areas within the Development but also to identify areas outside it for system enhancement. It was suggested that the fisheries expert would also help inform if mitigation and restoration stocking was appropriate and, if so, would help advise on the best approaches to these types of stocking. The SAA indicated it supported this approach and wished to be consulted over the selection of the independent fisheries expert. The SAA added that the Company had suggested it could then carry out system enhancement in areas of the Creed catchment upstream of the Development. The SAA indicated it would support this and wished to be consulted over any planned enhancements. Furthermore, the SAA indicated that it supported including all fisheries measures within a single condition of the consent.

41. The Crown Estate responded to the consultation and indicated that its assets would not be affected by the proposal and that it had no further comments.

42. Transport Scotland responded to the consultation and indicated that it considered the Development would be likely to cause minimal environmental impact on the trunk road network. It made no further comment.

43. Western Isles District Salmon Fisheries Board (WIDSFB) responded to the consultation on the Application stating that WIDSFB along with the Outer Hebrides Fisheries Trust, Stornoway Angling Association and the developer were engaged in the production of a Fisheries Management and Monitoring Plan (FMMP) for the River Creed in relation to the application.

44. The WIDSFB and Outer Hebrides Fisheries Trust submitted a joint response to the consultation on the SEI and indicated that drafting of the FMMP was then in a second draft phase. It underlined the importance of mutual agreement on the content of the plan and a date for its completion, and oversight by a party independent from the WIDSFB, the Stornoway Angling Association, the Outer Hebrides Fisheries Trust (OHFT), the Stornoway Trust and the Company in case of disputes.

45. Mountaineering Council of Scotland, John Muir Trust, Scottish Wildlife Trust and Garden History Society in Scotland were consulted but no response was received.

### Public Representations

46. Scottish Ministers received one public representation in relation to this Application for Variation which asked that a public inquiry be held or the application refused, requesting that ministers consider visual impact, impact on tourism, peat and birds.

47. Ministers have taken the objection received, as well as all material considerations into account, and consider that there are no significant issues which have not been adequately considered in the Environmental Statement, the SEI and consultation responses. Ministers consider they have sufficient information to be able to make an informed decision on the Application and that it would not be appropriate to hold a PLI.

## **Environmental Impacts**

48. The Scottish Ministers are satisfied that all environmental information, including the Environmental Statement and the Supplementary Environmental Information, have been produced in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000 and that the applicable procedures regarding publicity and consultation laid down in those Regulations have been followed.

49. Having consulted with the relevant consultees, the Scottish Ministers have considered the environmental information and assessed the environmental impacts of the Development as varied. The variations are partly proposed to revise the layout of the scheme so that areas of deep peat are avoided. Areas of deeper peat are more sensitive to disturbance and it is desirable to avoid such areas where possible. The variations are also to accommodate the newer turbine technology which is now available.

50. The Scottish Ministers are of the view that the varied Development will continue to reflect best practice and continue to minimise environmental impacts. The Scottish Ministers consider that the variation would have a more positive environmental impact than the existing consent granted on 7 September 2012 by virtue of avoidance of areas of deep peat during construction.

## **The Scottish Ministers' Determination**

51. The Scottish Ministers have considered the Application for Variation, ES, Supplementary Environmental Information Addendum, and all relevant responses from the consultees, along with the ES and additional environmental information for the originally consented development. Having granted consent for the construction and operation of the Stornoway Wind Farm on 7 September 2012 and having set out their reasons for doing so in the decision letter to which the consent was attached, the Scottish Ministers are satisfied that the variations proposed in the Application for Variation do not fundamentally alter the character, scale or environmental impacts of the development described in the section 36 consent. The Scottish Ministers are supportive of the proposed variation on the basis that such a variation will facilitate progress in developing the proposal.

52. Ministers are satisfied that the proposed alterations within the Application for Variation underpinned by revisions to the conditions will help to facilitate the construction and operation of the wind farm whilst also strengthening adherence to best practice and enhancing the mitigation of the environmental impacts of the Development.

53. From their considerations, Ministers have concluded that revised conditions are appropriate for such measures as the appointment of an Ecological Clerk of Works, an independent fisheries expert, and the enhancement of the environmental mitigation provided by existing conditions, a number of which will now be incorporated within the Construction and Environment Management Plan (CEMP). Ministers recognise the environmental benefits of new provisions in the CEMP including those for a peat management plan; mitigation of impacts on water bodies and groundwater dependent habitats; pollution prevention and control; and construction method statement. Ministers consider that mitigation of peat impacts is also enhanced by back analysis of the 'River Creed Bog Slide' and the instability feature on the northern shore of Loch Garbhaig before work on the Development commences.

54. Ministers have also concluded that the mitigation of environmental impacts is further enhanced by consolidating, as far as practicable, conditions which principally relate to water quality and fisheries monitoring and management into a single condition which they have reinforced through requiring an independent fisheries expert to advise on system enhancements to the River Creed and the appropriateness of mitigation and restoration stocking.

55. Ministers have concluded no conditions on shadow flicker are necessary as the Application for Variation Environmental Statement submitted on 6 May 2015 found that no occupied properties fell within the 10 rotor diameter plus 50 m micro-siting allowance study area assessed.

56. The proposal is likely to have a significant effect on the golden eagle and red-throated diver qualifying interest of the Lewis Peatlands SPA. The Ministers have accordingly undertaken an appropriate assessment in terms of the Habitats Regulations (Conservation (Natural Habitats, &c.) Regulations 1994 as amended. Scottish Ministers conclude that the proposal will not adversely affect the integrity of the SPA.

57. The Scottish Government supports onshore wind energy development in appropriate locations. Scottish Planning Policy 2014 introduced a presumption in favour of development that contributes to sustainable development.

58. Accordingly, subject to the conditions set out in Annex 2, **Scottish Ministers hereby vary the section 36 consent and direct that the planning permission deemed to be granted by the section 57(2) direction is varied, all as set out in Table 1.**

Table 1.

**Alteration and/or Addition**

**In Annex 1**

1. After “The development as indicated on Figure”, for “1.2” substitute “1.2a”.
2. After “(of the” for “Environmental Statement Addendum”, substitute “Supplementary Environmental Information Addendum submitted on 22 September 2015”.
3. After “22 September 2015)” delete “excluding turbines 1, 5, 10, 11, 15 and 38”.
4. After “maximum generating capacity of”, for “129.6” substitute “180”.
5. In item 1, for “143.5” substitute “145”.
6. In item 2, delete “ excluding those for turbines 1, 5, 10, 11, 15 and 38”.
7. In item 4, for “28” substitute “26.2”.
8. In item 6, delete “ excluding those for turbines 1, 5, 10, 11, 15 and 38”.
9. In item 9, for “10” substitute “7”.
10. After “paragraphs 2 and 6),” insert “ the Application for Variation and Environmental Statement submitted on 6 May 2015 as modified, amended or added to by the Supplementary Environmental Information Addendum submitted on 22 September

2015,”.

11. After “construed accordingly.” insert “In the event of any incompatibility between the terms of the Application for section 36 consent and the Environmental Statement and Supplementary Environmental Information submitted in relation to that application and the terms of the Application for Variation and Environmental Statement and Supplementary Environmental Information submitted in relation to that application, the Application for Variation and the Environmental Statement submitted on 6 May 2015 as modified, amended or added to by the Supplementary Environmental Information Addendum submitted on 22 September 2015 prevails.”.

## **In Annex 2 Part 2**

12. In condition 1, after “as modified, amended or added to by the Supplementary Environmental Information Addendum dated January 2012,” insert “Application for Variation and the Environmental Statement submitted on 6 May 2015 as modified, amended or added to by the Supplementary Environmental Information Addendum submitted on 22 September 2015 including all mitigation and monitoring measures referred to in those documents,”.

13. After condition 1 insert new condition—

“1A.(1) No work shall commence on the development until the Planning Authority has approved in writing the terms of appointment of an independent Ecological Clerk of Works (ECoW) in consultation with SNH and SEPA. The terms of appointment shall—

- (a) impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Application for Variation and the Environmental Statement submitted on 6 May 2015 as modified, amended or added to by the Supplementary Environmental Information Addendum submitted on 22 September 2015, the Construction and Environmental Management Plan, the Habitat Management Plan approved in accordance with condition 9, and other plans approved in terms of condition 2 (“the ECoW works”);
- (b) require the EcoW to report to the construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.

(2) The EcoW shall be appointed on the approved terms throughout the period from Commencement of Development until completion of post construction restoration works approved in terms of condition 9.

(3) No later than 18 months prior to decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier), details of the terms of appointment of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development must be submitted to the Planning Authority for approval in consultation with SNH and SEPA. 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.”.

14. In condition 2(1)—

- (a) for “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” substitute “No work shall commence on the development until no less than two months after a Construction and Environmental Management Plan (“CEMP”) outlining site specific details of all on-site construction works, proposals for micro-siting, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority in consultation with”;
- (b) after “SNH, SEPA,” insert “Marine Scotland Science,”;
- (c) after “Scottish and Southern Energy plc (SSE),” insert “SGN and”;
- (d) for “, 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:-” substitute “. The CEMP shall include (but shall not be limited to)— ”;
- (e) delete sub-paragraphs (v) and (w);
- (f) in paragraph (y), for “except in so far as amended by the terms of the conditions in this Annex and any approval given thereunder” substitute “dated June 2011, as modified, amended or added to by the Supplementary Environmental Information Addendum dated January 2012, the Application for Variation and Environmental Statement submitted on 6 May 2015 and the Supplementary Environmental Information Addendum submitted on 22 September 2015, except in so far as amended by the terms of this consent and deemed planning permission”;
- (g) after paragraph (z) insert—

“(aa) a peat management plan, to include details of vegetated turf stripping and storage, peat excavation (including volumes), handling, storage and re-use following recognised best practice;

(bb) the requirement for floating tracks where peat depths are greater than 1.5m. There shall be no exceptions to this unless agreed in writing by SEPA;

(cc) mitigation measures to be put in place to protect groundwater dependant habitats including those not yet mapped as referenced in Appendix 7A of the Environmental Statement submitted in support of the Application for Variation on 6 May 2015. The design, construction and maintenance of the Development must ensure that the quality and quantity of the groundwater that feeds sensitive receptors (groundwater abstractions and Groundwater Dependant Terrestrial Ecosystems (GWDTE)) downstream from infrastructure does not statistically significantly change and the development does not act as a preferential pathway to groundwater flow. This must be demonstrated by on-going monitoring of the groundwater as set out in SEPA Technical Guidance Note 1: The Monitoring of Infrastructure with Excavations Less than 1m Deep within 100m of Sensitive Receptors (Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystem) (Appendix 4 to SEPA Planning Guidance LUPS-31 Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystem). The monitoring results demonstrating whether the quality of groundwater and/or hydrological connectivity

is being maintained must be presented to the Planning Authority in consultation with SEPA annually from the commencement of development in the required format. If monitoring identifies that the requirements are not being met, remedial action must be taken within 6 months in agreement with the Planning Authority in consultation with SEPA;

(dd) a Schedule of Mitigation which brings together all the mitigation measures outlined 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, the Application for Variation and Environmental Statement submitted on 6 May 2015 and the Supplementary Environmental Information Addendum submitted on 22 September 2015, except in so far as amended by the terms of this consent and deemed planning permission;

(ee) 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;

(ff) a method statement for discharges from dewatering operations, which shall—

(i) include best practice in accordance with SEPA guidance;

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

(iii) 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

(gg) details of the design, flow rates and likely effluent composition of the discharges from the cement batching compounds; the various proposed silt attenuation structures; any other discharges to the water environment; and the dilution available in receiving waters at low flow conditions for each of the proposed discharges;

(hh) 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 site vehicle;

(ii) details of 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.

- 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.
- All soil stored on the Site shall be stored in accordance with BS 3882.
- All soil stripping, storage and replacement operations shall accord with the approved scheme.

(jj) a Construction Method Statement (CMS) which must include a design statement; details of the phasing of works including working methods and the scope, frequency and hours of operations; implementation of a pre-construction baseline monitoring plan; measures for minimising and controlling silt-laden run-off; and a pollution incident plan, which must include response procedures and reporting responsibilities.”.

15. In condition 4, after “operated by Scottish & Southern Energy” insert “and Scotia Gas Networks Limited”.

16. In condition 6(1)—

- (a) for “Prior to any turbine being erected,” substitute “No turbine shall be erected until”
- (b) for “shall be submitted” substitute “has been submitted”;
- (c) after “after consultation with” insert “the Ecological Clerk of Works (ECoW), ”;
- (d) after “Scottish and Southern Energy plc (SSE)” insert “, SGN”.

17. In condition 6(2)—

- (a) after “following consultation with” insert “the ECoW,”;
- (b) after “SSE” insert “, SGN”.

18. In condition 6(3), for “condition 7” substitute “condition 2(1)(ee)”.

19. In condition 6(4)—

- (a) for “condition 7” substitute “condition 2(1)(ee)”;
- (b) after “of this consent.” insert “In respect of turbine 29 and its associated hard-standing area and access track only, micro-siting of up to 100 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 2(1)(ee) of this consent. Infrastructure must not be moved onto areas of deeper peat or closer than 50m to a water body, except where required for a watercourse crossing.”;
- (c) after “following consultation with” insert “the ECoW,”;
- (d) after “SSE” insert “, SGN”.

20. After condition 6(4) insert—

“(5) No micro-siting shall take place which causes an increased impact on Ground Water Dependant Terrestrial Ecosystems.

- (a) micro-siting of any infrastructure cannot move development closer to any areas of GWDTE than is currently shown on Figure 10.2 or described in Appendix 7A of the Environmental Statement in support of the Application for Variation submitted on 6 May 2015;
  - (b) micro-siting of Turbine 36 shall ensure that it is greater than 250 m from an area of highly GWDTE;
  - (c) micro-siting of the track between Turbine 18 and Turbine 19 shall ensure that it does not directly affect GWDTE.
- (6) The approved plan shall be implemented in full.”.

21. Delete condition 7.

22. In condition 9(2)(d) after “after-use;” delete “and”.

23. In condition 9(2)(f) after “works;” insert “and”.

24. After condition 9(2)(f) insert—

“(g) restoration of areas of poor quality groundwater dependant terrestrial ecosystem habitat.”.

25. In condition 14(1)—

- (a) for “At least 1 month prior to the commencement of the Development,” substitute “No work shall commence on the Development until no less than one month after”;
- (b) for “shall be” substitute “has been”;
- (c) for “for the written approval of” substitute “to and approved in writing by”;
- (d) after “SNH” insert “ and RSPB Scotland.”.

26. In condition 15(1)—

- (a) at the beginning insert “There shall be no construction of any Site road or water crossing until”;
- (b) for “shall be” substitute “have been”;
- (c) for “before construction of any Site road commences” substitute “after consultation with SEPA. The details must demonstrate how water crossings are of the design outlined in Table 10.8 of the Environmental Statement submitted in support of the Application for Variation on 6 May 2015 and must be designed to convey at least a 1 in 200 year flood event.”.

27. For condition 16 substitute—

“16(1) No work shall commence on the Development until no less than 12 months after baseline hydrochemistry, including turbidity data, macroinvertebrate and electrofishing surveys have been submitted to and approved in writing by the Planning Authority after consultation with Marine Scotland Science, Western Isles District Salmon Fisheries Board, Outer Hebrides Fisheries Trust and Stornoway Angling Association.

(2) No work shall commence on the Development until an Integrated Fisheries Monitoring and Management Plan has been approved in writing by the Planning Authority after consultation with Marine Scotland Science, Western Isles District Salmon Fisheries Board, Outer Hebrides Fisheries Trust and Stornoway Angling Association, including hydrochemistry, turbidity, fish and macroinvertebrates during the Construction Period, operational and decommissioning phases of the Development. The plan shall include—

- (a) details of how construction activity near watercourses suitable for spawning/juvenile fish habitat will be avoided where possible in sensitive periods;
- (b) measures to safeguard fisheries in the River Creed;
- (c) a communications plan, which must set out how the Stornoway Angling Association is to be informed and kept updated with regard to construction dates and exclusion zones;
- (d) measures to prevent unauthorised access to all access points during construction;
- (e) the arrangements for the appointment of a suitably qualified independent fisheries expert to survey the River Creed system, to characterise areas within the Development and to identify areas outside it for system enhancement. The terms and conditions of these arrangements must include that the independent fisheries expert will inform if mitigation and restoration stocking is appropriate and, if so, advise on the best approaches to these types of stocking.

(3) The approved Integrated Fisheries Monitoring and Management Plan shall be implemented in full.

(4) No work shall commence on the Development until a copy of the approved Construction Method Statement (referred to in condition 2(1)(jj)) has been served on Marine Scotland Science, Western Isles District Salmon Fisheries Board, Outer



Hebrides Fisheries Trust, and Stornoway Angling Association.”.

28. For the paragraph starting with “Reason” after condition 16 substitute—  
“Reason: In order to establish effective water quality and fish monitoring procedures and mitigation measures.”.
29. In condition 19—
  - (a) for “Prior to the commencement of the Development,” substitute “No work shall commence on the Development until”;
  - (b) for “shall be” substitute “have been”;
30. In condition 21—
  - (a) for “Prior to the construction of the Development commencing,” substitute “No work shall commence on the Development until”;
  - (b) for “shall be” substitute “have been”.
31. In condition 22, for “Prior to the construction of the Development commencing, the Company shall undertake” substitute “No work shall commence on the Development until the Company has undertaken”.
32. Delete condition 23
33. After condition 24 insert—  
“24A. No work shall commence on the Development until the Planning Authority has approved in writing the publication of an independently checked back analysis of the ‘River Creed Bog Slide’ and the instability feature on the northern shore of Loch Garbhaig as detailed in Appendix D of the Supplementary Environmental Information Addendum submitted on 22 September 2015.”.
34. In condition 25(1)—
  - (a) after “plant areas,” insert “there shall be no operation of the relevant works until”;
  - (b) for “shall be submitted to” substitute “has been submitted to and approved in writing by”;
  - (c) delete “no later than one month prior to the relevant works for approval”;
35. In condition 26(1)—
  - (a) for “Prior to the construction of the Development commences” substitute “No work shall commence on the Development until”;
  - (b) for “shall be” substitute “has been”.
36. In condition 26(3) for “SEPA” substitute “Scottish Water”.
37. Delete conditions 30, 31 and 32.
38. In condition 47(1)—
  - (a) for “the date of this consent” substitute “7 September 2012”;
  - (b) in sub-paragraph(a) for “43” substitute “38”;
  - (c) in sub-paragraph (b), for “Quiet Waking” each time it appears substitute “Day-

time”.

39. After condition 47 insert—

“47A. 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 the dwelling known as Druim Dubh shall not exceed—

- (a) during night hours, 45dB LA90, 10min, or the Night Hours LA90, 10min Background Noise Level plus 5dB(A), whichever is the greater;
- (b) during Day-time Hours, 45dB LA90, 10min or the Day-time Hours LA90, 10min Background Noise Level plus 5 dB(A), whichever is the greater.

40. In condition 48(1), for “complaint from a local resident” substitute “valid complaint”.

41. In condition 49—

- (a) for “condition 47” substitute “conditions 47 or 47A”;

42. For condition 53, its heading and the paragraph starting “Reason” substitute—

**“Decommissioning, restoration and aftercare**

53.(1)The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Decommissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

(2)No work shall commence on the Development until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and must include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

(3)Within the three year period prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan must provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include—

- (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- (c) a dust management plan;
- (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting

facilities, and measures to clean the site entrances and the adjacent local road network;

- (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- (f) details of measures to be taken with regard to soil storage and management;
- (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (h) details of measures to be taken with regard to sewage disposal and treatment;
- (i) temporary site illumination;
- (j) details of the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- (k) details of watercourse crossings;
- (l) a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.

(4) The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved Decommissioning, Restoration and Aftercare Plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with SNH 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.”.

43. After condition 53 insert—

**“Financial guarantee**

53A.(1) No work shall commence on the Development until the Company has delivered a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in condition 53 to the Planning Authority. The bond or other form of financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations.

(2) The value of the financial guarantee must be assessed by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in condition 53. The value of the bond or other form of financial guarantee shall be reviewed by a suitably qualified independent professional at least one every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions contained in condition 53 if that condition is not fully complied with.”.

44. Delete condition 54.

45. Delete condition 57.

46. After condition 60 insert—

### **“Borrow Pits – Scheme of Works**

61.(1) No work shall commence on the Development until a site specific scheme for the working and restoration of each borrow pit has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. No borrow pits are to be located within 250m of an area of moderately or highly groundwater dependant terrestrial ecosystem or within 50 m of any water body. The scheme shall include—

- (a) a detailed working method statement based on site survey information and ground investigations;
- (b) details of the handling of any overburden (including peat, soil and rock);
- (c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependant Terrestrial Ecosystems from drying out;
- (d) a programme of implementation of the works described in the scheme;
- (e) full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles.

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

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment.”.

### **Definitions**

47. After the definition of “Construction Period” insert ““Day-time hours” means between 0700 and 2300 on all days;”.

48. In the definition of “Noise Sensitive Premises” for “lawfully existing as at the date of the consent.” substitute “etc. which lawfully exists or had planning permission on 7 September 2012”.

49. In the definition of “Background Noise Level”—

- (a) after “Development” insert “and other consented turbines”;
- (b) after “Wind Speeds” insert “or the ambient background noise level as reported in Chapter 9 of the Environmental Statement for the Stornoway Wind Farm submitted 30 June 2011”.

50. After the definition of “SEPA” insert ““SGN” means Scotia Gas Networks Limited (company number 04958135);”.

51. In the definition of “Wind Speeds” for “calculated to” substitute “calculated at”.

52. Delete the definition of “Quiet Waking Hours”.

59. For illustrative purposes only, a consolidated version of the section 36 consent and section 57(2) direction as varied (with variations and additions shown in tracked changes for ease of reference), is provided at Appendix A attached to this letter.

60. In accordance with the EIA Regulations, 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.

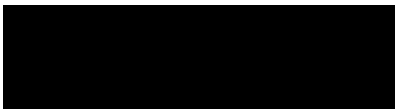
61. Copies of this letter have been sent to the Planning Authority. This letter has also been published on the Scottish Government Energy Consents website.

62. 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/docs/default-source/rules-and-practice/rules-of-court/court-of-session/chap58.pdf?sfvrsn=8>

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

Yours sincerely



**FRANCES PACITTI**

Head of Energy Consents

For and on behalf of the Scottish Ministers

A member of the staff of the Scottish Government

APPENDIX A – CONSOLIDATED DESCRIPTION OF DEVELOPMENT AND CONDITIONS SHOWING AMENDMENTS MADE TO CONSENT GRANTED UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND ASSOCIATED PLANNING PERMISSION DEEMED TO HAVE BEEN GRANTED ON 7 SEPTEMBER 2012 ALL AS MORE PARTICULARLY DESCRIBED IN TABLE 1 – FOR ILLUSTRATIVE PURPOSES ONLY.

## Annex 1

### DESCRIPTION OF THE DEVELOPMENT

The development as indicated on Figure 1.2 1.2a (of the ~~Environmental Statement Addendum~~ Supplementary Environmental Information Addendum submitted on 22 September 2015) ~~excluding turbines 1, 5, 10, 11, 15 and 38~~, shall have a maximum generating capacity of ~~129.6~~ 180 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~~ 145 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~~ 26.2 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~~ 7 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), ~~the Application for Variation and Environmental Statement submitted on 6 May 2015 as modified, amended or added to by the Supplementary Environmental Information Addendum submitted on 22 September 2015~~, and references in this consent and deemed planning permission to “the Development” shall be construed accordingly.

~~In the event of any incompatibility between the terms of the Application for section 36 consent and the Environmental Statement and Supplementary Environmental Information submitted in relation to that application and the terms of the Application for Variation and Environmental Statement and Supplementary Environmental Information submitted in relation to that application, the Application for Variation and the Environmental Statement submitted on 6 May 2015 as modified, amended or added to by the Supplementary Environmental Information Addendum submitted on 22 September 2015 prevails.~~

## 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 7 September 2012, 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, **Application for Variation and the Environmental Statement submitted on 6 May 2015 as modified, amended or added to by the Supplementary Environmental Information Addendum submitted on 22 September 2015 including all mitigation and monitoring measures referred to in those documents**, 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.**

- 1A.(1) No work shall commence on the development until the Planning Authority has approved in writing the terms of appointment of an independent Ecological Clerk of Works (ECoW) in consultation with SNH and SEPA. The terms of appointment shall—**
  - (a) impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Application for Variation and the Environmental Statement submitted on 6 May 2015 as modified, amended or added to by the Supplementary Environmental Information Addendum submitted on 22 September 2015, the Construction and Environmental Management Plan, the Habitat Management Plan approved in accordance with condition 9, and other plans approved in terms of condition 2 (“the ECoW works”);**
  - (b) require the EcoW to report to the construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;**
  - (c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and**
  - (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.**
- (2) The EcoW shall be appointed on the approved terms throughout the period from Commencement of Development until completion of post construction restoration works approved in terms of condition 9.**

- (3) No later than 18 months prior to decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier), details of the terms of appointment of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development must be submitted to the Planning Authority for approval in consultation with SNH and SEPA. 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.**

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~~ No work shall commence on the development until no less than two months after a Construction and Environmental Management Plan (“CEMP”) outlining site specific details of all on-site construction works, proposals for micro-siting, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority in consultation with SNH, SEPA, Marine Scotland Science, Joint Radio Company Limited (JRC), EDF Energy Renewables Limited (EDF), Scottish and Southern Energy plc (SSE), SGN and 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:-~~. The CEMP shall include (but shall not be limited to)—

- (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 routing 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 dated June 2011, as modified, amended or added to by the Supplementary Environmental Information Addendum dated January 2012, the Application for Variation and Environmental Statement submitted on 6 May 2015 and the Supplementary Environmental Information Addendum submitted on 22 September 2015, except in so far as amended by the terms of this consent and deemed planning permission;~~
- (z) proposals for timing of the works-;
- ~~(aa) a peat management plan, to include details of vegetated turf stripping and storage, peat excavation (including volumes), handling, storage and re-use following recognised best practice;~~
- ~~(bb) the requirement for floating tracks where peat depths are greater than 1.5m. There shall be no exceptions to this unless agreed in writing by SEPA;~~
- ~~(cc) mitigation measures to be put in place to protect groundwater dependant habitats including those not yet mapped as referenced in Appendix 7A of the Environmental Statement submitted in support of the Application for Variation on 6 May 2015. The design, construction and maintenance of the Development must ensure that the quality and quantity of the groundwater that feeds sensitive receptors (groundwater abstractions and Groundwater Dependant Terrestrial Ecosystems (GWDTE)) downstream from infrastructure does not statistically significantly change and the development does not act as a preferential pathway to groundwater flow. This must be demonstrated by on-going monitoring of the groundwater as set out in SEPA Technical Guidance Note 1: The Monitoring of Infrastructure with Excavations Less than 1m Deep within 100m of Sensitive Receptors (Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystem) (Appendix 4 to SEPA Planning Guidance LUPS-31 Guidance on Assessing the~~

Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystem). The monitoring results demonstrating whether the quality of groundwater and/or hydrological connectivity is being maintained must be presented to the Planning Authority in consultation with SEPA annually from the commencement of development in the required format. If monitoring identifies that the requirements are not being met, remedial action must be taken within 6 months in agreement with the Planning Authority in consultation with SEPA;

- (dd) a Schedule of Mitigation which brings together all the mitigation measures outlined 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, the Application for Variation and Environmental Statement submitted on 6 May 2015 and the Supplementary Environmental Information Addendum submitted on 22 September 2015, except in so far as amended by the terms of this consent and deemed planning permission;
- (ee) 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;
- (ff) a method statement for discharges from dewatering operations, which shall—
  - (i) include best practice in accordance with SEPA guidance;
  - (ii) require that no water from foundation dewatering operations shall be discharged directly into a watercourse;
  - (iii) 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
- (gg) details of the design, flow rates and likely effluent composition of the discharges from the cement batching compounds; the various proposed silt attenuation structures; any other discharges to the water environment; and the dilution available in receiving waters at low flow conditions for each of the proposed discharges;
- (hh) 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 site vehicle;
- (ii) details of 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.



- 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.
  - All soil stored on the Site shall be stored in accordance with BS 3882.
  - All soil stripping, storage and replacement operations shall accord with the approved scheme.
- (jj) a Construction Method Statement (CMS) which must include a design statement; details of the phasing of works including working methods and the scope, frequency and hours of operations; implementation of a pre-construction baseline monitoring plan; measures for minimising and controlling silt-laden run-off; and a pollution incident plan, which must include response procedures and reporting responsibilities.

(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 and Scotia Gas Networks Limited. 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,~~ No turbine shall be erected until a plan which details arrangements for micrositing to be implemented and controlled in relation to telecommunications links, peat and terrestrial ecosystems ~~shall be submitted~~ has been submitted to and approved in writing by the Planning Authority after consultation with the Ecological Clerk of Works (ECoW), SEPA, SNH, Joint Radio Company Limited (JRC), EDF Energy Renewables Limited (EDF), Scottish and Southern Energy plc (SSE), SGN 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 the ECoW, SEPA, SNH, JRC, EDF, SSE, SGN 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 2(1)(ee) 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 2(1)(ee) of this consent. In respect of turbine 29 and its associated hard-standing area and access track only, micrositing of up to 100 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 2(1)(ee) of this consent. Infrastructure must not be moved onto areas of deeper peat or closer than 50m to a water body, except where required for a watercourse crossing. Any micrositing beyond that identified in this paragraph (4) shall require to be approved by the Planning Authority following consultation with the ECoW, SNH, SEPA, JRC, EDF, SSE, SGN and Scottish Water.
- (5) No micro-siting shall take place which causes an increased impact on Ground Water Dependant Terrestrial Ecosystems (GWDTE).
- (a) micro-siting of any infrastructure cannot move development closer to any areas of GWDTE than is currently shown on Figure 10.2 or described in Appendix 7A of the Environmental Statement in support of the Application for Variation submitted on 6 May 2015;
- (b) micro-siting of Turbine 36 shall ensure that it is greater than 250 m from an area of highly GWDTE;
- (c) micro-siting of the track between Turbine 18 and Turbine 19 shall ensure that it does not directly affect GWDTE.
- (6) The approved plan shall be implemented in full.

**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; **and**
  - (g) **restoration of areas of poor quality groundwater dependant terrestrial ecosystem habitat.**

- (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 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, No work shall commence on the Development until no less than one month after 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 has been submitted for the written approval of to and approved in writing by the Planning Authority in consultation with SNH and RSPB Scotland.~~
- (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) There shall be no construction of any Site road or water crossing until 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~~ have been submitted to and approved in writing by the Planning Authority ~~before construction of any Site road commences~~ after consultation with SEPA. The details must demonstrate how water crossings are of the design outlined in Table 10.8 of the Environmental Statement submitted in support of the Application for Variation on 6 May 2015 and must be designed to convey at least a 1 in 200 year flood event.

(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.~~

16.(1) No work shall commence on the Development until no less than 12 months after baseline hydrochemistry, including turbidity data, macroinvertebrate and electrofishing surveys has been submitted to and approved in writing by the Planning Authority after consultation with Marine Scotland Science, Western Isles District Salmon Fisheries Board, Outer Hebrides Fisheries Trust and Stornoway Angling Association.

(2) No work shall commence on the Development until an Integrated Fisheries Monitoring and Management Plan has been approved in writing by the Planning Authority after consultation with Marine Scotland Science, Western Isles District Salmon Fisheries Board, Outer Hebrides Fisheries Trust and Stornoway Angling Association including hydrochemistry, turbidity, fish and macroinvertebrates during the Construction Period, operational and decommissioning phases of the Development. The plan shall include—

- (a) details of how construction activity near watercourses suitable for spawning/juvenile fish habitat will be avoided where possible in sensitive periods;
  - (b) measures to safeguard fisheries in the River Creed;
  - (c) a communications plan, which must set out how the Stornoway Angling Association is to be informed and kept updated with regard to construction dates and exclusion zones;
  - (d) measures to prevent unauthorised access to all access points during construction;
  - (e) the arrangements for the appointment of a suitably qualified independent fisheries expert to survey the River Creed system, to characterise areas within the Development and to identify areas outside it for system enhancement. The terms and conditions of these arrangements must include that the independent fisheries expert will inform if mitigation and restoration stocking is appropriate and, if so, advise on the best approaches to these types of stocking.
- (3) The approved Integrated Fisheries Monitoring and Management Plan shall be implemented in full.
- (4) No work shall commence on the Development until a copy of the approved Construction Method Statement (referred to in condition 2(1)(jj)) has been served on Marine Scotland Science, Western Isles District Salmon Fisheries Board, Outer Hebrides Fisheries Trust, and Stornoway Angling Association.

~~Reason: In order to establish effective fish monitoring procedures.~~

Reason: In order to establish effective water quality and fish monitoring procedures and mitigation measures.

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, No work shall commence on the Development until~~ the working areas, including the new access roads, ~~shall be~~ have been 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, No work shall commence on the Development until~~ details of arrangements to be made to ensure no spread of mud or other materials onto the public highways ~~shall be have been~~ 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~~ No work shall commence on the Development until the Company has ~~undertaken~~ 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.

**24A.** No work shall commence on the Development until the Planning Authority has approved in writing the publication of an independently checked back analysis of the 'River Creed Bog Slide' and the instability feature on the northern shore of Loch Garbhaig as detailed in Appendix D of the Supplementary Environmental Information Addendum submitted on 22 September 2015.

**Reason: To minimise the risk peat landslide.**

### **Rock Extraction**

25.(1) In respect to each of the rock source and batching plant areas, ~~there shall be no operation of the relevant works until details of the proposed operation and restoration work shall be submitted to has been submitted to and approved in writing by 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~~ No work shall commence on the Development until a hydrological and hydro geological survey supplemental to those provided with or subsequent to the Application

~~shall be~~ **has been** 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 Scottish Water** 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.~~

~~—(3) 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,
- (c) 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~~ 7 September 2012 shall not exceed:-

- (a) during Night Hours, ~~43~~ 38dB LA90, 10min, or the Night Hours LA90, 10min Background Noise Level plus 5dB(A), which ever is the greater;
- (b) during ~~Quiet Waking Day-time~~ Hours, 35dB LA90, 10min or the ~~Quiet Waking Day-time~~ 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.

47A.(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 the dwelling known as Druim Dubh shall not exceed-

- (a) during Night Hours, 45dB LA90, 10min, or the Night Hours LA90, 10min Background Noise Level plus 5dB(A), whichever is the greater;
- (b) during Day-time Hours, 45dB LA90, 10min or the Day-time Hours LA90, 10min Background Noise Level plus 5 dB(A), whichever is the greater.

**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~~ valid complaint 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~~ conditions 47 or 47A 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.**~~

### **Decommissioning, Restoration and Aftercare**

- 53.(1) The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Decommissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

- (2) No work shall commence on the Development until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The

strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and must include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

- (3) Within the three year period prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan must provide updated and detailed proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include—
- (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
  - (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
  - (c) a dust management plan;
  - (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
  - (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
  - (f) details of measures to be taken with regard to soil storage and management;
  - (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
  - (h) details of measures to be taken with regard to sewage disposal and treatment;
  - (i) temporary site illumination;
  - (j) details of the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;

- (k) details of watercourse crossings;
  - (l) a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.
- (4) The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved Decommissioning, Restoration and Aftercare Plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with SNH 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.**

### **Financial Guarantee**

- 53A.(1) No work shall commence on the Development until the Company has delivered a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in condition 53 to the Planning Authority. The bond or other form of financial guarantee shall be maintained in favour of the Planning Authority until the date of completion of all decommissioning, restoration and aftercare obligations.
- (2) The value of the financial guarantee must be assessed by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in condition 53. The value of the bond or other form of financial guarantee shall be reviewed by a suitably qualified independent professional at least one every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

**Reason: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions contained in condition 53 if that condition is not fully complied with.**

~~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.**

### **Borrow Pits – Scheme of Works**

**61.(1)** No work shall commence on the Development until a site specific scheme for the working and restoration of each borrow pit has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. No borrow pits are to be located within 250m of an area of moderately or highly groundwater dependant terrestrial ecosystem or within 50 m of any water body. The scheme shall include—

- (a) a detailed working method statement based on site survey information and ground investigations;
- (b) details of the handling of any overburden (including peat, soil and rock);
- (c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependant Terrestrial Ecosystems from drying out;
- (d) a programme of implementation of the works described in the scheme;
- (e) full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles.

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

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

### **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 30<sup>th</sup> 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;

“Day-time hours” means between 0700 and 2300 on all days;

“Decommissioning and Restoration Management Plan” means the plan approved in accordance with condition 0;

“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;

“SGN” means Scotia Gas Networks Limited (company number 04958135);

“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~~ **calculated at** 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 etc. which lawfully exists or had planning permission on 7 September 2012.~~

"Background Noise Level" means the ambient noise level already present within the environment (in the absence of noise generated by the Development **and other consented turbines**) as measured and correlated with Wind Speeds **or the ambient background noise level as reported in Chapter 9 of the Environmental Statement for the Stornoway Wind Farm submitted 30 June 2011;**