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(sent by email to Michael.Briggs@energiekontor.com)

Our Ref: ECU00002196

5 November 2025

Dear Sir or Madam,

APPLICATION FOR CONSENT UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 AND DEEMED PLANNING PERMISSION UNDER SECTION 57(2) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 FOR THE CONSTRUCTION AND OPERATION OF CRAIGINMODDIE WIND FARM IN THE PLANNING AUTHORITY AREA OF SOUTH AYRSHIRE COUNCIL

Application

1. I refer to the application made on 12 January 2021 ("the Application") under section 36 of the Electricity Act 1989 ("the Electricity Act") by Energiekontor UK Ltd ("the Company") for the construction and operation of Craiginmoddie Wind Farm. The Company is incorporated under the Companies Act with company number 03830819 and having its registered office at 114 St Martin's Lane, Covent Garden, London, United Kingdom, WC2N 4BE.

2. The Application proposes a wind powered electricity generating station comprising of 14 wind turbines, each with a ground to blade tip height of up to 200 metres ("m") and includes a battery storage facility and associated ancillary development. ("the proposed Development").

3. **This letter contains the Scottish Ministers' decision to grant section 36 consent for the proposed Development as described at Annex 1.**



Planning Permission

4. In terms of section 57(2) of the Town and Country Planning (Scotland) Act 1997 the Scottish Ministers may, on granting consent under section 36 of the Electricity Act for the construction and operation of a generating station direct that planning permission be deemed to be granted in respect of that generating station and any ancillary development.

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

Background

6. The proposed Development site would be located on land approximately 4 kilometres ("km") to the north-east of the village of Barr and 4 km south of the village of Dailly wholly within the administrative area of South Ayrshire Council ("the Planning Authority").

7. The proposed Development site covers an area of 732 hectares and consists predominantly of open moorland and extensive areas of commercial plantation forestry and is situated to the north of the Stinchar Valley and south of the Girvan Valley in the south-east of South Ayrshire. The Site lies along an undulating ridge and is adjacent to the existing Hadyard Hill wind farm comprising of 52 turbines which lies immediately to the west.

8. The local area is relatively sparsely populated, with a number of small settlements and hamlets. The nearest settlements are Barr (4 km southwest), Dailly (4 km north), Crosshill (6.5 km north), Straiton (7.5 km northeast) and Maybole (9 km north). The nearest town is Girvan, located 10.5 km to the west. There are a number of dispersed individual dwellings located within the vicinity of the proposed Development.

9. The proposed Development is sited in the host landscape character type ("LCT") 17c: *Foothills with Forest and wind farms*. LCT 13: *Intimate Pastoral Valleys (Stinchar Valley)* is located to the southwest and north-east of the site, LCT 12: *Middle Dale (Girvan Valley)* is located to the north and LCT 21: *Rugged Uplands with Lochs and Forest (High Carrick Hills)* is located 3.5 km to the southeast of the site.

10. Near to the site are the designated Local Landscape Areas ("LLA") of Stinchar Valley LLA (0.3 km south), Water of Girvan Valley LLA (0.4 km) and the High Carrick Hills LLA (4.6 km southeast) and these largely correspond to the boundaries of the underlying LCTs.

11. The site lies within the Transition Zone of the Galloway and Southern Ayrshire Biosphere and the Galloway Dark Sky Park. An International Dark Sky Park is an area committed to protecting dark skies by controlling light pollution. The Dark Sky Park is one of two in Scotland and seven in the UK as a whole. National Planning Framework 4 ("NPF4") identifies the Dark Sky Park as an exceptional environmental asset and natural resource.

12. Although not located within the Merrick Wild Land Area (“WLA”), the proposed Development is situated 8.4 km northwest of the WLA boundary.

13. The nearest operational wind farm is Hadyard Hill Wind Farm around 0.7 km west. There are also two proposed windfarms in close proximity to the proposed Development site - Carrick Wind Farm and Knockcronal Wind Farm.

14. The site is not subject to any national, regional or local landscape designations, and there are no statutory or non-statutory natural heritage designations within the site.

15. The installed capacity of the proposed Development would be approximately 99 megawatts (“MW”), comprising around 92 MW wind generation and 7 MW generated by battery energy storage. The Company seeks to operate the generating station for 35 years, following which a decision will be made to decommission, repower or extend its operational life.

Legislation and Consultation

Application

16. In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017 and the Electricity Works (Miscellaneous Temporary Modifications) (Coronavirus) (Scotland) Regulations 2020 (“the EIA Regulations”), the Company submitted an Environmental Impact Assessment Report (“EIA Report”) describing the proposed Development and giving an analysis of its environmental effects. Alongside the EIA Report, the Application documents included a socio-economic statement, Planning Statement and Design and Access Statement.

17. Under paragraph 2(1) of Schedule 8 to the Electricity Act, and the Electricity (Application for Consent) Regulations 1990 (“the Consents Regulations”) made under the Electricity Act, the relevant planning authority is required to be notified in respect of the Application.

18. In accordance with requirements of the Consents Regulations and the EIA Regulations, a notice of the proposed Development was published on the Company’s website and advertised in local and national press. The Application was made available in the public domain, and the opportunity given for those wishing to make representations to do so.

19. In addition, to comply with the EIA Regulations, Scottish Ministers are required to consult the relevant planning authority, as well as NatureScot, the Scottish Environment Protection Agency (“SEPA”) and Historic Environment Scotland (“HES”) as well as other persons that are likely to be concerned by the proposed Development by reason of their specific environmental responsibilities or local and regional competencies. Notifications were sent to South Ayrshire Council, as the relevant Planning Authority, as well as NatureScot, SEPA and HES. A wide range of other relevant organisations were also notified and consulted.

Additional Information

20. To address issues raised in the Application consultation responses, Scottish Ministers requested additional information. The Company submitted Additional Information in October 2021 (“AI”) which dealt with landscape and visual effects, noise impact, private water supplies and other matters in response to Scottish Government’s advisor on peat matters and Ayrshire Rivers Trust. Public notices were placed in accordance with the EIA Regulations and a further consultation exercise was carried out.

21. The Scottish Ministers have had regard to the requirements regarding publicity and consultation laid down in the EIA Regulations and the Consent Regulations and are satisfied the general public as well as statutory and other consultees have been afforded the opportunity to consider and make representations on the proposed Development.

22. The Scottish Ministers have had regard to the matters set out in Schedule 9 of the Electricity Act, and consider that there is sufficient information to allow them to be satisfied that in formulating its proposals the Company has had regard to the desirability of preserving the natural beauty of the countryside, of conserving flora, fauna, and geological and physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic, or archaeological interest. In considering this Application, the Scottish Ministers have had regard to desirability of these matters.

23. The Scottish Ministers are satisfied that the Company has done what it reasonably can to mitigate any effect, which the proposals would have on the natural beauty of the countryside, or any such flora, fauna, features, sites, buildings, or objects. The Scottish Ministers are satisfied that in exercising their functions under the Electricity Act that they shall avoid, so far as possible, causing injury to fisheries or to stock of fish in any waters.

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

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

25. As required by section 36(5A) of the Electricity Act, Scottish Ministers have considered SEPA’s advice with due regard given to the purposes of Part 1 of the Water Environment and Water Services (Scotland) Act 2003.

26. SEPA raised no concerns regarding the potential effects on the water environment subject to appropriately worded conditions relating to private water supply, peat management, micro-siting and forest management. In its response to Scottish Ministers, SEPA direct the Company to the Regulations section of the SEPA website for advice on Regulatory requirements and good practice advice.

Public Inquiry

27. Under paragraph 2(2) of Schedule 8 to the Electricity Act, where the relevant planning authority objects within timescales set out in the Consents Regulations, and that objection is not withdrawn, the Scottish Ministers must cause a public inquiry to be held, unless the Scottish Ministers propose to accede to the application subject to such modifications or conditions as will give effect to the objection of the relevant planning authority.

28. As set out in more detail below, the Planning Authority objected to the Application and did not withdraw that objection. The Scottish Ministers did not consider it possible to accede to the Application, by way of modifications or imposition of conditions as would give effect to the Planning Authority's objection, and therefore a public inquiry was held.

29. Two applications for section 36 consent on neighbouring sites, for construction and operation of the Carrick and Knockcronal wind farm developments, were also referred to public inquiry. A decision to conjoin the Carrick, Knockcronal and Craiginmoddie inquiry processes was made on public interest and efficiency grounds.

30. Separate inquiry reports and determinations by Scottish Ministers for the Carrick and Knockcronal applications are available to view on the Energy Consents Website at: www.energyconsents.scot

31. With regards to the Public Inquiry subsequently held, pre-examination meetings ("PEM") took place on 10 January and 24 March 2023. Inquiry sessions were held from 16 -17 May, 13 -15 June, 21-22 June 2023, 22-24 and 26 April 2024. Hearing sessions were held from 30-31 May, 6, 7, 8, 9, 19 and 20 June 2023 and 26 April 2024. The Reporters undertook unaccompanied site inspections 24-27 April 2023 and 4 June 2024 and accompanied site visits on 5 and 12 June 2023.

32. In January 2023, during the Public Inquiry process, the Company, submitted Additional Information ("AI II") in relation to peat landslide and included an updated peat management plan. This was advertised by the Company on the 24 and 25 January 2023. Notice of it was given to the Planning Authority and those previously consulted on the Application.

33. On 8 March 2023, at the request of the Reporters, the Company provided Additional Information ("AI III") comprising cumulative landscape and visual assessments (and associated figures/visualisations/photomontages where required) for all of the three applications, based on an agreed baseline. In addition, an updated assessment in relation to changes to aviation lighting, additional cumulative residential property photomontages and additional viewpoint assessment of effects were submitted. As the above information was formally requested for the purposes of the Public Inquiry, there was no statutory requirement for publication or consultation, however, notice of it was given to the Planning Authority and those previously consulted on the Application.

34. Finally, on 20 March 2023 the Company submitted Additional Information (“AI IV”) in relation to an updated operational noise assessment report, which replaces that relating to operational wind turbine noise contained within the EIA Report and the AI Oct 2021.

35. The Scottish Ministers are satisfied that the EIA Report and the Additional Information have been produced in accordance with the EIA Regulations. Scottish Ministers have assessed the environmental impacts of the proposed Development and taken the Application, EIA Report, AI, AI II, AI III and AI IV, public representations, consultation responses and the Report of Inquiry into consideration in reaching their decision.

Report of Inquiry

36. The Report of Inquiry (“PI Report”) and its recommendation was submitted to the Scottish Ministers on 29 July 2024.

37. In the PI Report the Reporters take account of the precognitions, inquiry statements, hearing statements, hearing sessions, the discussion at the public inquiry and the closing submissions. The Reporters also take into account the environmental information included in the EIA Report, all additional information submitted by the Company, consultation responses, representations and all of the other information supplied for the inquiry and hearing sessions.

38. The PI Report provides the following headings:

- Introduction and Recommendation;
- Background (paragraphs 1 to 25);
- Policy context (paragraphs 25 to 28);
- Summaries of inquiry parties’ cases (paragraph 29 and Appendix 2);
- The relevant issues for Ministers’ consideration (paragraph 30) including
 - Landscape and visual effects including wild land and aviation lighting (paragraphs 31 to 164);
 - Residential Amenity - residential visual amenity, noise and shadow flicker (paragraphs 165 to 242)
 - Private Water Supplies; (paragraph 243 to 288)
 - Aviation safety; (paragraph 289 to 329)
 - Traffic, Transport, and access; (paragraph 330 to 341)
 - Tourism, socio – economic impacts, and renewable energy impacts;(paragraph 342 to 361)
 - The Renewable Energy and other benefits of the development; (paragraph 362 to 363)
- Other matters for Ministers’ consideration (paragraphs 364 to 403)
 - 364 to 366 – Ornithology;
 - 367 to 371 – Ecology;
 - 372 to 385 – Hydrology, hydrogeology and geology;
 - 384 to 386 – Other biodiversity matters;
 - 387 to 395 – Cultural heritage and archaeology;

- 396 to 399 – Forestry;
- 400 to 403 – Infrastructure and human health;
- 404 to 406 – Other matters.
- Proposed conditions (paragraphs 407 to 445);
- Conclusions (paragraphs 446 to 510); and
- Overall conclusions (paragraphs 511 to 517)
- Recommendations (paragraphs 518 to 520).

39. The Reporters recommend consent should be granted under section 36 of the Electricity Act 1989 and planning permission should be deemed to be granted under section 57 of the Town and Country Planning (Scotland) Act 1997 (as amended), subject to conditions.

Claim for expenses

40. A claim for expenses was made by the Company at the close of the inquiry. A separate report, Claim for an Award of Expenses dated 29 July 2024, has also been prepared by the Reporters, and this is dealt within a separate determination letter.

Summary of consultation responses

41. Unless otherwise stated the below represents a summary of the consultation responses received by the Scottish Ministers in response to the Application. The full consultation responses are available to view on the Energy Consents Unit website at www.energyconsents.scot under reference ECU00002196, or, if submitted through the course of the public inquiry, on the Planning and Environmental Appeals Division website [Scottish Government - DPEA - Case Details](#)

Statutory consultees

42. Following its regulatory panel meeting on 3 February 2022, the Planning Authority objected to the Application. The Planning Authority's objections are summarised below:

- The Planning Authority consider that there would be significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines on their own and in combination with the other operational, consented and proposed wind farms in the surrounding area. It considers that the significant adverse landscape and visual effects of the proposed wind farm could be mitigated by reducing the size or number of turbines. However, given the vertical height of the proposed turbines, the location is considered to be inappropriate due to the sensitivity of nearby landscapes.
- The Planning Authority consider that the Company has not demonstrated that aviation lighting would not introduce intrusive and prominent lights into an area important for its dark skies, thus adversely impacting upon views from the Merrick WLA and transition area of the Dark Sky Park.

- The Planning Authority consider that there will be significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines and the associated impacts of these effects on the tourism and recreational resource of the locality including: the Merrick WLA; Galloway Forest Park; the Dark Sky Park; stretches of the National Cycle Route 7 including at the Nick of The Balloch, stretches of the Ayrshire Alps Cycle Park and important viewpoints including the Colonel Hunter Blair Monument, Cornish Hill and Shalloch on Minnoch Hill.
- The Planning Authority consider that the Company has not demonstrated that the proposed Development does not impinge on the current operation of Glasgow Prestwick Airport as an agreed radar mitigation is not in place.
- The Planning Authority consider that there is insufficient information to demonstrate that the private water supply for Dobbingsstone Farm and the catchment which feeds the source will not be damaged or destroyed by this development proposal.
- The Planning Authority consider that there will be an unacceptable increase in HGV traffic using the U25 unclassified road which is of inadequate construction standard and width and has inadequate provision of inter-visible passing places to adequately cope with the volume of traffic that will be generated during the construction phase. The proposed development would therefore pose a danger to the safety of road users and potentially result in severance of access to the residential and farm properties served by the U25 road over a prolonged period.
- The Planning Authority consider that the Application does not accord with policies Wind Energy – Criterion a), b), c) and f), Sustainable Development, Landscape Quality, Air, Noise and Light Pollution, and Water Environment of the South Ayrshire Local Development Plan (2014) (“SALDP”), supplementary guidance on Wind Energy (adopted 2015) and Dark Sky Lighting (2016) and the South Ayrshire Landscape Wind Capacity Study (2018) (“SALWCS”).

43. During Inquiry proceedings, the Planning Authority withdrew its objection on transport grounds relating to effects on the U25 road, subject to a condition relating to U25 road improvements.

44. In addition, following the adoption of NPF4 in February 2023, the Planning Authority’s objection in relation to the effects on the Merrick WLA was also withdrawn.

45. **Historic Environment Scotland** (“HES”) do not object to the Application. In its response to the Application consultation, it disagrees with the detail of the Company’s EIA Report assessment for Old Dalquharran Castle scheduled monument, but not the outcome. HES concluded the proposed Development does not raise issues of national significance sufficient to warrant an objection for its historic environment interests.

46. **NatureScot** initially objected on the basis of impacts on qualities 1,3 and 4 of the Merrick WLA including effects of aviation lighting. NatureScot recommend mitigation in relation to carbon rich soils, deep peat and priority habitat (Habitat Management Plan),

protected species (Species Protection Plan), fish and fresh water pearl mussels (monitoring and mitigation plan), bats (monitoring and mitigation plan), wider countryside birds (Breeding Birds Protection Plan), habitats (Peat Management Plan) and decommissioning (Decommissioning and Restoration Plan).

47. Following the adoption of NPF4 in February 2023, during the Inquiry proceedings, NatureScot's withdrew its objection in relation to the effects on the Merrick WLA.

48. **SEPA** do not object. Its initial 'holding objection' was withdrawn following submission of further information in relation to private water supply. SEPA requested the imposition of conditions to secure micrositings restrictions, submission of a Private Water Supply Monitoring Plan and Method Statement and an updated Peat Management Plan and Forest Waste Management Plan.

Internal Scottish Government advisors

49. **Marine Directorate – Science Evidence Data and Digital** ("MD-SEDD"), formerly Marine Scotland, did not provide advice on the Application however the Company confirms a robust integrated water quality and fish population monitoring programme is to be carried out in line with Marine Science Scotland Guidance which is to inform mitigation plans. This would include electrofishing, macroinvertebrate surveys and hydro-chemical sampling.

50. A condition to secure a Water Quality and Fish Monitoring plan is included in Annex 2.

51. **Scottish Forestry** do not object subject to the imposition of a condition to secure compensatory woodland replanting. It also advised on wider felling proposals.

52. **Transport Scotland** do not object and recommend the imposition of conditions to secure a Construction Traffic Management Plan, safe transportation of abnormal loads during constructional and decommissioning phase and additional signing or temporary traffic control measures to be undertaken by a recognised QA traffic management consultant and approved by Transport Scotland. It wishes to be consulted on the decommissioning plan.

Advisors to the Scottish Government

53. **Ironside Farrar** are advisors to the Scottish Ministers on Peat Landslide and Hazard Risk Assessment ("PLHRA"). In response to the Application a request for information on peat probing densities and risk at the main access track remained outstanding.

54. As recommended in the PI Report, Scottish Ministers sought further advice from Ironside Farrar with regard to the Company's AI II which contained an updated PLHRA, that concluded there was no increase in the overall risk for the Development. In its final response to Scottish Ministers of September 2024, Ironside Farrar confirmed the PLHRA was considered sufficient.

55. In response to the question raised in the PI Report relating to possible peat slide at the abstraction location for Dobbingsstone Farm, Ironside Farrar confirmed that the Dobbingsstone private water supply (“PWS”) was considered during the assessment process. Ironside Farrar recommended that the PLHRA be updated prior to construction to highlight this receptor and its particular risks and ensure that appropriate mitigation measures are included within the construction documents. This has been addressed in conditions at Annex 2.

56. In addition, in response to the question raised in the PI Report regarding peat slide risk implications at the new access track intended to connect with the U25, Ironside Farrar concluded that there is unlikely to be peat, and therefore peat landslide risk, at this location.

Consultees who object to the Application

57. **Crosshill, Straiton & Kirkmichael Community Council** object to the Application on the grounds that the proposed Development would have adverse impacts on the surrounding landscape including: impacts on designed landscapes; visual impacts (including cumulative) on the surrounding area and settlements; impacts on recreational routes including core paths and the NCN7 cycle route; effects on the residential amenity of nearby properties due to noise and shadow flicker; impacts on the Merrick WLA and the Galloway Dark Skies Park including from aviation lighting; incompatibility with the Galloway and Southern Ayrshire Biosphere designation and that the proposed Development would be contrary to the adopted local development plan.

58. **Dailly Community Council** object on the grounds that the proposed Development would have significant visual and landscape effects including: cumulative impacts; effects on nearby residential properties in terms of noise and visual impact; effects from aviation lighting on residential properties and the Merrick WLA; impacts on water courses, private water supplies and potential pollution from leading edge erosion; impacts on tourism and recreation in the local area; damage to public roads from heavy construction traffic; concerns regarding the proximity of the main construction route close to Eldinton Terrace in Dailly (including resultant noise and disturbance) and the lack of information on grid connections.

Consultees that do not object to the Application but request the imposition of conditions

59. **Argyll Rivers Trust** do not object stating the proposed Development is in close proximity to the tributaries of the River Stinchar and River Girvan. It recommends conditions in relation to water crossings, culverts and the protection of watercourses during tree felling/replanting. In addition, a monitoring programme should be carried out and included within the outline construction environmental management plan.

60. **Defence Infrastructure Organisation (“DIO”)** do not object. DIO confirmed that the proposed Development falls within Tactical Training Area 20T therefore requires conditions be attached to any consent to ensure turbines are fitted with aviation safety lighting and that structures can be accurately charted to allow deconfliction.

61. **Glasgow Prestwick Airport** (“GPA”) initially objected as all 14 turbines are visible to GPA primary radars (“PSR”) and further assessments are required to mitigate any potential adverse effects both individually and cumulatively on the GPA’s communication, navigation and surveillance systems.

62. During the public inquiry proceedings, GPA confirmed it would no longer object provided appropriate provision is made by way for a condition to cater for impacts on aviation safety.

63. **National Air Traffic Services Safeguarding** (“NATS”) initial objection was withdrawn during the public inquiry proceedings, subject to the imposition of a condition to secure a primary radar mitigation scheme.

64. **Scottish Water** do not object confirming the site is partly located within the designated Penwhapple drinking water catchment area, therefore request measures be put in place in the construction environment management plan to protect water quality.

65. **West of Scotland Archaeology Service** do not object however it requests a programme of archaeological works be secured by condition.

66. The following consultees have no objection to the Application and do not require the imposition of conditions: **British Telecom (“BT”), Crown Estate Scotland, Joint Radio Company, RSPB, Scottish Rights of Way Society.**

67. The following consultees did not respond to the consultation: British Horse Society, Civil Aviation Authority, Fisheries Management Scotland, Galloway & Southern Ayrshire Biosphere, John Muir Trust, Mountaineering Scotland, Network Rail, Scottish Wild Land Group, Scottish Wildlife Trust, Visit Scotland and Barr Community Council.

Public representations

68. The Scottish Ministers received a total of 60 public representations, 47 in objection and 13 in support. Reasons stated in support were as follows:

- the location is suitable due to existing turbines in the landscape;
- contribute to meeting government energy targets;
- contribute to a reduction in CO2 emissions;
- contribute to climate emergency, change and adaptation;
- local economic benefits and employment opportunities; and,
- the need for more onshore wind to be deployed.

69. The objections raised concerns in relation to:

- no demonstrable need to meet the 8-12 GW requirement by 2030;
- insufficient grid capacity to accommodate the proposed output;
- contrary to NPF3, the draft of NPF4, Scottish Planning Policy 2014 and Onshore Wind Policy Statement and refresh;

- contrary to the adopted local development plan and supplementary guidance;
- contrary to the council's Landscape Wind Capacity Study (2018);
- significant adverse landscape and visual effects, including cumulative effects;
- concerns over the size of the 200 metre turbines;
- overdevelopment of windfarms in the area;
- adverse individual and cumulative visual effects on Merrick WLA, Galloway Dark Sky Park and UNESCO Biosphere including from aviation lighting;
- adverse effects on tourism, recreation and the local economy;
- adverse effects on residential visual amenity;
- impact from noise and shadow flicker including health concerns;
- effects on hydrology, peat and private water supplies;
- adverse impact on road safety;
- unacceptable new access at Eldinton Terrace; and,
- adverse effects on ecology and wildlife.

70. It is noted that although the Reporters refers to a different number of objections (50 rather than the 47 received by Scottish Ministers), all material issues raised in objection have been taken into account in the Report of Inquiry, and been considered by the Scottish Ministers.

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

72. The Scottish Ministers have considered the matters raised in the consultation responses and public representations and are satisfied, having taken into account the EIA Report, AI, AI II, AI III and AI IV, and the PI Report, that the significant environmental impacts of the proposed Development have been appropriately assessed and largely mitigated by design. Further environmental mitigation has been secured by the Scottish Ministers through the imposition of conditions attached to the planning permission.

The Scottish Ministers' Considerations

Main Determining Issues

73. Having considered the Application, the EIA Report, the AI, AI II, AI III and AI IV, responses from consultees and third parties, the PI Report as well as Scottish Government policies, the Scottish Ministers consider, in line with the Reporter, that the main determining issues in respect of the proposed Development are:

- the landscape and visual effects, including effects from aviation lighting;
- effects on residential amenity, including visual, noise and shadow flicker;
- effects on private water supplies;
- aviation safety
- effects on tourism, recreational resources and socio-economic impacts;
- the benefits of the proposed Development

- the extent to which it accords with Scottish Government policies, the local development plan and other relevant plans and guidance.

Assessment of the Determining Issues

Landscape and visual effects including effects from aviation lighting

74. The Company set out the landscape, visual and cumulative effects of the proposed Development in Chapter 6 of the EIA Report. AI I and AI III were added to its assessment.

75. The Company consider there would be significant direct landscape effects experienced within the host LCT 17c: *Foothills with Forest and wind farms*. In addition, there would be significant indirect landscape effects experienced in LCT 13: *Intimate Pastoral Valley (Upper Stinchar Valley)* and LCT 12: *Middle Dale (Girvan Valley)*. The Company's EIA Report concludes that significant effects on landscape character would be localised and confined to areas within no more than 4.5 km from the proposed Development. In relation to effects on LCT 21: *The Rugged Hills, Lochs and Forest LCT (High Carrick Hills area)*, the Company conclude these would not be significant.

76. The Company's Landscape and Visual Impact Assessment ("LVIA") assessed there would be some areas of locally significant effects on landscape character and views within the Stinchar Valley Local Landscape Area ("LLA"), the Water of Girvan Valley LLA and the High Carrick Hills LLA. The Company concluded that these effects would not fundamentally undermine any of the reasons for designation of these areas.

77. The Planning Authority agrees there will be adverse significant effects on the above LCT's but disputes the Company's conclusion that the effects on LCT 21: *The Rugged Hills, Lochs and Forest LCT (High Carrick Hills area)* would not be significant. It considered significant landscape and visual effects would also occur with the Merrick WLA, local designated landscapes and the Dark Sky Park.

78. NatureScot initially objected due to the impact on some of the qualities of the Merrick WLA, however removed its objection following the adoption of NPF4. They raised no objection in relation to impacts on any LCT or LLA.

79. Crosshill, Straiton and Kirkmichael Community Council, Dailly Community Council and a number of letters of representation raised concerns regarding the siting and scale of the turbines, the capacity of the landscape to accommodate the proposal and the impact from aviation lighting. Concerns were also expressed in relation to effects upon the Merrick WLA, Galloway Dark Skies, the Galloway and Southern Ayrshire Biosphere and locations and routes used for recreation and tourism.

Effects on Landscape character

80. The Reporters consider the effect on landscape character at paragraphs 41 to 65 of the PI Report. They agree with the Company's LVIA that the proposed Development would have significant direct landscape effects within the host landscape character type LCT 17c: *Foothills with Forest and wind farms*. The Reporters find there will be significant indirect

landscape effects on neighbouring landscape character types LCT 12: *Middle Dale (Girvan Valley)*, LCT 13: *Intimate Pastoral Valley (Upper Stinchar Valley)* and LCT 21: *The Rugged Hills, Lochs and Forest LCT (High Carrick Hills area)*.

81. Scottish Ministers agree with the Reporters' conclusion set out at paragraph 159 of the PI Report that the proposal would have significant direct landscape effects within the host landscape character type (LCT 17c) and significant indirect landscape effects on neighbouring landscape character types (LCT 12, 13 and 21). However, the effects of the proposal, whilst significant, would not result in such a defining feature as to change the landscape character type of these areas.

Visual effects

82. The Company predicts that significant visual effects would be experienced from 2 of the 16 viewpoints - Viewpoint 1. South Balloch and at Viewpoint 3. Dailly. In addition, significant effects would occur on a 3 km section of the National Cycle Network Route 7 ("NCN7"). Significant visual effects would be limited and confined to receptors in relatively close proximity to the proposed Development where there would be open views.

83. The Reporters consider the visual effects of the proposed Development at paragraphs 66 to 87 of the PI Report. The Reporters acknowledge the dispute between the Planning Authority and the Company with regard to significant visual effects on Viewpoints 5, 7, 9, 11, and 12. The Planning Authority contend that significant visual effects would also occur at Rowantree and Pinbreck Hills (informal walking routes), from the Nick of the Balloch (road users) and at Loch Girvan Eye (walkers).

84. The PI Report concludes (paragraph 87) that there would be significant visual effects at viewpoints 1, 3, 5 and a 3 km stretch of the NCN7 route. In addition, whilst acknowledging the Planning Authority's concerns in relation to some of the assumptions within the LVIA assessment, the Reporters were satisfied that there would be no significant visual effects at viewpoints 7, 9, 11 and 12. With regards to the additional locations, the Reporters consider that whilst there would be significant visual effects at the Nick of the Balloch and Pinbreck/Rowantree Hills, there would be no significant visual effects at the Loch Girvan Eye.

85. Scottish Ministers agree with the Reporters' conclusion at Paragraph 160 of the PI Report that in terms of the effect of the proposed Development on views that there would be significant effects on visual receptors within limited areas around Dailly and in parts of the Upper Stinchar Valley. Significant effects would also occur on recreational routes including Nick of the Balloch/NCN7 cycle route and at viewpoints within the High Carrick Hills area at Pinbreck Hill.

86. Having regard to effects on designated landscapes, Scottish Ministers acknowledge there are no national parks or national scenic areas affected.

87. The Reporters were satisfied that in relation to Stinchar Valley LLA and High Carrick Hills LLA, that there would be no significant effects across the majority of the LLAs and on most aspects of the description of character and special qualities. With regard to Water of

Girvan LLA the Reporters find the proposed Development would not have significant effects on the description of character and special qualities.

88. Scottish Ministers agree with the Reporters' conclusion at paragraph 161 of the PI Report that the proposed Development would have significant effects on some of the special qualities within parts of the Stinchar Valley LLA and the northwestern parts of the High Carrick Hills LLA

Aviation Lighting

89. The proposed Development comprises of turbines over 150 m in height and are therefore required by air traffic safety policy to include visible aviation lighting.

90. In its objection, the Planning Authority stated that the Company failed to demonstrate that aviation lighting would not introduce intrusive and prominent lights into an area important for its dark skies, thus adversely impacting upon views from the Merrick WLA and transition area of the Dark Sky Park.

91. The Company's updated Aviation Lighting Report (March 2023) confirms the CAA's requirements for wind turbines to be fitted with aviation warning lighting of medium intensity steady red 2000 candela ("cd") hub lights on eight of the fourteen turbines (T1, T3, T5, T7, T8, T10, T12 and T13). Back up lights would be required on the nacelles of the above turbines, which would only illuminate in the event of failure. The eight lights would incorporate angle intensity reduction (reducing the effects beyond 1 degree above and below horizontal) and reduced intensity technology (reducing intensity to 10% of peak e.g. 200 cd in good weather conditions). Infrared lights required by MOD would be installed on T01 to T03 and T05 to T13.

92. The proposed Development is outside the Dark Sky Park, with the nearest turbine located approximately 6 km from the core area. The Company acknowledges that the proposed lighting would introduce night-time effects into an area with no current aviation lighting, since existing operational wind farms have lower turbine heights. In addition, the Applicant accepts that lights would be seen from elevated locations within the northwestern part of the Dark Sky Park. However, the Company asserts that any interference with stargazing activities would be limited as a result of the separation between the proposal and the Dark Sky Park and the positioning of the lights on or below the horizon.

93. The Company proposes the use of a condition relating to the provision of regular updates to the Planning Authority outlining the availability of options designed to reduce visible lighting, including the potential for installing an Aircraft Detection Lighting System ("ADLS") if it becomes feasible in the future. The Reporters do not consider that an ADLS is necessary to make the proposal acceptable in terms of night-time effects, however, due to the proximity of the Dark Sky Park and potential for some effects, they consider it reasonable for the Company to regularly review the need for and potential implementation of an ADLS. Scottish Ministers agree with this assessment and an appropriately worded condition has been included at Annex 2 accordingly.

94. The Reporters' assessment and conclusions on the effects of the proposed Development's aviation lighting are set out in paragraph 138 to 158 of the PI Report. The Reporters find that the proposed aviation lighting would not have significant adverse effects on the surrounding area, including on the Dark Sky Park or WLA, primarily due to distance, topography and the presence of existing settlement lighting.

95. Scottish Ministers agree with the Reporters overall conclusion that there would be no significant night-time visual effects, individually or cumulatively, including on the Dark Sky Park. (paragraph 163).

Cumulative landscape & visual effects

96. The Company's cumulative assessment concludes that the effects on all landscape and visual receptors would either be the same as for Craiginmoddie alone or would be slightly reduced due to the presence of other wind farms. The only exception to this would be some significant cumulative effects with the proposed Carrick Wind farm on a short section of the NCN7 route as it passes by the Application site.

97. The Reporters considered the cumulative landscape and visual effects of the proposed Development at paragraphs 116 to 128 of the PI Report.

98. Having considered the combined effects of the proposed Development with the nearby Hadyard Hill Wind Farm and the Kirkhill Wind farm located to the northwest of the site, the Reporters find that the level of additional cumulative change would not be significant. The Reporters were therefore satisfied that there would be limited scope for significant cumulative landscape and visual effects with consented or operational wind farms.

99. Of the wind farms at application or appeal stage, the Reporters consider that the conjoined applications at Carrick and Knockcronal are the most likely to have potential for significant cumulative effects when combined with the proposed Development. Given the close proximity of the proposed sites, the Reporters note that the conjoined applications would appear in views as a single larger wind farm. However, the PI Report concludes that there would be limited scope for significant cumulative landscape or visual effects, apart from a short section of the NCN7 as it passes between the proposed Development and Carrick application sites.

100. Scottish Ministers agree with the Reporters overall conclusion that the proposed Development would not lead to any significant cumulative landscape or visual effects with any operational, consented, proposed or appeal-stage wind farms, with the exception of the aforementioned section of the NCN7.

101. Scottish Ministers have today refused the Carrick Wind Farm section 36 application.

Wild land

102. The Company predicted that there would be no significant effects, either individually or cumulatively, on the Merrick WLA, including no material change in the experience of any of the wild land qualities.

103. The Reporters considered the effects on the Merrick WLA at paragraph 129 to 136 of the PI Report. The Reporters agree with the Planning Authority and NatureScot that the turbines would be prominent in parts of the view from hills in the north of the WLA. However, given the overall extent of the WLA, and the limited visibility of the proposals from the south and interior parts, they consider that there would be no significant effects on the core of the WLA where the wild land qualities are most strongly expressed.

104. The Reporters conclude that the proposed Development would not fundamentally alter the experience of remoteness or naturalness within the WLA, either individually or cumulatively, nor would it significantly alter any of the wild land qualities.

105. Scottish Ministers agree with the Reporters conclusion that “there would be an adverse visual effect on part of the view from hills to the west and north of the wild land area, but the wild land area’s qualities and sense of remoteness experienced from most of the wild land area would not be significantly affected”.

106. Scottish Ministers acknowledge that NPF4 confirms effects of development outwith wild land areas will not be a significant consideration.

Conclusion on landscape and visual impacts

107. Having considered the EIA Report, all the additional information, consultation responses, representations, the findings, conclusions and recommendation of the PI Report, Scottish Ministers agree with the Reporters’ overall conclusions on the landscape and visual effects of the proposed Development are set out at paragraph 511 of the PI Report.

108. The Scottish Ministers acknowledge that the proposed Development will have some significant landscape and visual impacts. It is also acknowledged that no national or regional landscape designations will be significantly affected by the proposed Development.

109. Taking into account the above, the Scottish Ministers consider that the landscape and visual impacts, and effects from aviation lighting are acceptable when the impacts are weighed against the benefits that the proposed Development will bring in terms of its contribution to renewable energy and climate change targets.

Effects on residential amenity (including visual, noise and shadow flicker)

110. In the EIA Report at Technical Appendix 6.7 – Residential Visual Amenity Assessment (“RVAA”) updated by AI, the Company’s assessed all 8 properties within 2 km of the site, plus an additional 2 outside this distance. The Company found two properties,

Dobbingstone Farm and Delamford Farm, having the potential to meet the RVAA threshold, however concluded that effects would not be sufficient to meet the threshold. The Company concluded in no case would effects be of such nature and / or magnitude that it potentially affects living conditions at any property to the point it becomes an unattractive place to live.

111. The Company assessed the impact of noise from the construction, operation and decommissioning of the proposed Development within the EIA Report at Chapter 10: Noise, AI and AI IV. The Company concluded the likely environmental effect from noise during construction and daytime and night-time operation would not be significant. While there is potential for noise thresholds to be exceeded (cumulatively) at three properties, no residual cumulative significant effects are predicted subject to site-specific noise limits and a mitigation scheme.

112. The EIA Report Chapter 14 Infrastructure and Human Health assesses the impact of shadow flicker from the proposed Development. Following assessment of four properties within the shadow flicker zone, the Company concluded no potentially significant effects are predicted to occur in relation to shadow flicker, including cumulatively.

113. The Planning Authority originally objected due to impacts on Residential Amenity on the basis that the U25 road is unsuitable for construction traffic, however its objection was later withdrawn subject to a condition. It considered that the impacts arising from the proposed Craiginmoddie Wind Farm in relation to operational noise, shadow flicker and visual impact are generally acceptable, subject to conditions.

114. Dailly Community Council, Crosshill, Straiton & Kirkmichael Community Council and Save Straiton for Scotland, object due to impacts on Residential Amenity. Save Straiton for Scotland object on visual impacts and noise impacts, specifically highlighted in its evidence to Inquiry concerns regarding the impact of infrasound/low frequency sound, vibration and amplitude modulation. A number of representations also object on the grounds of the impact on residential amenity, including from noise, visual impact and shadow flicker.

115. The Reporters considered the effects of the proposed Development on residential visual amenity at paragraph 165 to 190 of the PI Report. Reporters concluded in their assessment for Dobbingstone Farm and Delamford Farm, their additional examination of Delamford Cottage, Knockrochar Farm, Doughty Farm, found that individually and cumulatively the proposed Development would not make the above properties an unattractive place to stay.

116. Having regard to Glenalla Farm, the Reporters found that individually the proposed Development would not make it an unattractive place to stay. However, if Craiginmoddie, Carrick and Knockcronal were all to be consented, cumulatively these would create an overwhelming effect. The Reporters advised if all three developments were to be consented, an assurance would be required that a financial involvement is secured for Carrick wind farm. However, if Craiginmoddie Wind Farm is consented along with the Knockcronal proposal, the Reporters do not consider that the nature of the visual impacts would mean that Glenalla Farm would be subject to overwhelming effects.

117. The Reporters set out their findings on Noise at paragraphs 191 to 233. They acknowledge the concerns raised by Save Straiton for Scotland in relation to noise and have considered their arguments and submissions. The Reporters were satisfied, taking into account existing guidance and policy, that the noise levels during construction and operation, including cumulatively with other wind farms, would be within an acceptable threshold. Reporters conclude that there is unlikely to be significant effects from operational noise subject to planning conditions using site-specific noise limits and a noise management scheme (paragraph 242).

118. With regard to effects of shadow flicker, the Reporters consider this matter at paragraph 234 to 241 of the PI Report, finding that subject to a planning condition as precautionary mitigation, significant adverse effects would not occur from shadow flicker that would render the impact unacceptable in residential amenity terms, including cumulatively. The Reporters conclude that a shadow flicker planning condition should be used to ensure that no significant effects are experienced at any nearby properties (paragraph 242).

119. This agrees with the Planning Authority assessment that the impacts from noise and shadow flicker are generally acceptable, subject to conditions.

120. Scottish Ministers agree with the Reporters' overall conclusion set out at paragraph 511 of the PI Report that, with the use of planning conditions, the residential amenity (visual, noise, shadow flicker) of nearby residences would not be unacceptably impacted.

Private Water Supply

121. The Company's EIA Report Chapter 12 and additional information sets out that subject to the implementation of mitigation, residual effects on PWS would not be significant.

122. The Planning Authority object, recommending turbines T1, T2, and T3 be deleted from the proposal. Dobbingstone Farm, a PWS user, object due to the risks involved and because no guarantees can be given against adverse impact. In addition, in their view, there is no viable alternative water source. Dailly Community Council also object on the impact to private water supplies.

123. SEPA do not object subject to conditions to secure mitigation to help protect private water supplies.

124. Scottish Ministers acknowledge that during Inquiry proceedings the Company proposed additional mitigation relating to the surface water catchment, including the removal of the use of the access track between T2 and T3 and the micro-siting of all infrastructure associated with T2 outwith the catchment area.

125. The Reporters consider the effects of the proposed Development on PWS from paragraphs 243 to 288 of the PI Report taking account of the information submitted and presented by the Company, the Planning Authority, SEPA and Dobbingstone Farm. Consultation responses provided by SEPA and Dailly Community Council and

representations by Save Straiton for Scotland and those submitted to the Scottish Government's ECU were also considered.

126. In relation to surface and shallow groundwater the Reporters conclude at paragraph 262, that taking into account the mitigation proposed above by the Company, they consider that residual risk should not be regarded as significant.

127. Having considered the evidence provided on the impacts of groundwater within bedrock, the Reporters find at paragraph 271 of the PI Report that the risks have not been clearly shown to be any greater than that judged in the Company's assessment. The Reporters also found no substantial reasoning why they should not accept the advice of SEPA and the mitigation available to help reduce risks.

128. The Reporters also considered that the Company's proposal to remove traffic activity within surface water catchment would assist in reducing the potential for changes in water turbidity for both surface and groundwater which could potentially arise between T2 and T3.

129. At paragraph 285 of the PI Report the Reporters conclude that with the mitigation proposed, they do not consider that significant residual effect would arise with regard to Dobbingsstone Farm or the other PWS and that no cumulative effects with any other wind farms have been identified.

130. Scottish Ministers agree with the Reporters view at paragraph 287, that the Planning Authority's request to delete T1, T2 and T3 would not be appropriate (for the same reasons set out by the Reporters) and concur that this change would not be regarded as minor.

131. With regard to peat slide risk at Dobbingsstone Farm, the Reporters find that there are no earthworks planned in areas identified as high risk near the Dobbingsstone Farm abstraction point, however recommended Scottish Ministers consult its advisor on peat matters (Ironside Farrar) to confirm the PWS abstraction point for Dobbingsstone Farm was included in the Company's supplementary PWS document within AI of October 2021. In its response to Scottish Ministers dated September 2024, Ironside Farrar confirmed it was included, however the mitigation suggested for T2 did not mention the PWS abstraction point. Therefore, Ironside Farrar advised the PLHRA be updated "prior to construction to highlight this receptor and its particular risks and to ensure that mitigation measures discussed are enshrined within the construction documents and developed further".

132. Scottish Ministers agree and have added this requirement to the conditions of consent at Annex 2 part 2.

133. Scottish Ministers agree with the Reporters' overall conclusion at paragraph 511 of the PI Report in relation to PWS that, with the use of planning conditions, and based on the advice of SEPA, the risks to private water supplies can be appropriately managed.

Aviation Safety

134. Chapter 14 of the EIA Report predicts, subject to any necessary mitigation, that there would be no potentially significant residual effects on Aviation either individually or cumulatively.

135. The Planning Authority objected due to the potential impacts on GPA, specifically highlighting that agreed radar mitigation was not in place.

136. All of the 14 proposed wind turbines would be visible to GPA's PSR and in line of sight of GPA's Very High Frequency ("VHF") transmitter and receiver. GPA's concerns are in relation to the potential cumulative effect on the PSR and VHF communication systems, as well as the potential combined cumulative effects on both of those systems. GPA confirmed that the proposal would not impact on the PSR's processing capacity or the airport's Instrument Flight Procedures.

137. Scottish Ministers note although there is agreement in principle between the Company and GPA that the effects of the proposed Development on GPA's operations can be effectively mitigated, there is disagreement on the extent of GPA's responsibility, the nature of the effects and therefore the exact mitigation required. This has therefore resulted in disagreement over the wording of the relevant condition.

138. The Reporters assessment and conclusions of the effect of the proposed Development on aviation safety are set out at paragraph 289 to 329 of the PI Report. The Reporters "consider a condition should be placed on any consent to secure appropriate radar and VHF mitigation, including measures to optimise the PSR and additional mitigation if adverse effects are identified. Attaching this as a section 36 condition would ensure that Scottish Ministers are content that any additional mitigation measures are reasonable, on the basis of post-construction modelling, and do not go beyond what the condition may support: measures that are necessary and directly related to the proposal." (paragraph 328)

139. The Scottish Ministers agree with the Reporters overall conclusion at paragraph 511, that, subject to a condition requiring Scottish Ministers to sign-off mitigation, the effects on aviation safety at GPA would be appropriately managed.

140. Subject to the conditions proposed by DIO and NATS, Scottish Ministers are content that the proposals do not raise any other aviation safety concerns.

141. The Scottish Ministers agree with the Reporters' conclusions in respect of the impact of the proposed Development on aviation radar and systems and adopt them for the purpose of their own decision. As such, an appropriately worded planning condition have been adopted as set out in Annex 2.

Effects on tourism, recreational resources and socio – economic impacts

142. Chapter 15 of the EIA Report sets out the Company's socio – economic effects. Effects on tourism, recreational and cultural resources are considered by the Company at

chapters 6 Landscape and visual, chapter 7- cultural heritage and archaeology, chapter 11 - traffic and transportation and chapter 14 - infrastructure and human health.

143. The Company predicts that during the construction phase the proposed Development could support up to 318 man years in Scotland, including 153 man years in South Ayrshire. In Gross Value Added (“GVA”) terms the construction phase has the potential to contribute £8.91 million into the South Ayrshire economy and £18.47 million into the Scottish economy as a whole.

144. During operation and maintenance, the Company estimates the proposed Development could support an additional 16 job years in Scotland, potentially contributing £1.6 million to the Scottish economy. In GVA terms, the Proposed Development is expected to sustain up to 7 job years and contribute £711 k per annum to the South Ayrshire economy.

145. The Company estimate that £22.8 million of contracts could be secured in South Ayrshire and £47.2 million of contracts could be secured in Scotland as a whole.

146. Concerns regarding effects on Tourism and recreation were raised in the objections from the Planning Authority, Crosshill, Straiton & Kirkmichael Community Council, Dailly Community Council and in representations submitted to the ECU. Representations highlight that a separate tourism assessment has not been carried out, as well as citing a lack of evidence of socio-economic benefits to the local area.

147. The Planning Authority objects to the Application on the basis of significant adverse effects on the tourism and recreational resource of the locality including: the Merrick WLA, Galloway Forest Park, the Dark Sky Park, stretches of the NCN7, including at the Nick of the Balloch, stretches of the Ayrshire Alps Cycle Park and important viewpoints including Craigengower Monument, Cornish Hill and Shalloch on Minnoch Hill.

148. Crosshill, Straiton & Kirkmichael Community Council and other representations also raised concerns regarding impacts on the aims of the UNESCO Galloway and Southern Ayrshire Biosphere.

149. The landscape and visual impacts have been assessed previously, and it was concluded there would be no significant landscape and visual impacts on Merrick WLA and the Galloway Dark Sky Park.

150. The Reporters assessment and conclusions on tourism and socio-economic impacts are set out in paragraphs 342 to 361 of the PI Report. The Reporters are satisfied that the Company has considered effects on the relevant tourist, recreational and cultural resources in the area across the aforementioned chapters of the EIA report.

151. The Reporters found that there would be significant visual effects on some recreational routes and locations important for walking and cycling, including the NCN7 and limited parts of the Stinchar Valley and High Carrick Hills LLAs. The Company’s commitment to access the site via the U25 rather than the U27 would avoid traffic impacts on users of the NCN7 near to the proposed site. Given their distance from the proposed

site and the existence of other wind farms in the area, the Reporters found no significant adverse effects on the Southwest 300 route or Turnberry Golf Course.

152. The PI Report notes the Biosphere charitable organisation does not object regarding impact on the biosphere reserve, but its policy is that large-scale wind farm developments in the Core and Buffer Zone of the Biosphere would be inappropriate. As the site lies outside the Core and Buffer Zones and taking into account their findings on landscape and visual effects above, the Reporters consider that the proposal would not have a significant effect on Biosphere visitor numbers, given the existence of other wind farms in the Transition Zone.

153. The Reporters assessment of the effects on cultural heritage, found that these assets, which may also be a draw for recreation and tourism, would not be significantly adversely affected.

154. The Reporters note that the Onshore Wind Policy Statement (“OWPS”) highlights that onshore wind farm developments do not generally have a negative effect on tourism and that there is no clear and direct evidence presented of a significant adverse impact.

155. Scottish Ministers agree with the Reporters findings at paragraph 354 that the proposed Development would bring modest social and economic benefits, including potential new pathway linkages. While no significant adverse effects are identified on tourism resources generally, significant visual effects are identified on some walking and cycling routes.

156. Whilst the overall net economic benefits are estimations, the Scottish Ministers are satisfied there is the potential for positive net economic benefits both for South Ayrshire and Scotland.

157. The Scottish Ministers have taken account of appropriate sections of the EIA Report, consultation responses, public representations alongside the Reporters considerations and subsequent conclusions, and are satisfied that the proposed Development will not have a detrimental impact on tourism. Whilst it is always difficult to precisely quantify overall net economic benefits, Scottish Ministers are also satisfied that, through employment during the construction, operational and decommissioning phases, the proposed Development has the potential to bring net positive economic benefits.

Other matters

158. As suggested by the Reporters, Scottish Ministers have taken further advice from its advisor on peat matters, Ironside Farrar, regarding outstanding concerns in relation to the Company’s peat probing approach within its PLHRA. Scottish Ministers in consultation with Ironside Farrar are satisfied the Company’s AI II (January 2023) now addresses these matters.

159. In addition, the Reporters acknowledge the concerns raised in representations about the drainage implications of the new access track intended to connect with the U25, and concern over peat slide in this area. Reporters found there is no evidence to suggest that

peat slide would be an issue. As recommended by the Reporters, Scottish Ministers sought advice of their peat advisors on this issue and they conclude there is unlikely to be peat and therefore peat landslide risk at this location.

160. The Scottish Ministers note the two Sites of Special Scientific Interest (“SSSI”) within 10 km of the site – Auchalton SSSI lies approximately 3.5 km north-east of the site and Turnberry Dunes SSSI lies approximately 8.5 km north-west. These SSSIs would not be affected by the proposed Development and no objections have been raised accordingly.

Benefits of the proposed Development and the extent to which it accords with Scottish Government policies, the local development plan and other relevant plans and guidance

Climate Change and Renewable Energy Policy Objectives

161. The seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remain a priority for the Scottish Ministers. The Climate Change (Emissions Reduction Targets) (Scotland) Act 2024 (the “2024 Act”) sets a target for Scotland to be carbon-neutral, meaning net-zero emissions by 2045 at the latest. The 2024 Act establishes legally binding limits on the amount of greenhouse gases Scotland can emit, over 5 year periods, up to 2045.

162. Scottish Energy Strategy (“SES”) 2017 set a 2030 target for the equivalent of 50% of Scotland’s heat, transport, electricity consumption to be supplied from renewable sources (the Draft Energy and Just Transition Plan (2023) maintains this target).

163. The Onshore Wind Policy Statement (“OWPS”) published in December 2022 reaffirms the vital role for onshore wind in meeting Scotland’s energy targets within the context of the Scottish Government’s 2045 net zero emissions commitment. The OWPS sets out the Scottish Government’s position for the ongoing need for more onshore wind development and capacity in locations across Scotland, where it can be accommodated in appropriate locations. OWPS also seeks to maximise the benefits from onshore wind to ensure that Scotland’s citizens have access to affordable, low carbon and renewable energy whilst tackling the climate and nature crises in tandem.

164. The Company estimate the proposed Development would have an estimated generating capacity of up to 92.4 MW for the wind element, battery energy storage is estimated to add an additional 7 MW. The Company estimate the proposed Development could produce electricity equivalent to the needs of approximately 59,509 homes and save up to 96,027 tonnes of CO2 each year. However, the Company anticipate the capacity factor to increase to around 35%, supplying the equivalent of approximately 78,302 homes.

165. Appendix 3.1 of the Company’s EIA Report sets out that the estimated carbon payback period for the proposed Development is in the region of 3.6 years compared to grid-mix electricity generation and 2 years based on fossil fuel mix. Whilst noting the limitations of any such calculations, the online carbon calculator provides the best available means by which carbon calculations can be provided in a consistent and comparable format.

166. The Reporters consideration of the proposed Development's contribution to net zero targets is detailed in paragraph 362 to 363 of the PI Report. The Scottish Ministers agree with the Reporters' conclusions that the proposed Development would be beneficial in terms of carbon savings and make an important contribution to the Scottish Government's onshore wind capacity target.

Consistency or otherwise with national and local planning policy

Scotland's National Planning Framework

167. Paragraphs 449 to 510 of the PI Report sets out the Reporters' overall conclusions of the proposed Development in the context of NPF4, relevant national climate change and energy policy, national planning policy and other relevant local planning policy and guidance.

168. Although the Application was submitted prior to the publication of OWPS in December 2022 and the adoption of NPF4 on 13 February 2023, the parties addressed this new policy context in their submissions to the Public Inquiry. The Reporters' considerations of the proposed Development and NPF4 (including a range of relevant policies) are set out in paragraph 449 to 486 of the PI Report.

169. The Reporters acknowledge that NPF4 now forms part of the statutory development plan and is read alongside the South Ayrshire Local Development Plan 2.

170. NPF4 sets out the spatial principles and by applying these, the national spatial strategy will support the planning and delivery of:

- sustainable places;
- liveable places; and
- productive places.

171. The national spatial strategy acknowledges that meeting the climate ambition will require rapid transformation across all sectors of our economy and society. It states that this means ensuring the right development happens in the right place. NPF4 recognises that every decision on future development must contribute to making Scotland a more sustainable place. Part 1 of NPF4 sets out a Spatial Strategy for Scotland to 2045 and identifies developments of national importance to help deliver that strategy. The need for renewable electricity generation, of which the proposed Development is an example, is established therein.

172. The energy policy, Policy 11, also sets out the matters that are to be addressed in the design and mitigation of a development which include impacts (including cumulative) on communities and individual dwellings; significant landscape and visual impacts; historic environment; biodiversity; trees and woodlands; public access; aviation and defence interests; telecommunications and broadcasting; road traffic; water environment; decommissioning of developments and site restoration. The policy requires that in considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions

reduction targets. The policies within NPF4 require to be considered and balanced when reaching a decision on applications for wind energy development.

173. As stated above, NPF4 supports the planning and delivery of sustainable places, liveable places and productive places, and that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits over the longer term. Decisions should be guided by policy principles including, among others, giving due weight to net economic benefit; supporting the delivery of renewable energy infrastructure; reducing greenhouse gas emissions and responding to the nature crisis.

174. The Scottish Ministers are satisfied that the matters pertaining to NPF4 have been assessed in the Application, EIA Report, the AI, AI II, AI III and AI IV and considered in responses from the Planning Authority, HES, SEPA, NatureScot and other relevant bodies.

175. The Scottish Ministers acknowledge that the proposed Development would result in significant landscape and visual (including cumulative) impacts. There would be significant effects on visual receptors within limited areas within the area around Dailly and in parts of the Upper Stinchar Valley. Significant effects would also occur on recreational routes including Nick of the Balloch/NCN7 cycle route and at viewpoints within the High Carrick Hills area at Pinbreck Hill.

176. Scottish Ministers acknowledge the Reporters findings that not all of the qualities of the Stinchar Valley LLA and High Carrick Hills LLA would be significantly affected, and neither would the integrity of the LLAs. The significant landscape and visual impacts would be contained within small parts of the Stinchar Valley and the northwestern parts of the High Carrick Hills. As a result, The Reporters consider that the effects would be localised and find no major conflict with policy 11(e)(ii).

177. The Scottish Ministers agree with the Reporters these effects are acceptable in the context of the benefits the proposed Development bring, particularly in terms of its contribution to renewable energy and climate change targets as well as socio-economic benefits.

178. The Scottish Ministers in making their determination on the Application, have had to balance the above considerations, decide what weight is to be given to each and reach a view as to where the balance of benefit lies. The Scottish Ministers agree with the findings of the Reporters that, on balance, the proposed Development is acceptable and supported overall by NPF4 policies.

Local Development Plan ("LDP")

179. The Planning Authority assessed the proposed Development against the LDP - South Ayrshire Local Development Plan 2 (SALDP). It objected to the Application stating the proposed Development does not accord with SALDP policies Wind Energy – criterion a), b), c) and f), Sustainable Development, Landscape Quality, Air, Noise and Light Pollution, and Water Environment of the SALDP, supplementary guidance on Wind Energy

(adopted 2015) and Dark Sky Lighting (2016) and the South Ayrshire Landscape Wind Capacity Study 2018.

180. Scottish Ministers note South Ayrshire Local Development Plan 2 was adopted in August 2022.

181. The Reporters considered the proposed Development against the LDP and supplementary guidance at paragraphs 487 to 502 of the PI Report. The Reporters agreed with the Planning Authority and the Company that the LDP policy on Wind Energy is the key LDP policy relevant to this proposed Development.

182. The Reporters conclude at paragraph 502 of the PI Report that although the LDP and NPF4 contain similar policies, NPF4 sets out the significant weight to be placed on the benefits of proposed schemes in relation to contribution towards renewable energy targets. Therefore, while the Reporters consider that there would be some significant landscape and visual effects, these effects would be outweighed by the benefits of the proposed Developments contribution to renewable energy targets and therefore would receive significant support from the LDP as a whole.

The Scottish Ministers' Conclusions

Reasoned conclusions on the Environment

183. The Scottish Ministers are satisfied that the EIA Report and its AI, AI II, AI III and AI IV have been produced in accordance with the EIA Regulations and the Consents Regulations and that the relevant procedures regarding publicity and consultation laid down in those regulations have been followed.

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

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

186. The Scottish Ministers have fully considered the AI, AI II, AI III and AI IV, the consultation responses, representations, the findings, conclusions, and recommendation of PI Report and are satisfied that the environmental impacts of the proposed Development have been sufficiently assessed. The Scottish Ministers have taken the environmental information into account when reaching their decision.

187. Taking into account the above assessment, subject to conditions to secure environmental mitigation, the Scottish Ministers consider the environmental effects of the proposed Development are mostly overcome with the exception of significant local landscape and visual effects, which are considered acceptable when balanced against the benefits of the proposed Development.

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

Acceptability of the proposed Development

189. As set out above, the seriousness of climate change, its potential effects and the need to cut carbon dioxide emissions, remains a priority for Scottish Ministers. Scotland's renewable energy and climate change targets, energy policies and planning policies are all material considerations when weighing up this proposed Development. NPF4, The Energy Strategy, and the OWPS make it clear that renewable energy deployment remains a priority of the Scottish Government. This is a matter which should be afforded significant weight in favour of the proposed Development.

190. The transition to a low carbon economy is an opportunity for Scotland to take advantage of our natural resources to grow low carbon industries and create jobs. Benefits to the Scottish economy are anticipated alongside short-and longer-term benefits to the Planning Authority area of South Ayrshire Council.

191. The Scottish Ministers are satisfied that the proposed Development will provide a contribution to renewable energy targets and carbon savings. The Scottish Ministers are satisfied that the deployment of this amount of renewable energy is entirely consistent with the Scottish Government's policy on the promotion of renewable energy and its target date for net-zero emissions of all greenhouse gases by 2045.

192. The Scottish Ministers consider that the proposed Development would result in some significant landscape and visual (including cumulative) impacts including on the host Foothills with Forest and Wind farm LCT. There would be significant indirect landscape and visual effects on parts of the neighbouring LCTs, including significant cumulative visual effects from the NCN7 cycle route and road, and significant visual effects on parts of the Stinchar Valley and High Carrick Hills LLAs. The significant visual effects would impact on some but not all of the LLAs' qualities.

193. However, the Reporters note that these impacts would not adversely affect the integrity of the LLA's and, in accordance with NPF4, that these impacts would be considered as localised.

194. The Scottish Ministers have considered the environmental effects including the landscape and visual effects (including cumulative) of the proposed Development and consider them to be acceptable subject to conditions. The Scottish Ministers are also satisfied that the proposed Development will not have any significant effects on any protected species, National Scenic Area or National Park.

195. The proposed Development, if built, would align with the strategic objectives of NPF4 by supporting the transition to a low carbon economy for Scotland and to take advantage of our natural resources to grow low carbon industries. The Scottish Government has

confirmed its long-term commitment to the decarbonisation of electricity generation and the proposed Development would help advance this policy objective.

196. The Scottish Ministers are satisfied that the issues regarding aviation radar and systems, as well as the other environmental issues, would be appropriately addressed by the mitigation measures secured by relevant conditions attached to the planning permission deemed to be granted by the Scottish Ministers.

197. The benefits of the proposed Development must be considered carefully in the context of the impacts on the natural environment that would result and whether, on balance, they are acceptable. Having considered this balance, the Scottish Ministers are satisfied that the negative impacts are acceptable in the context of Scottish Government policy, and in the context of the net economic benefits and significant renewable energy benefits that the proposed Development would bring.

198. The Scottish Ministers agree with the reasoning and conclusions set out in the PI Report and adopt them as their own; the Scottish Ministers agree with the recommendation of Reporters that consent should be granted.

The Scottish Ministers Determination

199. Subject to the conditions set out in Part 1 of Annex 2, the Scottish Ministers grant consent under section 36 of the Electricity Act 1989 for the construction and operation of the Craiginmoddie Wind Farm, a wind powered electricity generating station within the administrative area of South Ayrshire Council, as described at Annex 1.

200. Subject to the conditions set out in Part 2 of Annex 2, the Scottish Ministers direct that planning permission is deemed to be granted under section 57(2) of the Town and Country Planning (Scotland) Act 1997 in respect of the Development as described at Annex 1.

Section 36 consent and expiry of Planning Permission

201. The consent hereby granted will last for a period of 35 years, from the earlier of:

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

202. Section 58(1)(a) of the Town and Country Planning (Scotland) Act 1997 requires where planning permission is deemed to be granted, that it must be granted subject to a condition that the permission will expire if it has not begun within a period of 3 years.

203. Section 58(1)(b) of that Act enables the Scottish Ministers to specify that a longer period is allowed before planning permission will lapse. Scottish Government policy is that

due to the constraints, scale and complexity of constructing such developments, a 5-year time scale for the commencement of development is appropriate.

204. The Scottish Ministers consider that 3 years is not to apply with regard to the planning permission granted above, and that planning permission is to lapse on the expiry of a period of 5 years from the date of this direction, unless the development to which the permission relates is begun before the expiry of that period. A condition has been imposed stating that development must be begun within 5 years beginning with the date on which the permission is deemed to be granted and if development has not begun at the expiration of that period, the planning permission will lapse in terms of section 58(3) of the 1997 Act.

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

206. Copies of this letter have been sent to the public bodies consulted on the Application including the Planning Authority, NatureScot, SEPA and HES. This letter has also been published on the Scottish Government Energy Consents website at www.energyconsents.scot

207. 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.

208. The rules relating to the judicial review process can be found on the website of the Scottish Courts: <https://www.scotcourts.gov.uk/rules-and-practice/rules-of-court/court-of-session-rules>

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

Yours sincerely,

pp Eilidh Steele

Alan Brogan
For and on behalf of the Scottish Ministers
A member of the staff of the Scottish Government

Annex 1 – Description of Development
Annex 2 – Section 36 conditions and Deemed Planning Conditions
Annex 3 – Site Layout Plan

Description of Development

The Development shall comprise of a wind powered electricity generating station known as Craiginmoddie Wind Farm, with a total generating capacity exceeding 50 megawatts, located approximately 4 km to the north east of Barr and 4km south of the village of Daily in the planning jurisdiction of South Ayrshire Council, all as specified in the Application and accompanying Environmental Impact Assessment Report (EIAR) dated December 2020, and Additional Information: AI, AI II, AI III and AI IV.

The Craiginmoddie Wind Farm and related ancillary development shall be comprised of:

- 14 wind turbines not exceeding 200m ground to blade tip height;
- Battery Energy Storage Facility;
- Associated turbine transformers;
- Associated turbine foundations;
- Hardstanding areas for erecting cranes at each turbine location;
- On-site tracks connecting each turbine;
- Underground cables linking the turbines to the substation;
- New watercourse crossings;
- 2 borrow pit search areas for the extraction of stone onsite;
- A temporary construction compound;
- On-site substation;
- Off-site access works including new access tracks.

All as more particularly shown on Figure 3.1 'Proposed layout' of the EIAR forming **Annex 3** to this letter.

Part 1 - Section 36 conditions

1. Date of First and Final Commissioning

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

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

2. Commencement of Development

- (1) The Development shall be commenced no later than 5 years from the date of this consent, or such longer period as the Scottish Ministers may approve in writing.
- (2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and Scottish Ministers as soon as is practicable after such a date is set by the Company, and in any event no later than one calendar month prior to the Commencement of Development.

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

3. Assignment

- (1) The consent shall not be capable of being assigned, alienated or transferred without written authorisation of the Scottish Ministers.

- (2) In the event the assignment is authorised, the Company must notify the Planning Authority and Scottish Ministers in writing of the principal named contact of the assignee and contact details within 14 days of the consent being assigned.

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

4. Serious Incident Reporting

In the event of any serious breach of health and safety or environmental obligations relating to the Development causing harm to the environment (including harm to humans) during the period of this consent, written notification of the nature and timing of the incident shall be submitted to the Scottish Ministers within twenty-four hours of the incident occurring including confirmation of remedial measures taken and/or to be taken to rectify the breach.

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

5. Glasgow Prestwick Airport

- (1) No development shall commence unless and until the Scottish Ministers have confirmed in writing that they are satisfied that the Company has put in place binding undertakings in respect of the following matters.

1.1. Optimisation of Terma PSR

To pay the Airport Operator such sums as are demonstrably and reasonably incurred by the Airport Operator:

- (a) in procuring baseline Probability of Detection Flight Trials to determine the pre-construction Probability of Detection in the airspace above the Development;
- (b) in procuring Terma A/S to undertake a Terma Radar Modelling Assessment to determine the Terma Probability of Reduction Factor in connection with the Development;
- (c) in optimising the Airport Operator's operational Terma PSR to accommodate the Development;
- (d) in validating the optimisation of the Terma PSR undertaken in respect of the Development by way of flight trial over the Development;
- (e) in the event of a wind turbine forming part of the Development being permanently removed, in undertaking steps (c) and (d) above, if necessitated by the removal of such a turbine;

- (f) having the safety case for the Airport Operator's Wind Farm Radar Mitigation Scheme (WFRMS) updated and approved by the CAA; and
- (g) in arranging and facilitating points (a) to (f) above.

1.2. Additional radar mitigation

To pay the Airport Operator such sums as are demonstrably and reasonably incurred by the Airport Operator:

- (a) in carrying out an assessment (the methodology for which and results of which shall be shared with the Company), to establish whether the Development causes an additional adverse impact (after Terma PSR optimisation) on the Airport Operator's Wind Farm Radar Mitigation System that requires to be mitigated and, if so, the Developer shall provide such mitigation (or pay the Airport Operator for the costs of providing such mitigation) for the lifetime of the development as is necessary to address the impact to the satisfaction of the Civil Aviation Authority;
- (b) following the installation and commissioning of such mitigation, in procuring flight trial(s) (the methodology for which and results of which shall be shared with the Company) to establish that the Development's demonstrable impact has been addressed;
- (c) having the safety case for the Airport Operator's WFRMS updated and approved by the CAA or alternatively, creating and having approved, a new safety case for the mitigation determined to be required by this condition as the CAA may require; and
- (d) in arranging and facilitating points (a) to (c) above.

1.3. VHF mitigation

To pay the Airport Operator such sums as are demonstrably and reasonably incurred by the Airport Operator:

- (a) in procuring baseline flight trials ("baseline flight trial(s)") (the methodology for which and results of which shall be shared with the Company) to determine the preconstruction VHF coverage in the vicinity of the Development;
- (b) in procuring flight trial(s) after construction of the Development (the methodology for which and results of which shall be shared with the Company) to determine the adverse impact (if any) on the quality of the VHF coverage in the vicinity of the Development compared to the baseline and current state flight trials;
- (c) in the event of the post construction flight trials demonstrating that there has been an adverse impact on the VHF coverage that, following an operational impact assessment (the methodology for which and results of which shall be shared with the Company), leads to the Development causing a demonstrable operational impact on the Airport Operator's services that requires to be mitigated, the costs

- incurred by the Airport Operator in providing such mitigation for the lifetime of the development as is necessary to address the impact to the satisfaction of the Civil Aviation Authority;
- (d) following the installation and commissioning of such mitigation, in procuring flight trial(s) (the methodology for which and results of which shall be shared with the Company) to establish that the Development's demonstrable impact has been addressed;
 - (e) having the safety case for the Airport Operator's VHF Receiver and Transmitter updated and approved by the CAA or alternatively, creating and having approved, a new safety case for the mitigation determined to be required by this condition as the CAA may require; and
 - (f) in arranging and facilitating points (a) to (e) above.
- (2) No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the testing protocol, unless and until such time as the Scottish Ministers verify in writing to the Company that they have received written confirmation, which is to the satisfaction of the Scottish Ministers, from the Airport Operator that the Company has agreed a Windfarm Mitigation Scheme with the Airport Operator to mitigate the demonstrable impact of the development on:
- I. the Airport Operator's Terma Scanner 4002 primary surveillance radar ("Terma PSR");
 - II. the Airport Operator's other installed Communications, Navigation, Surveillance (CNS) systems and/or navigational aids (including the Airport Operator's VHF coverage in the vicinity of the Development); and
 - III. the efficiency of air traffic services provided by the Airport Operator.
- (3) The written confirmation referred to at (2) must include details of the services and resources included in the windfarm mitigation scheme which has been agreed between the Airport Operator and the Company.
- (4) The Development shall be operated fully in accordance with the approved Wind Farm Mitigation Scheme.

For the purpose of condition 5:

"Airport Operator" means Glasgow Prestwick Airport Limited or any successor as holder of a licence under Article 205 of the Air Navigation Order 2016 from the Civil Aviation Authority to operate air traffic service equipment at Glasgow Prestwick Airport.

“Wind Farm Mitigation Scheme” means such services and resources including equipment, software, procedural or technological measures and technical and professional services, as the Airport Operator demonstrably identifies as necessary and sufficient to prevent the operation of the Development or of any turbines forming part of the Development impacting adversely on:

- (a) radar performance; or
- (b) the performance of other Communication, Navigation, Surveillance (CNS) systems installed at Glasgow Prestwick Airport; or
- (c) the Airport Operator being able to maintain safe and efficient air traffic control services or procedures or airspace;

and which the Airport Operator is able to implement and maintain for the lifetime of the Development or for such shorter period as may be agreed in consultation with the Airport Operator as is demonstrably and reasonably necessary to mitigate any such adverse impact(s).

“Wind Farm Radar Mitigation System” means such equipment and software applications as may be required and installed by the Airport Operator from time to time, to provide an integrated system which allows it to supply safe air traffic services in a wind farm environment and for the surveillance of the airspace within its designated operational coverage.

Reason: *In the interests of aviation safety.*

6. En-Route Radar Mitigation Scheme

- (1) No above ground works shall commence until a Primary Radar Mitigation Scheme has been submitted to and approved in writing by the Scottish Ministers and the Planning Authority following consultation with the Operator.
- (2) No blades shall be fitted to any wind turbine until the technical mitigation measures set out in the approved Primary Radar Mitigation Scheme have been implemented in accordance with its terms and the Development shall thereafter be operated fully in accordance with such approved Primary Radar Mitigation Scheme.

For the purpose of paragraphs 1 and 2 above:

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants P015 7FL or such

other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the Development on the surveillance infrastructure and air traffic management operations of the Operator at Lowther Hill.

Reason: *To safeguard radar and air traffic interests.*

7. Compensatory Replanting Scheme

- (1) There shall be no felling works unless a compensatory planting scheme to compensate for the removal of 58.4 hectares of existing woodland (or such other area of existing woodland as is required to be compensated for in accordance with part (2)) (the Replanting Scheme) has been submitted for the written approval of the Scottish Ministers in consultation with the Planning Authority.
- (2) The Replanting Scheme must:
 - (a) comply with the requirements set out in the UK Forestry Standard and the guidelines to which it refers, and the Scottish Government's Policy on Control of Woodland Removal or such replacement standard as may be in place at the time of submission of the Replanting Scheme for approval; and,
 - (b) include provision for the amendment of the Replanting Scheme to reflect any material change in the area of woodland removal arising from the micro-siting of turbines or infrastructure in terms of **condition 15**.
- (3) The Replanting Scheme must include:
 - (a) details of the location of the area(s) to be planted;;
 - (b) the nature, design/layout and species composition, purpose and specification of the proposed woodland to be planted;
 - (c) the phasing and associated timescales for implementing the Replanting Scheme; and,
 - (d) proposals for reporting to the Scottish Ministers on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme.

- (e) proposals for the maintenance and establishment of the woodland to be planted, including annual checks, replacement planting, fencing, ground preparation and drainage;
- (4) The approved Replanting Scheme (or, as the case may be, an approved amended Replanting Scheme, taking into account any revision to the felling and restocking plans prior to the commencement of operation of the Development) shall be implemented in full, unless otherwise agreed in writing by the Scottish Ministers in consultation with the Planning Authority.

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

Part 2 - Deemed Planning Permission Conditions

8. Commencement of Development

- (1) The Development must be commenced no later than 5 years from the date of this consent.
- (2) Written confirmation of the intended date of Commencement of Development shall be provided to the Planning Authority and Scottish Ministers no later than one calendar month before that date.

Reason: *To comply with section 58 of the Town & Country Planning (Scotland) Act 1997.*

9. Design of Wind Turbines

- (1) No wind turbines shall be erected until full details and specifications of the proposed wind turbines (and any external transformer(s)), (including the power rating and sound power levels, nameplate generating capacity, the size, make and model, type, external finish and colour) any anemometry masts and all turbine associated apparatus, have been submitted to and approved in writing by the Planning Authority.
- (2) For the avoidance of doubt the scale of the wind turbines shall not exceed the parameters assessed in the EIAR and set out in the description of the Development at Annex 1.
- (3) All wind turbine blades shall rotate in the same direction.
- (4) Thereafter, the wind turbines, any anemometry masts, and all associated apparatus shall be constructed and operated in accordance with the details approved under part (1) and shall be maintained free from external rust, staining or discolouration, until such time as the wind farm is decommissioned, unless otherwise agreed in writing by the Planning Authority.

Reason: *To ensure that the size and appearance of the turbines forming part of the Development conform to that assessed in the EIAR and in the interests of the visual amenity of the area.*

10. Design of Substation and Ancillary Development

- (1) Construction of any substation building, control building, watercourse crossings, and any associated compounds, must not commence until final details of the location, external layout, external appearance, dimensions and surface materials of the corresponding buildings or structures, as well as any external lighting (excluding aviation lighting), masts (communication and CCTV) and fencing, have been submitted to and approved in writing by the Planning Authority (in consultation with SEPA in respect of watercourse crossing).
- (2) Thereafter, construction of these buildings and structures shall be constructed in accordance with the approved details.

Reason: *To ensure that the design of buildings and other above ground structures does not detract from the visual amenity of the area.*

11. Design of Energy Storage Facility

- (1) There shall be no commencement of development on the battery energy storage facility until details of the location, layout, external finishes and appearance, dimensions and surface materials of the energy storage facility, inclusive of battery containers, substations, control buildings external above ground electrical equipment, associated compounds, construction compound boundary fencing, external lighting, security cameras and parking areas have been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt the details of the energy storage facility shall not exceed the parameters assessed in the EIAR.
- (2) Thereafter, the energy storage facility shall be constructed in accordance with the details approved under part (1) and the infrastructure shall be maintained in the approved colour, free from rust, staining or discolouration until such time as the Development is decommissioned..

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

12. Signage

No part of the Development shall display any name, logo, sign or advertisement (other than health and safety signage as required by law) or be illuminated (with the exception of aviation safety lighting) unless approved in writing by the Planning Authority.

Reason: *In the interests of health and safety on site and the visual amenity of the area.*

13. Redundant Turbines

- (1) Subject to paragraph (2), if one or more turbines fails to generate electricity on a commercial basis to the public network for a continuous period in excess of 12 months, then unless otherwise agreed in writing by the Planning Authority in consultation with SEPA, the Company shall;
 - (a) within no more than six months following expiry of the 12-month period, submit a scheme to the Planning Authority for written approval setting out how relevant wind turbine(s) and associated infrastructure will either be repaired or removed from the Site and the ground restored to a condition agreed with the Planning Authority in consultation with SEPA; and
 - (b) implement the approved scheme within 12 months of the date of approval of the scheme, all to the satisfaction of the Planning Authority.
- (2) This condition shall not apply if any outages or operational constraints are outside the Company's control or are a consequence of any emergency or system requirement of the electricity system operator licensed under the Electricity Act 1989.

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

14. Revised Peat Landslide Risk Assessment

- (1) No development shall commence unless and until a revised peat landslide risk assessment which considers any potential impacts and mitigation measures as required on the Dobbingsstone Farm abstraction point /catchment has been submitted to, and approved in writing by, the Planning Authority in consultation with Scottish Ministers.

- (2) The Peat and Carbon Rich Soils Management Plan and Construction and Environmental Management Plan shall be updated to reference the findings and proposed landslide risk mitigation measures contained within the revised peat landslide risk assessment.
- (3) The measures within the approved revised peat landslide risk assessment shall be carried out in full during the construction phase of the Development, and as necessary during any post construction restoration works.

Reason: *To minimise the risk of peat failure arising from the Development.*

15. Micro-siting

- (1) Subject to parts (2)-(4), the locations of any of the works and infrastructure comprising the Development may be adjusted, within the Site boundary, by micro-siting up to a maximum distance of 100 metres from the locations shown on EIAR Figure 3.1 (Proposed Layout).
- (2) Unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA), micro-siting is subject to the following requirements and restrictions:
 - (a) no wind turbine foundation may be positioned in a location that is at a higher elevation, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on EIAR Figure 3.1 (Proposed Layout);
 - (b) no micro-siting of wind turbines 1, 2 or 3 and any associated infrastructure as shown on EIAR Figure 3.1 (Proposed Layout) shall take place towards the abstraction location of the Dobbingsstone Farm PWS;
 - (c) no micro-siting shall take place within a 50 metres buffer distance of a watercourse as shown on Figure 12.1 in Volume 2 of the EIAR; and,
 - (d) no micro-siting shall take place within areas of peat of greater depth than the original location.
- (3) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (EnvCoW) appointed under **condition 23** and the Hydrological Clerk of Works appointed under **condition 24**.
- (4) No works to construct wind turbine 2 or its associated crane pad may commence unless the EnvCoW and the Hydrological Clerk of Works have approved in advance in writing the micro-siting of wind turbine 2 and its associated crane pad to a location which (i) is outside the catchment of Dobbingsstone Farm Private Water Supply as

defined on Additional Information October 2021 Appendix 3.1 (Location and layout plan showing the geology and structural features) and (ii) accords with the requirements and restrictions in paragraph (2). Thereafter wind turbine 2 and its associated crane pad may only be constructed in the approved location.

- (5) No later than one month after the date of First Commissioning, an updated Site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the EnvCoW, Hydrological Clerk of Works and/or Planning Authority's approval, as applicable.

Reason: *To control environmental impacts while providing necessary flexibility for design optimisation taking account of local ground conditions.*

16. Construction and Environmental Management Plan (CEMP)

- (1) There must be no Commencement of Development until a Construction and Environmental Management Plan (CEMP) containing site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority, in consultation with NatureScot, SEPA and Transport Scotland in respect of matters within their respective remits. The CEMP shall (unless such detail is provided pursuant to any other planning condition) include the following management plans:
 - (a) a Construction Methodology Statement (which excludes from use of the access track between turbines 2 and 3);
 - (b) a Construction Noise and Vibration Management Plan including details of the management of noise and vibration during construction and post construction restoration, including that caused by construction traffic, to the lowest practicable levels and in accordance with BS 5228:2009 "Code of Practice for noise and vibration control on construction and open sites – Part 1: Noise and Part 2: Vibration" (or any updated version/document which superseded this document) and how any properties likely to be affected by construction noise will be kept informed;
 - (c) a Peat and Carbon Rich Soils Management Plan (which shall provide for habitat management of the key holed areas, and which shall provide for the construction of floating road construction for all access tracks located on any peat soil of 0.5 metres in depth or deeper);
 - (d) a Pollution Prevention Plan and Incident Plan (including expanded zones of no contaminative operations to cover a wider area of protection for the Dobbingsstone Farm private water supply abstraction site);

- (e) a Ground and Surface Water Monitoring Plan;
 - (f) a Dust and Air Pollution Management Plan;
 - (g) a Site Waste Management Plan;
 - (h) a Forestry Waste Management Plan;
 - (i) an Ecology Management Plan;
 - (j) an Archaeology Management Plan;
 - (k) the upgrading of the access into the Site and the creation and maintenance of associated visibility splays;
 - (l) a Felling and Tree Management Plan;
 - (m) drainage Management Plan (which shall provide for the design of water crossings 19 and 20); and,
 - (n) details for post-construction restoration/reinstatement of the working areas not required during the operation of the Development.
- (2) The Development, including the proposed new access off the B741 at Eldinton Terrace, must be implemented in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority.
- (3) Quarterly reports shall be submitted to the Planning Authority to provide updates on compliance with all relevant planning conditions.

Reason: *To ensure that construction operations are carried out in a manner that minimizes their impact on the environment.*

17. Construction Hours

- (1) Subject to paragraph (2), during the construction and decommissioning phases, works on the Site shall only take place between the hours of 07.00 to 19.00 Monday to Friday inclusive and 07.00 to 13.00 on Saturdays, with no construction work taking place on a Sunday or on a Public Holiday.
- (2) Outwith the hours specified in paragraph (1), works on the Site shall be limited to turbine erection, maintenance, emergency works, dust suppression, the testing of plant and equipment and abnormal load deliveries or where carrying out works is necessary due to weather conditions and/or health and safety requirements. In addition, access for security reasons, emergency responses or to undertake any necessary environmental controls is permitted outside these hours.
- (3) Where abnormal load deliveries use the new access immediately south of Dailly between the hours of sunset and sunrise, or after 10pm, whichever is the earlier, best practical means shall be applied to minimise noise or light disturbance to adjacent dwellings.

Reason: *In the interests of local amenity.*

18. Borrow Pits

- (1) No borrow pit(s) forming part of the Development shall be opened up until a site-specific scheme for the working and restoration of the relevant borrow pit(s) has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include the following:
 - (a) details of the characteristics and suitability of the rock(s) to be extracted from the relevant borrow pit(s);
 - (b) details of borrow-pit excavation, including excavation times, any noise monitoring required, and proposals to address any complaints relating to blasting noise and vibration;
 - (c) a method statement for the reinstatement, restoration and aftercare of the relevant borrow pit(s) at the end of the period of use of the relevant borrow pit(s) which must include topographical surveys to be undertaken of the restored borrow pit profiles;
 - (d) details of the handling of any overburden (including peat, soil and rock); and,
 - (e) details of drainage, including measures to prevent surrounding areas of peatland, water dependent sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out.
- (2) No more than 36 months after the Commencement of Development, any borrow pit(s) will be restored and reinstated in accordance with the approved borrow pit scheme, unless otherwise agreed in writing with the Planning Authority.

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

19. Borrow Pits - Blasting

- (1) No blasting shall take place until a scheme specifying blast monitoring locations is submitted to and agreed in writing with the Planning Authority.
- (2) Blasting shall only take place on the Site between the hours of 10:00 to 12:00 and 14:00 to 16:00 on Monday to Friday inclusive and 10:00 to 12:00 on Saturdays, with no blasting taking place on a Sunday or on a Public Holiday, unless otherwise approved in advance in writing by the Planning Authority.

- (3) Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at agreed blasting monitoring locations. The measurement shall be the maximum of three mutually perpendicular directions taken at the ground surface.
- (4) The Scheme shall be implemented as approved.

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

20. Aggregate Strategy

- (1) No development shall commence until an aggregate strategy has been submitted to and approved in writing by the Planning Authority. The strategy shall include measures for identifying and prioritising the use of suitable construction material sourced from on-site borrow pits.
- (2) Thereafter the approved aggregates strategy shall be implemented.

Reason: *To ensure that the impact from heavy goods vehicles on the local highway network is minimised.*

21. Aviation Charting and Safety Management

- (1) The Company must notify the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS at least 14 days prior to the Commencement of Development, in writing, of the following information:
 - (a) the date of the commencement of the erection of wind turbines;
 - (b) the maximum height of any equipment to be used in the erection of the wind turbines;
 - (c) the date any wind turbine generators are brought into use; and
 - (d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).
- (2) The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the Development.

- (3) The Company shall, as soon as is practicable and in any event with 7 days prior to the event, provide to the Planning Authority, Ministry of Defence and NATS written notice of any proposed changes to the information provided under part (1)
- (4) The Company shall, provide the following to the Ministry of Defence, the Defence Geographic Centre, NATS and Glasgow Prestwick Airport:
 - (a) upon commencement of development, and throughout the construction of the Development, three monthly progress updates;
 - (b) upon completion of the Development, the actual date on which construction was completed and the latitude and longitude of all wind turbines (in degrees, minutes and seconds) and the height above ground level of each turbine in metres to blade tip).
 - (c) location of all turbines and met masts; and
 - (d) notification of removal of any wind turbine or met mast.

Reason: *In the interests of aviation safety.*

22. Aviation Lighting

- (1) Aviation lighting shall be installed in accordance with the aviation lighting scheme described in the document “Wind Farm Aviation Lighting and Mitigation Report for Craiginmoddie Wind Farm Version 3” (reference WPAC/047/21 Version 3) dated 3 March 2023 and the letter of approval from the Civil Aviation Authority dated 23 December 2022 (the Aviation Lighting Scheme).
- (2) For the avoidance of doubt the Aviation Lighting Scheme provides for:
 - (a) medium intensity steady red (2000 candela) lights installed on the nacelles of Turbines 1, 3, 5, 7, 8, 10, 12 and 13;
 - (b) a second 2000 candela light installed on the nacelles of the turbines stated in part (2)(a) to act as alternates in the event of failure of the main light;
 - (c) the visible lighting being capable of being dimmed to 10% of peak intensity when visibility as measured at the Development exceeds 5 km;
 - (d) infra-red lights to Ministry of Defence specification installed on the nacelles of Turbines 1 to 3 and 5 to 13 inclusive; and,
 - (e) the selected lights to include angle intensity reduction.
- (3) Prior to erection of the first turbine and no later than the first, third and fifth anniversary of the date of First Commissioning and every five -year anniversary thereafter, and unless otherwise agreed with the Planning Authority, the Company shall submit a

written review of the Aviation Lighting Scheme to the Planning Authority. Each review shall include:

- (a) an assessment of options available for the reduction in the number of visible lights installed on turbines and the time period when lights are visible;
 - (b) an assessment of the potential for installation of an Aircraft Detection Lighting System (ADLS), including a statement setting out the current and anticipated regulatory environment in relation to ADLS; and,
 - (c) an assessment of whether, in the Company's view, it is reasonably practicable to install an ADLS at the Development.
- (4) The review may propose amendment of the Aviation Lighting Scheme. If a review assesses that it is reasonably practicable to install ADLS, provided that such installation shall not require planning permission such review shall also include the Company's proposals for installation of ADLS together with a proposed timetable for installation. Any proposed amendment shall be compliant with the then current aviation lighting requirements of the Civil Aviation Authority and the Ministry of Defence.
- (5) Any proposed amendment to the Aviation Lighting Scheme must be submitted to and have received the written approval of the Planning Authority in consultation with the Civil Aviation Authority and the Ministry of Defence and shall thereafter be installed in accordance with the approved details.
- (6) The Aviation Lighting Scheme, or such alternative scheme as may be approved under part (5), shall thereafter be maintained throughout the operational life of the Development.

Reason: *In the interest of aviation safety and to avoid light pollution.*

23. Environmental Clerk of Works

- (1) There must be no Commencement of Development until the Planning Authority has approved in writing the term of appointment by the Company of a independent Environmental Clerk of Works (EnvCoW) and the EnvCoW has been appointed by the Company on the approved terms. The terms of appointment shall:
 - (a) impose a duty to monitor compliance with the environmental commitments required in terms of **condition 16** (CEMP) and **condition 25** (HMP) (which duty may also encompass the hydrological role required by **condition 24**);

- (b) require the EnvCoW to report to the Company's nominated construction project manager and the Planning Authority any incidences of non-compliance with the approved Construction and Environmental Management Plan at the earliest practicable opportunity;
 - (c) require the EnvCoW to submit a monthly report to the Planning Authority summarising works undertaken on the Site and any micro-siting of infrastructure in accordance with **Condition 15** (micro-siting); and,
 - (d) require the EnvCoW to undertake the relevant tasks identified in the Craiginmoddie wind farm Schedule of Mitigation Commitments (Reference: CWF/001/027) dated 14 April 2023.
- (2) The EnvCoW shall be retained by the Company on the approved terms throughout the construction phase of the Development, and during any period of post construction site restoration works.
- (3) No later than 18 months prior to either decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier), the Company shall submit details to the Planning Authority, of the terms of appointment by the Company of an independent EnvCoW throughout the decommissioning, restoration and any aftercare phase of the Development, shall be submitted to and approved in writing by the Planning Authority.
- (4) The EnvCoW shall be appointed on the terms approved under part (3) throughout the decommissioning, restoration and any aftercare phases of the Development.

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

24. Hydrological Clerk of Works

- (1) There shall be no Commencement of Development unless the Planning Authority have approved in writing the terms of appointment by the Company of an independent and suitably qualified Hydrological Clerk of Works (HCoW).
- (2) The terms of appointment of HCoW shall:
- (a) impose a duty on the HCoW to monitor compliance with hydrological commitments provided in the EIAR and other supplementary information lodged in support of the application relating to drainage control, dewatering, and other aspects potentially affecting the water environment; and

- (b) where further monitoring or mitigation measures are required, the HCoW will report to the Planning Authority in writing, providing details of such monitoring or mitigation. Any such additional monitoring measures approved by the Planning Authority must be implemented.
- (3) The HCoW shall be appointed on the approved terms throughout the period from Commencement of Development through the period of construction activity, and during any period of post-construction site restoration.

Reason: *In the interest of reducing the impact of the Development on watercourses and/or drainage.*

25. Habitat Management Plan

- (1) There shall be no Commencement of Development until a Habitat Management Plan (HMP) including proposals for deer management has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot.
- (2) The HMP shall fully address the mitigation measures outlined in the Outline Habitat Management Plan dated 14 April 2023 including, but not limited to, the restoration of degraded peat habitat on the Site and provide for regular monitoring of the HMP objectives.
- (3) The HMP will include provision for regular monitoring and review to be undertaken against the HMP objectives and reasonable measures for securing amendments or additions to the HMP in the event that the HMP objectives are not met.
- (4) Until otherwise approved in advance in writing by the Planning Authority, the approved HMP shall be implemented in full.

Reason: *To protect and improve habitats which may be affected by the Development.*

26. Protected Species

- (1) No more than 12 months and no less than 3 months (save where surveys are seasonally dependent) prior to Commencement of Development, and within the most recent survey period, surveys for legally protected species shall be carried out. The species to be surveyed shall be approved by the Planning Authority in consultation with NatureScot. The surveys shall be carried out by a suitably experienced and

licensed (if required) surveyor using recognised methods at the appropriate time of year for the species.

- (2) The surveys shall inform the mitigation measures required for the protection of such species which shall be incorporated into Species Protection Plan (SPP)
- (3) The appointed EnvCow shall be responsible for producing any subsequently required SPP.
- (4) Prior to the Commencement of Development, any required SPPs - shall be submitted to the Planning Authority for approval in consultation with NatureScot. The approved plans shall thereafter be implemented in full and overseen by the EnvCow.

Reason: *To ensure that the construction of the wind farm is carried out appropriately and does not have an adverse effect on legally protected species.*

27. Bird Protection Plan

- (1) There shall be no Commencement of Development until a Bird Protection Plan (BPP) has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot. The BPP Plan shall be informed by pre-commencement bird surveys and set out measures to protect bird species including post construction ornithology surveys at intervals to be agreed with the Planning Authority.
- (2) Thereafter, the approved BPP shall be implemented in full within the timescales set out in the approved BPP.
- (3) The appointed EnvCow shall be responsible for producing any subsequently required BPP.

Reason: In the interests of protecting ornithological interests through the construction, operational and decommissioning of the wind farm.

28. Bat Mitigation Plan

- (1) There shall be no Commencement of Development until a Bat Mitigation Plan (BMP) has been submitted to and approved in writing by the Planning Authority, in consultation with NatureScot.

- (2) The BMP shall include the pre- and post-construction monitoring of bat populations and mitigation proposals, including but not limited to, a reduction in turbine rotation speed while idling during the active bat season.
- (3) The approved BMP shall thereafter be implemented in full.
- (4) Turbine keyholes shall be suitably sized to ensure a minimum 50 metre buffer is maintained between the wind turbine blade tips and the adjacent woodland edge, surrounding trees, watercourses and buildings (in accordance with NatureScot guidance).

Reason: *To safeguard protected species and ensure compliance with the Habitats Directive.*

29. Water Quality and Fish Monitoring Plans

- (1) There shall be no Commencement of Development until a Water Quality Monitoring Plan (WQMP), incorporating a Fish/Aquatic Ecology Species Protection Plan (SPP) and Fish Management Plan (FMP) that includes fish monitoring, has been submitted to, and approved in writing by, the Planning Authority in consultation, with Ayrshire Rivers Trust, River Stinchar District Salmon Fishery Board and the River Girvan District Salmon Fishery Board.
- (2) The FMP shall include pre-construction, during construction and post-construction surveys covering freshwater pearl mussel, macroinvertebrate/electrofishing surveys, monitoring of water crossings and be undertaken to recognised standards (including Marine Directorate's Guidance) and by an organisation experienced in monitoring developments such as wind farms. The FMP shall also detail measures to avoid the spread of invasive non-native species during the undertaking of these activities.
- (3) Thereafter the approved WQMP, SPP and FMP shall be implemented unless otherwise agreed in writing with the Planning Authority.

Reason: *To ensure that all construction activities are monitored in relation to the impacts on fish and in the interest of protecting water quality.*

30. Construction Traffic Management Plan (CTMP)

- (1) There shall be no Commencement of Development unless and until a Construction Traffic Management Plan (CTMP) in relation to construction traffic other than

abnormal load vehicles has been submitted to and approved in writing by the Planning Authority in consultation with Transport Scotland and Ayrshire Roads Alliance.

- (2) The CTMP shall include (but will not be limited to):
 - (a) the routing of all traffic associated with the Development on the local road network and the trunk road network, and removing construction traffic from the access track between turbines 2 and 3);
 - (b) measures to ensure that the specified routes are adhered to, including monitoring procedures;
 - (c) details of the design and layout of site accesses;
 - (d) details of the design of a crossing point over the Scottish Water main located off the B741;
 - (e) details of all signage and lining arrangements to be put in place;
 - (f) provisions for emergency vehicle access;
 - (g) a list of contacts and identification of a nominated person to whom any road safety issues can be referred;
 - (h) details of protocols for working with local businesses and for disseminating information to the local community; and,
 - (i) proposed details of a construction liaison committee which would thereafter be established.
- (3) The approved CTMP shall thereafter be implemented in full.
- (4) There shall be no Commencement of Development unless and until vehicle wheel cleansing facilities are installed and brought into operation on the Site, the design and siting of which shall be subject to the prior approval of the Planning Authority in consultation with Transport Scotland and Police Scotland.
- (5) All vehicles transporting loose or deleterious materials to and from the Site shall be sheeted.

Reason: *In the interests of road safety and to ensure that material from the Site is not deposited on the trunk road to the detriment of road safety.*

31. Abnormal Indivisible Load Transport Management Plan

- (1) Delivery of any Abnormal Indivisible Loads (AIL) must not commence unless and until an AIL Transport Management Plan (AILTMP) has been submitted to, and approved in writing by, the Planning Authority in consultation (where necessary) with Dumfries and Galloway Council, Ayrshire Roads Alliance, Transport Scotland and Police

Scotland. The AILTMP will identify how AIL movements to and from the Site will be managed, and shall include (but is not limited to):

- (a) the proposed route for AIL, along with a swept-path analysis, detailed construction plans for any accommodation measures required (such as works to access points, the existing road, the access track from Eldinton Terrace to the U25, formation of passing places, verge strengthening, removal of street furniture or vegetation etc.);
 - (b) measures to establish and record the condition of the AIL access route and structures prior to any AIL movements, and to monitor the condition of the AIL access route and structures on a regular basis during construction, with measures to clear any debris and/or mud left on those routes;
 - (c) procedures for liaising with the emergency services and provisions for emergency vehicle access;
 - (d) a schedule of proposed delivery movements (including anticipated dates and timings for such deliveries);
 - (e) arrangements for a trial run of the route prior to any AIL deliveries, to be undertaken in conjunction with the Roads Authorities and Police Scotland;
 - (f) details of all signage, traffic control measures and lining arrangements to be put in place;
 - (g) details of protocols for working with local businesses and for disseminating information to the local community and other road users; and,
 - (h) a scheme detailing the extent and detail of post-construction accommodation measures being retained (including those approved under (a) above) together with any restoration works that will be undertaken.
- (2) Any additional signing or temporary traffic control measures deemed necessary due to the size or length of any loads being delivered or removed must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the Planning Authority and Transport Scotland in consultation with Dumfries and Galloway Council.
- (3) The approved AILTMP shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

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

32. Construction Traffic Accommodation Works Plan

- (1) There shall be no Commencement of Development until a Construction Traffic Accommodation Works Plan has been submitted to and approved in writing by the Planning Authority in consultation with the Ayrshire Roads Alliance.

- (2) The Accommodation Works Plan shall be generally in accordance with the accommodation works shown on the Systra Proposed Scheme of Mitigation Sheets 1 – 10 (inclusive) (Drawing numbers 109234/I/LS/01 - 109234/I/LS/10 inclusive) and shall set out the details and specification of off - site road works to the U25 road required for the safe access and egress of general construction traffic to and from the Site together with a programme for the implementation of all such accommodation works, including but not limited to:
- (a) localised road widening;
 - (b) works to strengthen sections of the road; and,
 - (c) the installation of intervisible passing places between junctions with the B741 and U66.
- (3) The approved Construction Traffic Accommodation Works Plan shall thereafter be implemented in accordance with the approved works programme.

Reason: *In the interests of the safe and efficient management of local roads.*

33. Site Access Road Plan

- (1) There shall be no Commencement of Development until a Site Access Road Plan has been submitted to and approved in writing by the Planning Authority in consultation with the Ayrshire Roads Alliance.
- (2) The Site Access Road Plan shall set out the details and specification and a programme for the implementation of:
- (a) the proposed junction(s) of the site access road(s) with the public road; and,
 - (b) the proposed visibility sightline splays at the junction(s) with the public road.
- (3) The approved Site Access Road Plan shall thereafter be implemented in accordance with the approved works programme.
- (4) The visibility sightline splays shall be maintained throughout the construction period from obstacles of 1.05 metres or more in height.

Reason: *In the interest of road safety at the junction of the Site with the public road.*

34. Access Management Plan

- (1) No Development shall commence unless an Access Management Plan (AMP) has been submitted to and agreed by the Planning Authority.
- (2) The AMP shall set out how public access will be managed throughout the duration of the Development and accurately reflect the public access situation over the Site and any opportunities for recreational enhancements agreed with the Landowner. This would set out any temporary alternative access routes, which would be indicated through appropriate signage, reducing potential disruption to route users. The plan should include signage that follows the Scottish Outdoor Access Code.
- (3) Thereafter the plan shall be implemented in full.

Reason: *In the interests of public access and to protect the safety of walkers and other countryside uses.*

35. Private Water Supply Monitoring Plan and Method Statement

- (1) There shall be no Commencement of Development unless a Private Water Supply Monitoring Plan and Method Statement (PWSMP) is submitted to and approved by the Planning Authority in consultation with SEPA.
- (2) The PWSMP shall detail the monitoring and mitigation measures to be taken to secure the quality, quantity and continuity of water supplies to the properties Dobbingsstone Farm, Delamford Cottage, Delamford Farm, Doughty Cottage and Lindsayston Farm as shown on Additional Information (October 2021) Appendix 3.2 Figure: Detailed PWSRA PWS Location & Layout Plan. The PWSMP shall take account of all relevant guidance and shall detail:
 - (a) protection and mitigation measures to be taken to secure the quality, quantity and continuity of water supplies to Dobbingsstone Farm, Delamford Cottage, Delamford Farm, Doughty Cottage and Lindsayston Farm including those mitigation measures identified in the EIAR PWS Risk Assessment;
 - (b) water quality and volume sampling methods and sampling abstraction points;

- (c) a monitoring regime which shall include pre- and post-construction surveys in addition to construction period testing of appropriate frequency commensurate with the degree of construction activity taking place;
 - (d) how monitoring results will be assessed, including the time taken to undertake such assessment and how the Planning Authority and residents will be notified of the results; and,
 - (e) an Emergency Action Plan (EAP) setting out contingency measures that shall be put in place should water supply and/or quality be interrupted or adversely affected on a short or longer-term basis, which measures shall include, without limitation, a requirement for the Company to supply an alternative source of potable water until there is evidence that the issue has been rectified and the water supply and/or quality has been restored to its original condition. The EAP shall specify responsibilities, parties to be notified, and required actions and timescales should emergency measures be required. The EAP shall also provide details of investigation procedures to be followed to establish whether there is any causal relationship between any interruption and or degradation of water supply and/or quality and construction activity at the Development.
- (3) The PWSMP shall also detail any mitigation measures to be implemented as part of the tree management or compensatory planting required under **condition 15** Micro-siting and **condition 7** Compensatory Planting .
- (4) Prior to commencement of development, the Company shall undertake an intrusive site investigation and risk assessment of a potential hydrogeological connection (pathway) between the locations of turbines 2 and 3 and the Dobbingsstone Farm PWS source in accordance with a written scheme of investigation to be submitted to and approved by the Planning Authority in consultation with SEPA. The outcome of site investigation shall inform the PWSMP.
- (5) The approved PWSMP shall thereafter be implemented in full.

Reason: *To maintain a secure and adequate quality water supply to properties with a private water supply.*

36. Shadow Flicker

- (1) There shall be no Commencement of Development until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties which lawfully exist or for which planning permission has been granted at

the date of this consent, has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include arrangements of a procedure for handling complaints by the Planning Authority.

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

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

37. Television Reception

- (1) Any claim by any individual person regarding television picture loss or interference at their house, business premises or other building, made during the period from installation of any turbine forming part of the Development to the date falling twelve months after the date of Final Commissioning, shall be investigated by a qualified engineer appointed by the Company and the results shall be submitted to the Planning Authority.
- (2) Should any impairment to the television signal be attributable to the Development, the Company shall remedy such impairment so that the standard of reception at the affected property is equivalent to the baseline television reception. For the avoidance of doubt, the resolution of disputes shall be determined by an independent arbiter e.g OFCOM or other professional body as appropriate.

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

38. Preservation of Heritage Assets

- (1) Prior to the Commencement of Development, high visibility markers will be placed 5 metres away from the outer limit of the visible remains of the following heritage assets: Asset 11565 and Asset 306; and a plan submitted to the showing the location of the aforementioned heritage assets and the 5 metres buffer zone from construction activities shall be submitted to and approved in writing to the Planning Authority. The markers shall face the working area, so as to be visible when construction works are carried out and must remain in place throughout the construction phase.
- (2) The markers must be removed following completion of construction of the Development.

Reason: To ensure that heritage assets located near the Site are not disturbed or damaged during construction of the Development.

39. Programme of Archaeological Works

- (1) No development shall commence unless the Company has secured a programme of archaeological work in accordance with a written scheme of investigation (WSI) which has been submitted to and approved in writing by the Planning Authority. The WSI shall provide details of how the recording and recovery of archaeological resources found within the Application site shall be undertaken, and how any updates, if required, to the Written Scheme of Investigation will be provided throughout the implementation of the programme of archaeological works. The WSI shall also detail how any requirement for reporting, post-excavation analysis, archive deposition, publication of results, and the delivery of public benefit (including how this will be recorded and reported) will be undertaken.
- (2) Thereafter, the Company shall ensure that the programme of archaeological works is carried out in accordance with the approved WSI and fully implemented and that all recording and recovery of archaeological resources within the Site is undertaken to the satisfaction of the Planning Authority.
- (3) Should the archaeological works carried out under part (2) reveal the need for post excavation analysis, the development hereby approved shall not be occupied or brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results, including additional public engagement, and archive deposition has been submitted to and approved in writing by the Planning Authority. The PERD shall be carried out in complete accordance with the approved details.

Reason: To enable the opportunity to identify and examine any items of archaeological interest which may be found on the Site, and to allow any action required for the protection, preservation or recording of such remains.

40. Decommissioning, Site Restoration and Aftercare

- (1) The Development will be decommissioned and will cease to generate electricity by no later than the date falling 35 years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Decommissioning without prior written approval of the Planning Authority.

- (2) There shall be no Commencement of Development unless a Decommissioning, Restoration and Aftercare Strategy has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot, SEPA and Transport Scotland. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the Site and will include, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

- (3) No later than 3 years prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier) a detailed Decommissioning, Restoration and Aftercare Plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with NatureScot, SEPA and Transport Scotland. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:
 - (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 and Air Pollution 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 Plan, including arrangements for the storage and management of oil and fuel on the Site;
 - (f) Soil storage and management;
 - (g) A Ground and Surface Water Management Plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
 - (h) Sewage disposal and treatment;
 - (i) Temporary Site illumination;
 - (j) The construction of any temporary access into the Site and the creation and maintenance of associated visibility splays; and,
 - (k) Details of watercourse crossings.
 - (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 Decommissioning, Restoration and Aftercare Plan)

- (4) The Development shall be decommissioned, Site restored, and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

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

41. Financial Guarantee

- (1) No less than 1 month before the commencement of development the Company shall deliver a bond or other form of financial guarantee in terms which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in **condition 40** has been submitted to and approved by the Planning Authority.
- (2) The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in **condition 40**.
- (3) The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with all decommissioning, restoration and aftercare obligations contained in **condition 40**.
- (4) The Company shall:
- (a) ensure that the guarantee, bond or other financial provision is maintained throughout the duration of this permission; and,
- (b) pay for the guarantee, bond or other financial provision to be subject to a review five years after the Commencement of Development and every five years thereafter until such time as the Development is decommissioned and the Site restored.

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

42. Operational Noise

The rating level of noise immissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from Table 1 and Table 2 attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

(a) The wind farm operator shall continuously log data in accordance with Guidance Note 1(b) in a manner to be agreed in writing with the Planning Authority. The wind farm operator shall provide this data in comma separated values in electronic format to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

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

(c) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ an independent consultant from the list approved under paragraph b) of this condition and provide a written protocol produced by the independent consultant to be approved in writing by the Planning Authority. The written request from the Planning Authority shall set out as far as possible the time and/or meteorological conditions to which the complaint relates and include a statement as to whether, in the opinion of the Planning Authority, the noise giving rise to the complaint contains or is likely to contain tonal characteristics. The protocol shall describe the procedure to assess the level and character of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. Measurements to assess compliance with the noise limits shall be undertaken in accordance with the approved assessment protocol unless the Planning Authority agrees in writing to a variation.

(d) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the assessment protocol shall include noise limits to be adopted at the complainant's dwelling for compliance checking purposes. The noise limits are to be those selected from Tables 1 and 2, having regard to Table 3, and specified for a listed location which the independent consultant considers appropriate, taking account of whether it is likely to experience the most similar background noise environment to that experienced at the complainant's dwelling and relevant apportionment of the total ETSU-R-97 noise limits. In the event that the consent of the complainant for access to their property to undertake a

compliance assessment is withheld, the assessment protocol shall set out details of the proposed alternative representative measurement position.

(e) Where the proposed measurement location is close to the wind turbines, rather than at the complainant's property (e.g. to improve the signal to noise ratio), then the protocol shall include a method to determine compliance at the complainant's property based on the noise levels measured at the agreed location.

(f) The wind farm operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the assessment protocol within two months of the date of the approval of the protocol unless otherwise agreed in writing by the Planning Authority. Certificates of calibration of the instrumentation used to undertake the measurements shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise immissions.

(g) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4 of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's initial assessment unless otherwise agreed in writing by the Planning Authority.

Note: For the purposes of this condition, a 'dwelling' is a building in residential use and which lawfully exists or had planning permission at the date of this consent and deemed planning permission.

Table 1 - Between 07:00 and 23:00 - noise limits expressed in dB LAF90,10-minute as a function of the standardised wind speed (m/s) at ten metre height as determined within the Site averaged over ten-minute periods.

Location	Standardised wind speed at ten-metre height (m/s) within the Site averaged over ten-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Delamford Cottage	28.0	28.0	28.0	28.0	28.0	28.2	30.3	32.8	35.7	38.7	41.7	44.6
Dobbingstone Farm	34.0	34.0	34.0	34.0	34.9	36.8	38.1	39.2	40.3	42.0	43.8	45.4
Knockrochar	33.5	33.5	33.5	33.5	33.5	33.9	37.6	41.1	44.6	48.1	51.4	54.5

Dalquhairn Farm	37.4	37.4	37.4	37.4	38.3	39.5	41.2	43.1	45.1	47.2	49.5	51.7
Corphin Cottage	28.0	28.0	28.0	28.0	28.0	28.0	28.0	29.2	31.1	33.1	35.3	37.5
Daljedburgh Farm	36.6	36.6	36.6	36.6	37.7	39.1	40.8	42.8	44.8	47.1	49.4	51.6
Doughty Farm	36.2	36.2	36.2	36.2	36.2	36.2	36.2	36.2	36.7	39.2	41.7	44.1
White Row	34.2	34.2	34.2	34.2	34.2	34.2	34.2	34.5	35.9	37.7	39.7	41.9
Glenalla	30.6	30.6	30.6	30.6	30.6	30.6	30.6	30.6	31.3	33.0	34.9	37.2

Table 2 - Between 23:00 and 07:00 - noise limits expressed in dB LAF90,10-minute as a function of the standardised wind speed (m/s) at ten metre height as determined within the site averaged over ten-minute periods.

Location	Standardised wind speed at ten-metre height (m/s) within the site averaged over ten-minute periods											
	1	2	3	4	5	6	7	8	9	10	11	12
Delamford Cottage	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	34.2	37.1	40.1	43.1
Dobbingstone Farm	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	40.9	43.1	45.5	47.7
Knockrochar	41.3	41.3	41.3	41.3	41.3	41.3	41.3	41.3	42.6	46.3	49.7	52.9
Dalquhairn Farm	42.7	42.7	42.7	42.7	42.7	42.7	42.7	42.7	44.6	46.8	49.1	51.5
Corphin Cottage	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.0	33.2	35.7	38.2
Daljedburgh Farm	42.3	42.3	42.3	42.3	42.3	42.3	42.3	42.3	44.3	46.6	49.0	51.4
Doughty Farm	42.5	42.5	42.5	42.5	42.5	42.5	42.5	42.5	42.5	42.5	42.5	44.8
White Row	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	39.2	40.0
Glenalla	35.6	35.6	35.6	35.6	35.6	35.6	35.6	35.6	35.6	35.6	35.8	37.4

Table 3 - Coordinate locations of the properties listed in Tables 1 and 2.

Location	Easting	Northing
Delamford Cottage	229057	599154
Dobbingstone Farm	230179	600461
Knockrochar	229733	600740
Dalquhairn Farm	232099	596259
Corphin Cottage	228698	596634
Daljedburgh Farm	230804	596256
Doughty Farm	232462	597692
White Row	234596	595806
Glenalla	234681	600218
The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.		

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

Guidance Notes for Noise Condition

These notes are to be read with and form part of the planning condition on noise. The measured data is to be split into wind speed bins as described below. The rating level in each wind speed bin is the arithmetic sum of the wind farm noise level and any tonal penalty applied in accordance with Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from wind farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI). IOAGPG is “A Good Practice Guide to the Application of ETSU-R-97 for the Assessment and Rating of Wind Turbine Noise” and includes Supplementary Guidance Notes 1 to 5 of the IOAGPG.

Note 1 – Data Collection

(a) Values of the LAF90,10-minute noise index should be measured in accordance with the IOAGPG. Measurements shall be undertaken in such a manner to enable a tonal

penalty to be calculated for selected periods where a tonal assessment is required. Uncompressed Z-weighted audio recording shall be gathered with a minimum duration of 2-minutes for each 10-minute LAF90, 10-minute period.

(b) To enable compliance with the condition to be evaluated, the wind farm operator shall continuously log during each successive ten-minute period and shall retain those data for a period of not less than 24 months:

- Arithmetic mean hub height wind speed in metres per second (m/s) measured at or derived from one or more meteorological mast(s) located within the Site (if part of the wind farm hereby consented).
- Arithmetic mean hub height wind direction in degrees from north measured at or derived from one or more meteorological mast(s) located within the Site (if part of the wind farm hereby consented).
- Arithmetic mean nacelle anemometer wind speed for each wind turbine on the wind farm.
- Arithmetic mean nacelle orientation for each wind turbine on the wind farm.
- Arithmetic mean nacelle wind direction for each wind turbine on the wind farm.
- Arithmetic mean, minimum and maximum rotor RPM for each wind turbine on the wind farm.
- Whether each wind turbine is running normally for each wind turbine on the wind farm.

All ten-minute periods shall commence on the hour and in ten-minute increments thereafter, synchronised with Universal Coordinated Time (UTC). The wind speeds at turbine hub height shall be 'standardised' to a reference height of ten metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres. It is these standardised ten metre height wind speed data which are correlated with the noise measurements determined as valid.

Note 2 – Data Analysis

(a) The independent consultant shall identify a sub-set of data having had regard to:-

- the conditions (including time of day and corresponding wind directions and speeds) at times in which complaints were recorded;
- the nature/description recorded by the complaints if available;
- information contained in the written request from the local planning authority;

- likely propagation effects (downwind conditions or otherwise);
- the results of the tonality analysis where relevant.

In cases where it is possible to identify patterns of clearly different conditions in which complaints have arisen, additional sub-sets may be considered, provided this does not introduce unreasonable complexity in the analysis and can be justified by the independent consultant.

(b) Within each of the sub-set(s) of data identified, data shall be placed into separate 1 m/s wide wind speed bins, centred on whole wind speeds and the arithmetic average LAF90,10-minute noise index within that wind speed bin is the wind farm noise level.

Note 3 – Tonal Penalty

(a) Where, in accordance with the assessment protocol, the noise contains or is likely to contain a tonal component, a tonal audibility shall be calculated for each ten-minute period using the following procedure.

(b) For each ten-minute period for which a tonal assessment is required this shall be performed on noise immissions during two-minutes of each ten-minute period. The two-minute periods should be spaced at ten-minute intervals provided that uninterrupted uncorrupted data are available.

(c) For each of the two-minute samples the tone level above audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted. Where data for a ten-minute period are corrupted, that period shall be removed from the tonal analysis.

(d) The tone level above audibility for each ten-minute period shall be placed in the appropriate data sub-set and wind speed bin.

Note 4 – Calculation of Rating Level

(a) The LAF90 sound pressure level for each data sub-set and wind speed bin is the arithmetic mean of all the ten-minute sound pressure levels within that data sub-set and wind speed bin except where data has been excluded for reasons which should be clearly identified by the independent consultant. The tonal penalty for each wind speed bin is the

arithmetic mean of the separate ten-minute tonal audibility levels in the bin converted to a penalty in accordance with Fig 17 on page 104 of ETSU-R-97.

(b) If the assessment level in every wind speed bin lies at or below the corresponding wind speed limits set out in the Table(s) attached to the condition then no further action is necessary. In the event that the assessment level is above the limits set out in the Table(s) attached to the noise condition in the corresponding wind speed bin, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immissions only. Correction for background noise need only be undertaken for those wind speed bins where the assessment level is above the corresponding limit.

(c) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such periods as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

i. Repeating the steps in Note 1, with the wind farm switched off, and determining the background noise (L3) in each wind speed bin as required in the protocol. At the discretion of the consultant and provided there is no reason to believe background noise would vary with wind direction, background noise in wind speed bins where there is insufficient data can be assumed to be the same as the same wind speed bin in other wind directions.

ii. The wind farm noise (L1) in each wind speed bin shall then be calculated as follows, where L2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L1 = 10 \text{ Log}_{10} [10(L2/10) - 10(L3/10)]$$

iii. The rating level in each wind speed bin shall be calculated by adding the tonal penalty to the derived wind farm noise L1 in that wind speed bin.

iv. If the rating level after adjustment for background noise contribution and adjustment for tonal penalty in every bin lies at or below the corresponding limits set out in the Table(s) attached to the condition then no further action is necessary. If the rating level at any integer wind speed exceeds the corresponding limits set out in the Table(s) attached to the condition then the development fails to comply with the condition in the circumstances represented by that wind speed bin.

Table of definitions

Common Definitions	
CAA	CAA means The Civil Aviation Authority for UK airspace.
Commencement of Development	means the implementation of the consent and deemed planning permission by the carrying out of a material operation within the meaning of section 27 of the Town and Country Planning (Scotland) Act 1997 but excluding Enabling Works.
Company	means EnergieKontor Uk Ltd (Company No. 03830819) a company incorporated under the Companies Acts and having its registered office at 114 St Martin's Lane, Covent Garden, London WC2N 4BE, or such other person for the time being entitled to the benefit of the consent under section 36 of the Electricity Act 1989.
Development	means the Craiginmoddie wind powered generating station and ancillary development as described in Annex 1 [of the decision letter].
Dwelling	means a building in residential use and which lawfully exists or had planning permission at the date of this consent and deemed planning permission.
Enabling Works	means (i) any site investigation or other preparatory works or surveys necessary for the purpose of satisfying or discharging any conditions which must be satisfied or discharged (in whole or in part) prior to the Commencement of Development and (ii) the provision of any temporary fencing and/or contractors' facilities within the Site necessary for (i) above.
EIAR	means the Environmental Impact Assessment Report submitted by the Company and dated December 2020.
AI	means the Additional Information submitted by the Company in October 2021.
AI II	means the Additional Information submitted by the Company in January 2023.
AI III	means the Additional Information submitted by the Company in 8 March 2023.
AI IV	means the Additional Information submitted by the Company in 20 March 2023.

Final Commissioning	means the earlier of (i) the date on which electricity is exported to the grid on a commercial basis from the last of the wind turbines forming part of the Development erected in accordance with this consent; or (ii) the date falling twenty-four months from the date of First Commissioning.
First Commissioning	means the date on which electricity is first exported to the grid on a commercial basis from any of the wind turbines forming part of the Development.
the Planning Authority	means South Ayrshire Council or any statutory successor(s) as local planning authority under the Town and Country Planning (Scotland) Act 1997.
Site	means the land within the area delineated by the outer edge of the red line on Figure 1.1 (Site Location Plan) in Volume 2 of the EIAR
Public Holiday	means • New Year's Day, if it is not a Sunday or, if it is a Sunday, 3rd January. • 2nd January, if it is not a Sunday or, if it is a Sunday, 3rd January. • Good Friday. • The first Monday in May. • The first Monday in August. • The third Monday in September. • 30th November, if it is not a Saturday or Sunday or, if it is a Saturday or Sunday, the first Monday following that day. • Christmas Day, if it is not a Sunday or, if it is a Sunday, 27th December. • Boxing Day, if it is not a Sunday or, if it is a Sunday, 27th December.



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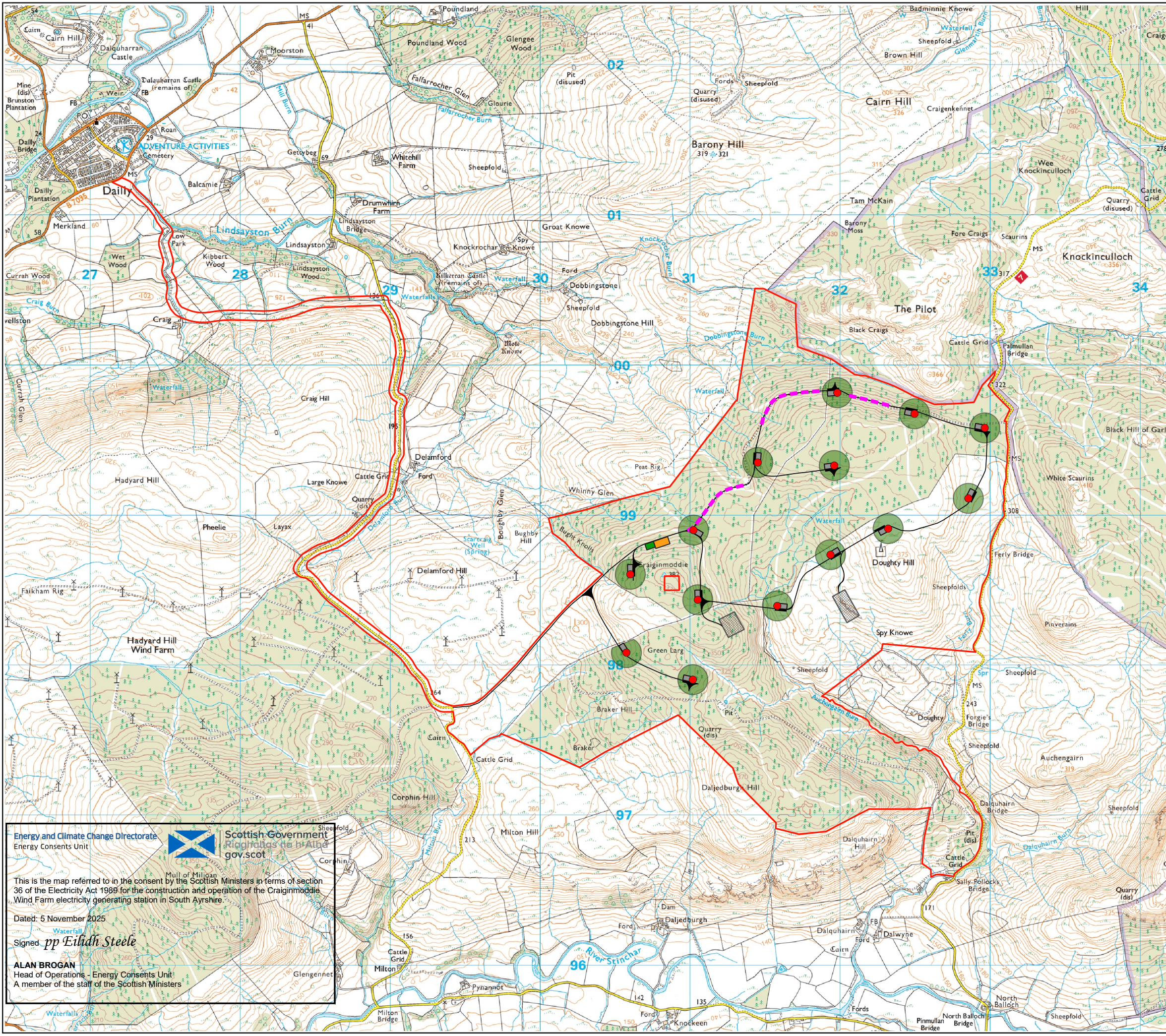
Figure 3.1 Proposed Layout

- Key:**
- Planning Application Boundary
 - Turbine Positions
 - Proposed Access Tracks
 - Existing track
 - Turbine Foundations
 - Crane Pads
 - Borrow Pits
 - Construction Compound / Battery Storage
 - Substation
 - Keyhole Felling



Drawn by: MB Scale:1:15,000 @ A3 Date: 18/12/2020

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Energy and Climate Change Directorate
Energy Consents Unit

Scottish Government
Riaghaidh na h-Airde
gov.scot

This is the map referred to in the consent by the Scottish Ministers in terms of section 36 of the Electricity Act 1989 for the construction and operation of the Craiginmoddie Wind Farm electricity generating station in South Ayrshire.

Dated: 5 November 2025

Signed *pp Eilidh Steele*

ALAN BROGAN
Head of Operations - Energy Consents Unit
A member of the staff of the Scottish Ministers