

14/00169/S36 – Aikengall 2A Wind Farm – Conditions/Informative Notes/Matters for Legal Obligations

Duration of the Consent

- 1 The consent is for a period of 25 years from the date of Final Commissioning.

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.

Reason: To define the duration of the consent.

Commencement of Development

- 2 The Commencement of the Development shall be no later than three years from the date of this consent, or in substitution such other period as the Scottish Ministers may hereafter direct in writing. 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: In accordance with s58 of the Town and Country Planning (Scotland) Act 1997. To avoid uncertainty and ensure that the consent is implemented within a reasonable period.

Non-assignment

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

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

Serious Incident Reporting

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

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

Implementation in accordance with approved plans and requirements of this consent

- 5 Except as otherwise required by the terms of this consent and deemed planning permission, the Development shall be undertaken in accordance with the application

including the approved drawings listed at Appendix 1 to this decision statement (as supplemented or amended by any further or additional environmental information) and other documentation lodged in support of the application.

Reason: to ensure that the Development is carried out in accordance with the approved details.

Design and operation of turbines

- 6 There shall be no Commencement of Development unless full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour which should be non-reflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The turbines shall be consistent with the candidate turbine or range assessed in the environmental statement, and the tip height shall not exceed 125 or 145 metres above ground level (to accord with the range of heights described within the Further Environmental Information received in December 2014). The Development shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

All wind turbine blades shall rotate in the same direction.

None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority

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

Design of ancillary development

- 7 There shall be no Commencement of Development unless final details of the external appearance, dimensions, and surface materials of any construction compound boundary fencing, external lighting and parking areas have been submitted to and approved in writing by the Planning Authority. The compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.

Reason: To ensure that the environmental impacts of the ancillary development forming part of the Development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.

Micro-siting

- 8 All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Figure 2.1a (within the December 2014 Further Environmental Information). Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and SNH), and notwithstanding the proposals

contained within the Environmental Statement and Further Environmental Information, micro-siting is subject to the following restrictions:

- a. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordnance Datum (Newlyn), than the position shown on the aforementioned Figure 2.1a;
- b. No wind turbine, building, mast, access track or hardstanding shall be moved more than 50m from the position shown on the original approved plans;
- c. All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW).

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 ECoW or Planning Authority's approval, as applicable.

Reason: to control environmental impacts while taking account of local ground conditions, and to restrict Micrositing to a reasonable distance to ensure that any movement of turbines or infrastructure does not give rise to significant change to the layout and appearance of the development.

Borrow Pits

- 9 There shall be no Commencement of Development unless a scheme for the working of each borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include;
 - a. A detailed working method statement;
 - b. Details of the handling of any overburden (including peat, soil and rock);
 - c. Drainage, including measures to prevent surround areas of peatland from drying out;
 - d. A programme of implementation of the works described in the scheme; and
 - e. Full details of the reinstatement, restoration and aftercare of the borrow pit(s) at the end of the construction period.

The approved scheme shall thereafter be implemented in full.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pit(s) at the end of the construction period.

Planning Monitoring Officer

- 10 There shall be no Commencement of Development unless the Planning Authority has approved the terms of appointment by the Company of an independent and suitably qualified environmental consultant to assist the Council in the monitoring of compliance with conditions attached to this deemed planning permission during the period from Commencement of Development to the date of Final Commissioning and thereafter throughout the period of operation of the windfarm.

Reason: To enable the development to be suitably monitored during the construction phase to ensure compliance with the consent issued.

Ecological Clerk of Works

- 11 There shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with SNH and SEPA. The terms of appointment shall;
- a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plan and other plans approved in terms of condition 12 (“the EcoW works”); and
 - b. Require the EcoW to report to the Company’s nominated construction project manager any incidences of non-compliance with the EcoW works at the earliest practical opportunity.

The EcoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of condition 12.

No later than 18 months prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development to the Planning Authority for approval in consultation with SNH and SEPA. The EcoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring compliance with the environmental mitigation and management measures associated with the Development.

Construction and Environmental Management Plan

- 12 There shall be no Commencement of Development unless a Construction and Environmental Management Plan (“CEMP”) outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA.

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

- a. a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. details of borrow pit excavation and restoration;
- d. a dust management plan;

- e. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- f. a pollution prevention and control method statement, including arrangements for the storage of oil and fuel on the site;
- g. soil storage and management;
- h. a peat management plan;
- i. a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources;
- j. sewage disposal and treatment;
- k. temporary site illumination;
- l. the construction of the access into the site and the creation and maintenance of associated visibility splays;
- m. the method of construction of the crane pads;
- n. the method of construction of the turbine foundations;
- o. the method of working cable trenches;
- p. the method of construction and erection of the wind turbines and meteorological masts;
- q. details of any watercourse crossings;
- r. post-construction restoration/ reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;
- s. a wetland ecosystems survey and mitigation plan¹
- t. a felling and tree management plan²

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority in consultation with SNH and SEPA.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

Construction Hours

- 13 Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or on national public holidays. Outwith these specified hours, development on the site shall be limited to turbine erection, maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the planning authority.

¹ This requirement should be applied only where appropriate in the circumstances on the case and will not be relevant to all applications

² This requirement should be applied only where appropriate in the circumstances on the case and will not be relevant to all applications

HGV movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 07.00 to 19.00 Monday to Friday, and 07.00 to 16.00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or on national public holidays.

Reason: In the interests of local amenity.

Traffic Management Plan

- 14 There shall be no Commencement of Development unless a traffic management plan has been submitted to and approved in writing by the Planning Authority. The traffic management plan shall include:
- a. The routeing of all traffic associated with the Development on the local road network;
 - b. Measures to ensure that the specified routes are adhered to, including monitoring procedures;
 - c. Details of all signage and lining arrangements to be put in place;
 - d. Provisions for emergency vehicle access;
 - e. Identification of a nominated person to whom any road safety issues can be referred; and
 - f. A plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries, the length, width, axle configuration of all extraordinary traffic accessing the site;
 - g. Swept path analysis for the abnormal loads, taking into consideration the size of the consented turbines
 - h. Details of road and junction widenings
 - i. Management of road drainage during construction and development
 - j. Details of timber extraction routes and anticipated number of vehicles movements
 - k. A written statement relating to the undertaking of road condition surveys and remedial works to respond to damage/deterioration caused by construction traffic.

The approved traffic management plan shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority.

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

Habitat Management and Enhancement Plan:

- 15 There shall be no Commencement of Development unless a Habitat Management and Enhancement Plan (HMEP) has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The HMEP shall set out proposed long term management and enhancement of the wind farm site and shall provide for the maintenance, monitoring and reporting of habitat on site in relation to bats, otter, badger, butterflies, farmland and wading birds, moorland, cleugh woodland, scrub and grassland management.

The approved HMEP will be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval in consultation with SNH and SEPA.

Unless otherwise agreed in advance in writing with the Planning Authority, the approved HMEP shall be implemented in full.

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

Species Mitigation and Management Plan:

- 16 Prior to the commencement of any works or development on the site a Species Mitigation and Management Plan shall be submitted to and approved in writing by the Planning Authority. All on-site works and development shall thereafter be carried out in accordance with the approved Plan.

Reason: to ensure that reasonable protection is given to biodiversity on and utilising the site.

Supplementary (Checking) Surveys:

- 17 Prior to the commencement of any works or development on the site, supplementary surveys for protected species (including otter, badger and breeding birds) shall be carried out by a suitably qualified person or persons in a manner appropriate to the phasing of the development. The results of these surveys should be used to inform construction activities and any required mitigation proposals for protected species on the site, which shall be agreed with the Planning Authority and strictly adhered to in the course of development.

Reason: to ensure that species protected by law are not harmed as a result of the development taking place.

Before-After-Control-Impact (BACI) monitoring programme

- 18 A Before-After-Control-Impact (BACI) monitoring programme shall be submitted to and approved in writing by the planning authority prior to commencement of the development. The programme should include a breeding wader survey at 1, 3, 5, 10 and 15 year intervals after the completion of the development, and monitoring of other key species such as protected mammals

Reason: to ensure that the protected species are afforded due protection and to enable greater understanding of the impacts of development of this nature.

Replanting of Forestry:

- 19 Notwithstanding the information contained within the Environmental Statement and the Further Environmental Information, there shall be no Commencement of the Development unless a revised woodland planting scheme to compensate for the removal of existing woodland ("the Replanting Scheme") has been submitted for the written approval of the Planning Authority in consultation with Forestry Commission Scotland Conservator.

The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Replanting Scheme for approval. The Replanting Scheme must include-

- (a) details of the location of the area to be planted;
- (b) details of land owners and occupiers of the land to be planted;
- (c) the nature, design and specification of the proposed woodland to be planted;

- (d) details of all consents required for delivery of the Replanting Scheme and timescales within which each will be obtained;
- (e) the phasing and associated timescales for implementing the Replanting Scheme;
- (f) proposals for the maintenance and establishment of the Replanting Scheme, including annual checks, replacement planting, fencing, ground preparation and drainage; and
- (g) proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme.

Unless otherwise agreed in writing by the Planning Authority, the Development shall not be commissioned to supply electricity on a commercial basis unless all relevant consents necessary for implementation of the approved Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained.

In the event that there is no reasonable prospect of the relevant consents necessary for implementation of the approved Replanting Scheme being obtained, then the Company shall submit an amended Replanting Scheme to the Planning Authority for approval in consultation with Forestry Commission Scotland. Unless otherwise agreed in writing by the Planning Authority, the Development shall not be commissioned to supply electricity on a commercial basis unless all relevant consents necessary for implementation of the approved amended Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained.

The approved Replanting Scheme (or, as the case may be, an approved amended Replanting Scheme) shall be implemented in full, unless otherwise agreed in writing by the Planning Authority after consultation with Forestry Commission Scotland Conservator.

Reason: To secure replanting to mitigate against effects of deforestation arising from the Development, taking into consideration the lack of an acceptable Replanting proposal within the ES or FEI.

Archaeology: Developer Funded Watching Brief

- 20 No development shall take place until the applicant has secured and implemented a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. Further investigations, including full excavation, may be required to fully preserve by record. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

21 **Archaeology: Preservation *in situ* or Further Archaeological Investigation**

If significant finds, features or deposits of archaeological significance are discovered either as a result of initial archaeological investigation or through subsequent development works, no further works shall take place until the applicant has agreed in writing with the Planning Authority to either preserve remains *in situ* and clearly mark the area of discovery during development, which will always be preferred, or to conduct a scheme of further archaeological investigation as appropriate to the relative significance of the discovery. Further works shall not take place until archaeological investigation has been carried out to the satisfaction of the Council's Archaeology Officer and in accordance with a Written Scheme of Investigation (WSI) or addendum to an existing WSI. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority and disseminated appropriately.

Reason: The site is within an area where ground works will interfere with significant archaeological remains, and it is therefore desirable to either preserve the remains in situ or afford a reasonable opportunity to record the history of the site.

Archaeology: Notification in advance of Archaeological Works

- 22 The developer shall give a minimum of two weeks notice of the commencement of the approved archaeological works in writing to the nominated archaeological contractor and to the Planning Authority. No works shall commence until the two week notice period has expired.

Reason: To allow sufficient time to prepare for the commencement of archaeological works.

Archaeology: Developer Funded Post-Excavation Research

- 23 In the event that significant archaeological materials are recovered either during the course of archaeological investigation or development, the developer will ensure that these undergo post-excavation research by a contracted archaeologist in accordance with a separate Post-Excavation Research Design (PERD) approved in writing by the Planning Authority.

- The results of post-excavation research will be submitted to the Planning Authority and disseminated appropriately through publication and community engagement within one year of the final on-site archaeological investigations and reporting.
- The applicant's archaeological contractor shall ensure that the full archive of materials and records be submitted to Treasure Trove within one year of the completion of post-excavation research and archived appropriately according to national guidelines.

Reason: Development of the site has resulted in the recovery of significant archaeological materials, and it is therefore desirable to conduct appropriate analyses to preserve and disseminate the full archaeological record of the site's history.

Archaeology: Developer Funded Field Evaluation

- 24 No development shall take place until the applicant has secured and implemented a programme of archaeological work and reporting in accordance with a Written

Scheme of Investigation (WSI) outlining an Archaeological Field Evaluation. The requirements of this are:

- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority.
- Access shall be afforded to the nominated archaeologist to evaluate the development site for the presence/absence, extent, character and likely age of archaeological remains.
- If significant finds, features or deposits are discovered all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for consultation which may result in further developer funded archaeological mitigation depending on the level of impact.
- Results will be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) prior to development commencing. The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological mitigation as required.
- The developer will be expected to fund and implement all further archaeological work as required.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

Noise:

- (25) *No condition proposed by SBC at this time, due to requirement for Noise matters to be further resolved. It is recommended that further dialogue takes place prior to finalisation of the decision. SBC would assist the applicant and ECDU in resolving issues and in constructing appropriate conditions.*

Shadow Flicker:

- 26 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 situated within 10 rotor diameters of any turbine forming part of the Development and 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 approved mitigation scheme shall thereafter be implemented in full.

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

Private Water Supplies:

- 27 There shall be no Commencement of Development unless a method statement has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the Development. The approved method statement shall thereafter be implemented in full.

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

Water and Flood Risk Management:

- 28 There shall be no Commencement of Development unless the following matters have been addressed through submission of material to the Planning Authority for approval:
- (i) design details of new crossings or alterations to previous crossings to ensure that there is no decrease in flow conveyance and subsequently increased flood risk caused by the crossings;
 - (ii) details of regular maintenance relating to new water crossings and drains, to mitigate by reducing surface water runoff impact;
 - (iii) details of levels of discharges from SUDS or other drainage, confirming how it will be kept to existing Greenfield run-off rates;
 - (iv) written explanation of how it is proposed to manage the minimisation of sediment entering the surrounding water courses.

Reason: To minimise impact on the water environment and to ensure that flood risk is ameliorated.

Redundant turbines

- 29 If one or more turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the Planning Authority, the Company shall; (i) by no later than the date of expiration of the 12 month period, submit a scheme to the Planning Authority setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and (ii) implement the approved scheme within six months of the date of its approval, all to the satisfaction of the Planning Authority.

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

Aviation Safety

- 30 There shall be no Commencement of Development until the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information, and has provided evidence to the Planning Authority of having done so;
- the date of the expected commencement of each stage of construction;
 - the height above ground level of the tallest structure forming part of the Development;
 - the maximum extension height of any construction equipment; and
 - the position of the turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

Aviation Lighting

- 31 Prior to the erection of the first wind turbine, the Company shall submit a scheme for aviation lighting for the wind farm to the Planning Authority for written approval. The

scheme shall include details of infra-red aviation lighting to be applied. No lighting other than that described in the scheme may be applied at the site, other than as required for health and safety, unless otherwise agreed in advance and in writing by the Planning Authority.

No turbines shall be erected on site until the scheme has been approved in writing. The Development shall thereafter be operated fully in accordance with the approved scheme.

Reason: In the interests of aviation safety.

Site Decommissioning, Restoration and Aftercare

- 32 The Development will be decommissioned and will cease to generate electricity by no later than the date falling twenty five 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 Commissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

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 SNH and SEPA. The scheme shall detail measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the above ground elements of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

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 method statement, shall be submitted to the Planning Authority for written approval in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for the removal of above ground elements of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include:

- a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;
- d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- e. a pollution prevention and control method statement, including arrangements for the storage of oil and fuel on the site;
- f. soil storage and management;
- g. sewage disposal and treatment;
- h. temporary site illumination;
- i. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;

- j. details of watercourse crossings;
- k. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.

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 SNH and SEPA.

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

Financial Guarantee

- 33 There shall be no Commencement of Development unless the Company has delivered a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in condition 32 to the Planning Authority. The financial guarantee shall thereafter be maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations.

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 32. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

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

Public Path/Access Protection, Enhancement and Management:

- 34 There shall be no Commencement of Development until a Public Path and Access Management Plan has been submitted to and approved in writing by the planning authority. The Plan shall include (but not be limited to) the following:
- (i) timings of any intended diversion, closure or obstruction of any public right of way (note that these are likely to need a separate consent)
 - (ii) measures for ensuring that paths kept open during development are safe and can be traversed without undue harm to the amenity of users
 - (iii) measures to ensure that users of the path network and accessible areas more generally are able to navigate through and adjacent to the site, including mapping and signage
 - (iv) any temporary installations such as gates, stiles and bridges and the duration of their installation
 - (v) proposals to restore original paths to an acceptable condition between construction and decommissioning and once full decommissioning has taken place
 - (vi) proposals to enhance public access within and adjacent to the site during the lifetime of the development.

Reason: The development would interact with a range of public paths and accessible areas, with development effects causing changes that require careful management to ensure that the experience of users is not harmed unacceptably or, where it will be harmed, that the level and nature of harm is limited and controlled to minimise development effects.

POTENTIAL LEGAL OBLIGATIONS – SUBJECTS FOR INCLUSION:

SBC requests that the developer provide regular funding towards maintenance and enhancement of the public path network, within a geographical area that shall first have been agreed. The reason for this is that if the development goes ahead it will cause a high level of change to the path environment, in particular to the Southern Upland Way and the Berwickshire Coastal Path. Implementation of the wind farm may be a deterrent to path users. The ability to deliver high quality maintenance and enhancement of the path network would help to offset perceived adverse effects.

SBC requests that the developer provide a one-off developer contribution via Section 69 to mitigate the historic environment impacts by LiDAR scan of the impacted area, outreach, education and interpretation.

It is suggested that it may be necessary to utilise legal obligations in relation to delivery of other offsetting or complementary works not within the application site. The use of any such obligations may arise in response to certain Planning Conditions including those relating to forestry planting and ecology/habitat.