APPENDIX 3

Suggested conditions if approval in minded.

1. Prior to development commencing, a detailed plan addressing the procedures and operations to tackle and extinguish a fire or other polluting incident at the battery storage unit adjacent to the substation must be submitted to and approved by the Council (as Planning Authority) in consultation with the HSE, the Building Standards Section of Moray Council and Fire and Rescue Scotland. This should include contingencies for subsequent moorland fire.

Reason – In order to ensure full consideration can be given to the suitability of site for such a use, and to ensure that development has contingencies in place to minimise damage or risk to human health.

2. Prior to development commencing a detailed landscaping scheme must be submitted to and approved by the Moray Council showing 25m deep structural planting to the south and west sides of the proposed sub-station and battery storage compound. This scheme must select site appropriate, indigenous trees and the number, species, and spacing. The scheme must detail how the landscaping will be managed, inclusive of a commitment to replace any dead or severely damaged trees within the first five years of the substation becoming operational.

Reason – In order to address the lack of landscaping and to mitigate the visual impacts of the development.

3. Unless otherwise agreed with the Council as planning authority, and prior to energy production occurring in the interests of improved public access, the public access plan to be provided, must provide a footpath/cycle pathway between the existing Clashindarroch windfarm and the proposed windfarm extension.

Reason - In order to ensure the proposed development maximises public access benefits and potential.

Noise Conditions

4. The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal penalty and amplitude modulation (AM) penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions 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 power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a

period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.

b) No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval 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 Local Planning Authority.

c) Within 21 days from receipt of a written request from 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 a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's dwelling in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component, or is likely to contain an amplitude modulation (AM) component.

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall, prior to the commencement of any measurements, have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component and/or amplitude modulation (AM) component and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.

e) Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most

similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

f) The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, the assessment shall be accompanied by all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes with the exception of audio data which shall be supplied in the format in which it is recorded. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local 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 5(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1: Between daytime (07:00 to 23:00 hours) – Noise limits expressed in dB $L_{A90,10\ minute}$ as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods

Location	**Standardised 10 metre-height Wind Speed (as defined in accordance with the attached Guidance Notes to the noise condition)**								
	4	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**
Dykeside	40.0	39.8	39.6	39.6	40.7	43.2	45.7	48.2	48.2
Kirkton	40.0	39.9	39.7	39.7	40.8	43.3	45.7	48.3	48.3
Elrick	40.0	39.9	39.8	39.8	40.9	43.3	45.8	48.3	48.3
Boganclogh Lodge	30.0	30.0	30.1	30.6	31.3	32.3	33.5	35.0	36.6
Boganclogh	30.0	30.0	30.1	30.6	31.3	32.3	33.5	35.0	36.6

Finglenny	42.3	43.5	44.9	46.9	48.8	51.0	53.1	55.1	56.9
Corrylair	39.9	39.7	39.1	41.5	44.1	46.7	49.2	51.3	53.1
Meikle Gouls	39.9	39.6	39.1	38.9	38.9	42.5	44.7	47.8	50.9
Tomnaven	39.8	39.5	39.0	39.0	39.0	42.5	44.7	47.9	50.9
Hillock of Echt	39.9	39.5	38.9	38.7	38.7	42.4	44.6	47.8	50.9
Oldtown of Corinancy	39.8	39.5	38.8	38.7	38.7	42.4	44.6	47.8	50.9
Pyke	39.9	39.6	39.1	39.0	39.0	42.5	44.7	47.9	50.9
New town of Corinancy	39.9	39.6	39.1	39.1	39.1	42.6	44.7	47.9	50.9
Milltown	41.6	41.7	42.1	42.9	44.0	45.2	46.8	48.6	48.6
Inverharrock Cottage	41.7	41.8	42.2	43.0	44.0	45.3	46.8	48.6	48.6
Dalriach	41.7	41.8	42.2	43.0	44.0	45.3	46.8	48.6	48.6

Table 2: Between night time periods (23:00 to 07:00 hours) – Noise limits expressed in dB $L_{A90,10\ minute}$ as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods

Location	**Standardised 10 metre-height Wind Speed (as defined in accordance with the attached Guidance Notes to the noise condition)**								
	4	**5**	**6**	**7**	**8**	**9**	**10**	**11**	**12**
Dykeside	40.0	40.0	40.0	40.0	40.0	41.1	43.0	43.0	43.0
Kirkton	40.0	40.0	40.0	40.0	40.0	41.1	43.1	43.1	43.1
Elrick	40.0	40.0	40.0	40.0	40.0	41.1	43.1	43.1	43.1
Boganclogh Lodge	33.0	33.0	33.0	33.0	33.0	33.0	33.2	35.0	37.0
Boganclogh	33.0	33.0	33.0	33.0	33.0	33.0	33.2	35.0	37.0
Finglenny	42.0	42.8	43.8	45.5	47.4	49.5	51.5	53.5	55.6
Corrylair	40.0	40.0	40.6	42.4	44.8	47.0	49.0	50.6	51.9
Meikle Gouls	40.0	40.0	40.0	40.0	41.0	42.5	44.7	47.8	49.9
Tomnaven	40.0	40.0	40.0	40.0	41.0	42.5	44.7	47.9	49.9
Hillock of Echt	40.0	40.0	40.0	40.0	41.0	42.4	44.6	47.8	49.9
Oldtown of Corinancy	40.0	40.0	40.0	40.0	41.0	42.4	44.6	47.8	49.9

Pyke	40.0	40.0	40.0	40.0	41.0	42.5	44.7	47.9	49.9
New town of Corinancy	40.0	40.0	40.0	40.0	41.0	42.6	44.7	47.9	49.9
Milltown	42.0	42.2	42.7	42.9	43.6	44.3	44.9	44.9	44.9
Inverharrock Cottage	42.0	42.2	42.7	43.0	43.6	44.4	45.0	45.0	45.0
Dalriach	42.0	42.2	42.7	43.0	43.6	44.4	45.0	45.0	45.0

Table 3: Co-ordinate locations of the dwellings listed in Tables 1 and 2:

Name	**Council**	**Easting**	**Northing**
Dykeside	Moray	338755	827887
Kirkton	Moray	338942	827063
Elrick	Moray	342085	825811
Boganclogh Lodge	Aberdeenshire	343595	829381
Boganclogh	Aberdeenshire	343608	829466
Finglenny	Aberdeenshire	345668	830574
Corrylair	Aberdeenshire	346337	834028
Meikle Gouls	Aberdeenshire	341912	834780
Tomnaven	Moray	340420	833468
Hillock of Echt	Moray	339880	832476
Oldtown of Corinacy	Moray	339713	832053
Pyke	Moray	339302	831897
New town of Corinacy	Moray	339100	831790
Milltown	Moray	338450	831338
Inverharrock Cottage	Moray	338138	831071
Dalriach	Moray	338148	830678

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwelling to which the noise limits apply.

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 bins as described below. The rating level in each bin is the arithmetic sum of the wind farm noise level, any tonal penalty applied in accordance with Guidance Note 3 and any Amplitude Modulation (AM) penalty applied in accordance with Guidance Note 4. 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" or any update of that report current at the time of measurement. The IOA Metric is "A Method for Rating Amplitude Modulation in Wind Turbine Noise" dated 9th August 2016 or any update of that current at the time of measurement.

Guidance Note 1

(a) Values of the $L_{A90,\ 10\ minute}$ noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 2014 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable amplitude modulation and/or tonal penalties to be applied in accordance with these Guidance Notes.

(b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in "free field" conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her dwelling to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.

(c) The $L_{A90,\ 10\ minute}$ measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.

(d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in degrees from north at hub height for each turbine, and at any on site meteorological mast(s), if available, together with the arithmetic mean power generated by each turbine, all in successive 10-minute periods. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, as determined from whichever source is agreed in writing with the Local Planning Authority as being most appropriate to the noise compliance measurements being undertaken, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10- minute increments thereafter. Within each of the sub set(s) of data identified, data shall be placed into separate 1 m/s wide wind speed bins.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Guidance Note 1(d).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the $L_{A90,\,10\,minute}$ noise measurements and corresponding values of the 10- minute standardised ten metre height wind speed, as derived from the site measured wind speed source(s) agreed in writing with the Local Planning Authority in accordance with Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a

fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

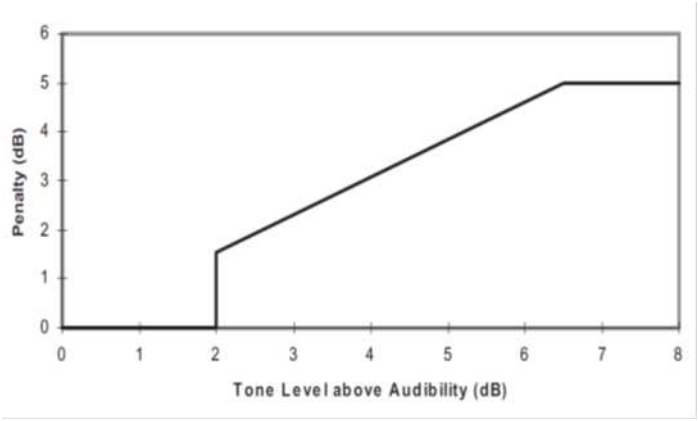
(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

(b) For each 10 minute interval for which $L_{A90,\ 10\ minute}$ data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104 to 109 of ETSU-R-97.

(d) The average tone level above audibility shall be calculated for each wind speed bin, each bin being 1 metre per second wide and centred on integer wind speeds. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be substituted.

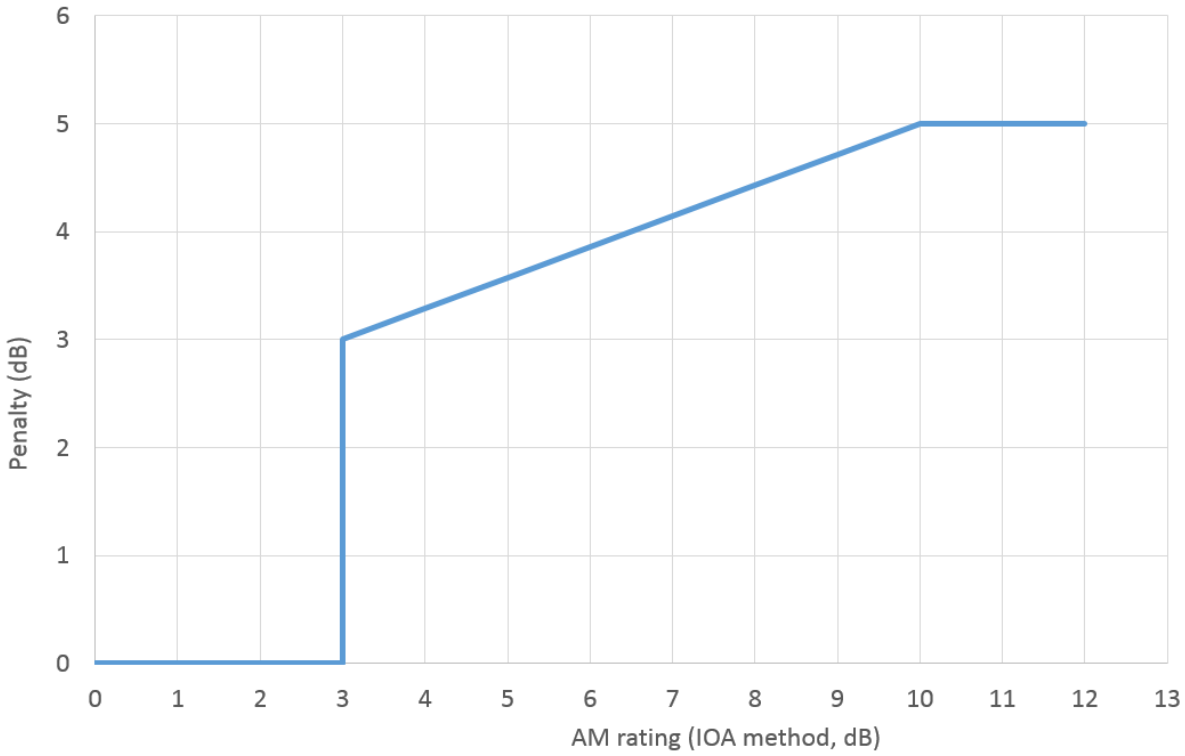
(e) The tonal penalty for each wind speed bin is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) Where, in accordance with the assessment protocol agreed under the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain an Amplitude Modulation (AM) component, an AM penalty is to be calculated and applied using the following rating procedure.

(b) For each 10-minute interval for which an AM assessment is required this shall be performed in accordance with the IOA Metric. The value of AM for each ten-minute period shall be converted to a penalty in decibels in accordance with the graph below and the penalty shall be placed in the appropriate data sub set and wind speed bin. Where a penalty is zero it should be placed in the bin in the same way.



Guidance Note 5 – Calculation of Rating Level

a. The LA90 sound pressure level for each data sub-set and wind speed bin is the arithmetic mean of all the 10 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 bin is the arithmetic mean of the separate 10-minute tonal audibility levels in the bin converted to a penalty in accordance with Fig 17 on page 104 of ETSU-R-97, and shown in the figure for Guidance Note 3 above. The AM penalty for each bin is the arithmetic mean of the AM penalties in the bin. The assessment level in each bin is normally the arithmetic sum of the bin LA90, the bin tonal penalty and the bin AM penalty except where the AM penalty and the tonal penalty relate to the same characteristic (e.g. amplitude modulated tones) when the sum of both penalties may overly penalise the characteristics of the noise. Such cases should be identified and only the larger of the AM or tonal penalty should be applied.

b. If the assessment level in every bin lies at or below the values set out in the Table(s) attached to the conditions then no further action is necessary. In the event that the assessment level is above the limit(s) set out in the Tables attached to the noise conditions in any 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

immission only. Correction for background noise need only be undertaken for those wind speed bins where the assessment level is above the limit.

c. The wind farm operator shall ensure that all necessary wind turbines in the development are turned off for such period as the independent consultant requires to undertake any further noise measurements required under Guidance Note 5(b). If the number of turbines to be turned off are less than the total number of turbines then this shall be agreed in advance with the Planning Authority. The further assessment shall be undertaken in accordance with the following steps:-

d. To this end, the steps in Guidance Note 2 shall be repeated with the required number of turbines shut-down in accordance with Guidance Note 5(c) in order to determine the background noise (L3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition. At the discretion of the consultant and provided there is no reason to believe background noise would vary with wind direction, background noise in bins where there is insufficient data can be assumed to be the same as that in other bins at the same wind speed.

e. The wind farm noise (L_1) in each bin shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal nor AM penalty:

$$L_1 = 10\log\left[10^{L_2/10} - 10^{L_3/10}\right]$$

f. The rating level shall be calculated by adding the tonal and AM penalties to the derived wind farm noise L_1 in that bin.

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

5. There shall be no Commencement of Development unless full details of the proposed wind turbines implemented (including the power rating, sound power levels, and tonality assessment carried out on the selected turbine) have been submitted to and approved in writing by the Planning Authority.

Reason – In order to ensure the specific turbines used in the development are made know to the planning authority and the wider public.

6. The relevant enforcing authority on noise, shadow flicker and vibration conditions shall be either Moray Council or Aberdeenshire Council, subject to the location of dwellings within their respective administrative boundaries.

Reason- In order to clarify who the enforcing authority is in the event of a nuisance being caused.

7. The wind farm operator shall employ an independent consultant, approved by the Planning Authority, to measure and where necessary calculate, at the operator's own expense, the level of noise immisions from the wind turbines within the first year of the operation of the turbines. The measurement procedures, which may include filtering data according to wind direction, shall be agreed with the Planning Authority prior to commencement. The results of any measurement exercise shall be forwarded to the Planning Authority as soon as practicable after the completion of the monitoring exercise.

Reason- In order ensure measures are in place to address any noise nuisance arising from the development.

8. a) Construction work 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 or bank holidays other than concrete pouring if started within those hours , turbine erection and emergency works . The developer shall notify the Planning Authority of such works if carried out outside the permitted hours within two working days of their occurrence

b) Heavy Goods Vehicles (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 or bank holidays unless otherwise agreed in writing by the Planning Authority.

c) Turbine delivery may be made out with these construction hours, where necessary, and as agreed in writing in advance with the Planning Authority.

For the avoidance of doubt the public holidays or bank holidays are detailed as follows:

- New Year's Day, if it is not a Sunday or, if it is a Sunday, 3rd January; • 2nd January, if it is not a Sunday or, if it is a Sunday, 3rd January;
- Good Friday;
- The first Monday in May;
- The first Monday in August;
- 30th November, if it is not a Saturday or Sunday or, if it is a Saturday or Sunday, the first Monday following that day;
- Christmas Day, if it is not a Sunday or if it is a Sunday, 27th December; and Boxing Day, if it is not a Sunday or, if it is a Sunday, the 27th December

Reason- In order to avoid any ambiguity over the permissible construction working times, and in the interests of protecting neighbouring amenity.

9. Prior to the commencement of the development and in accordance with the Outline Construction Environmental Management Plan in Appendix 4.1 of the Environmental Statement supporting document by Infinergy, dated November 2022 and titled "Clashindarroch Wind Farm Extension. EIA Report", a detailed Construction Environmental Management Plan shall be submitted and approved by the Council as Planning Authority.

Thereafter, the development's construction phase shall be carried out in accordance with the approved details described here.

Reason- In order to ensure further consideration and approval can be given to the finalised Construction Environmental Management Plan.

10. Prior to the commencing of any blasting operations for the formation of borrow pits associated with the development, a scheme for the monitoring of blasting including the location of monitoring points and equipment to be used shall be submitted to the planning authority for written approval. All blasting operations shall take place only in accordance with the scheme as approved or with subsequent amendments as may receive the written approval of the planning authority.

Reason- In order to ensure that any blasting carried out so as to minimise any amenity or nuisance impacts arising from blasting operations.

11. In the event of the formation of borrow pits, blasting times shall be restricted as follows:

    a) No blasting shall be carried out on the site except between the following times (1000 and 1200 hours) and (1400 and 1600 hours) on Mondays to Fridays and (1000 and 1200 hours) on Saturdays.

    b) There shall be no blasting or drilling operations on Sundays, Bank Holidays or National Holidays.

    c) The above condition shall not apply in cases of emergency when it is considered necessary to carry out blasting operations in the interests of safety. The Planning Authority shall be notified in

writing immediately of the nature and circumstances of any such event.

Reason- In order to ensure that any blasting carried out so as to minimise any amenity or nuisance impacts arising from blasting operations.

12. Ground vibration as a result of blasting operations to form borrow pits at the site shall not exceed a peak particle velocity of 10mms^{-1} in 95% of all blasts and no individual blast shall exceed a peak particle velocity of 12mms^{-1} as measured at vibration sensitive buildings. The measurement shall be the maximum of 3 mutually perpendicular directions taken at the ground surface at any vibration sensitive building.

Reason- In order to ensure that any blasting carried out so as to minimise any amenity or nuisance impacts arising from blasting operations.

13. At the reasonable request of the Planning Authority, following a complaint relating to vibration from blasting operations to form borrow pits, the developer shall measure at its own expense ground vibration to ensure compliance with the above condition. The results of such monitoring shall thereafter be forwarded to the Planning Authority.

Reason- In order to ensure that any blasting carried out so as to minimise any amenity or nuisance impacts arising from blasting operations.

14. Prior to the development commencing, a shadow flicker mitigation scheme shall be agreed in writing with the Planning Authority in respect of all dwellings within 11 rotor diameters of any turbine. The agreed scheme shall be in accordance with Section 17.8 and 17.9 of the Environmental Statement supporting document by Infinergy, dated November 2022 and titled “Clashindarroch Wind Farm Extension EIA Report”.

Reason- In order to ensure that any incidence of shadow flicker is appropriately addressed.

15. Produce an annual report (12 months from when the windfarm is first fully commissioned) demonstrating the project is meeting the minimum assumptions provided in the net economic impact assessment submitted within the Clashindarroch Wind Farm Extension EIA Report Chapter 16 for both development and construction and operational expenditure and community benefit for both Moray and Scotland.

Reason – In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio economic benefits of the development to the wider local community and Scotland.

16. Where the annual reports referred to in the condition above show that project expenditure or community benefit has not achieved the assumptions in the net economic impact assessment, a report will be provided by the developer for approval by the planning authority showing how this will be addressed or compensated for in future years to ensure that the economic assumptions for the development are met. Thereafter implemented by the developer. In the absence of action or compensation the socio economic benefit fund will be increased accordingly the following financial year to offset any detriment of economic impact.

Reason – In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio economic benefits of the development to the wider local community.

17. Prior to commencement of development, approval must be obtained in writing from the planning authority for the acceptance of a Community Benefit plan including the governance arrangements, purpose, relevant community and amounts of Community Benefit including provision for Community Ownership. This approved Community Benefit Plan must then be implemented by the developer and provide a community benefit at a minimum of rate of £5k per MW or equivalent rising in line annually with the Retail Price Index.

Reason – In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio economic benefits of the development to the wider local community. To contribute to the local community wealth building strategy and ensure economic impact is consistent with local economic priorities which contributes to NPF4 policy 25.

18. Provide a Socio Economic Benefit Fund to be administered by Moray Council at the rate of £5k per MW rising annually from the point of operation in line with the retail price index. The fund will be used to for projects across Moray directly related to supply chain development, business support, including tourism and regeneration projects, skills and barriers to employment in Moray and to promote Community Ownership.

Reason – In order to ensure compliance with NPF4 Policy 11c) and to maximise the local socio economic benefits of the development to the wider local community. To contribute to the local community wealth building strategy and ensure economic impact is consistent with local economic priorities which contributes to NPF4 policy 25

19. Prior to development commencing details of the private water supply and foul drainage arrangements for the staff welfare facilities must be submitted to and approved in writing by the Council as Planning Authority.

Reason- In order than consideration can be given to the information not fully detailed in the current submissions and ensure that the elements of the development providing facilities for staff are properly serviced.

20. Prior to the commencement of works a detailed plan of public access across the site (existing, during construction and upon completion) will be provided for the approval of the Council as planning authority. This will show:

(a) All existing paths ,tracks and rights of way and any areas currently outwith or excluded from statutory access rights*;

(b) Any areas proposed for exclusion from statutory access rights, for reasons of privacy, disturbance or curtilage, in relation to proposed buildings or structures;

(c) All paths and tracks proposed for construction, for use by walkers, riders, cyclists, all ability users, etc;

(d) Any diversions or paths – temporary or permanent – proposed for the purposes of the development.

*Under Part 1 if the land Reform (Scotland) Act 2003 (Scottish Executive 2005)

Details of how the Public Access Plan should be devised and implemented are given in section 7 of the guidance 'Good practice during windfarm construction 2010'

Reason- In order to ensure that the public access and recreational potential of the development is realised.

21. No works in connection with the development hereby approved shall commence unless an archaeological written scheme of investigation (WSI) has been submitted to and approved in writing by the planning authority and a programme of archaeological works has been carried out in accordance with the approved WSI. The WSI shall include 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. Should the archaeological works reveal the need for post excavation analysis the development hereby approved shall not be brought into use unless a post-excavation research design (PERD) for the analysis, publication and dissemination of results 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 safeguard and record the archaeological potential of the area.

22. Protective fencing during construction - No works in connection with the development hereby approved shall commence unless a site protection plan has been submitted to and approved in writing by the planning authority. Site protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

    a. The location of the historic environment features to be protected during construction works; and

    b. The position and details of the warning signs and protective fencing to be erected.

No works in connection with the development hereby approved shall commence unless the site protection measures have been implemented in full in accordance with the approved details. All protective fencing and warning signs shall be retained during the construction period in accordance with the approved details and no works shall take place at any time within the protected areas.
Reason- In the interests of protecting known features of the historic environment.

23. A finalised scheme of aviation lighting to be approved by the MoD must demonstrate efforts to minimise the visual effect of visible lighting upon the areas where they would be visible from. If technically possible a radar activated system for visible lighting should be used.

    Reason – In order to minimise the impact of night time visible aviation lighting upon the rural night skies in this locality.