

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>11 June 2019</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/18/1875
Planning proposal:	Section 36 consultation for the erection of 14 wind turbines (up to 200m in height) and associated infrastructure

## 1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	3R Energy Solutions Limited
Location:	Hagshaw Hill Wind Farm Douglas Lanark ML11 0RR

## 2 Recommendation(s)

### 2.1 The Committee is asked to approve the following recommendation(s):-

- (1) That the Scottish Government is informed that South Lanarkshire Council has no objection to the proposed erection of 14 wind turbines (up to 200m in height) and associated infrastructure under Section 36 of the Electricity Act 1989
- (2) Authorise the Head of Planning and Economic Development Services to undertake any discussions, further agreements of conditions and planning obligations if required, with the Scottish Government

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Scottish Government is also advised that approval should be subject to the conclusion of a legal agreement(s) covering:
  - Community Contribution Payments
  - The funding of a Planning Monitoring Officer
  - Control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement(s).

### 3 Other information

- ♦ Applicant's Agent: As applicant
- ♦ Council Area/Ward: 04 Clydesdale South
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
  - Policy 2 - Climate Change
  - Policy 3 - Green Belt and Rural Area
  - Policy 4 - Development management and placemaking
  - Policy 15 - Natural and Historic Environment
  - Policy 17 - Water Environment and Flooding
  - Policy 19 - Renewable Energy

#### **Supplementary Guidance 1: Sustainable Development and Climate Change**

#### **Supplementary Guidance 2: Green Belt and Rural Area**

#### **Supplementary Guidance 3: Development Management, Placemaking and Design**

#### **Supplementary Guidance 9: Natural and Historic Environment**

#### **Supplementary Guidance 10: Renewable Energy**

#### **Proposed South Lanarkshire Local Development Plan 2 (2018)**

Policy 1 Spatial Strategy  
Policy 2 Climate Change  
Policy 5 Development Management and Placemaking  
Policy 13 Green network and greenspace  
Policy 14 Natural and Historic Environment  
Policy 15 Travel and Transport  
Policy 16 Water Environment and Flooding  
Policy 18 Renewable Energy

DM1 New Development  
SDCC2 Flood Risk  
SDCC3 Sustainable Drainage Systems

- ♦ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

WOSAS

Countryside and Greenspace

Coalburn Community Council

Douglas Community Council

Lesmahagow Community Council

# Planning Application Report

## 1 Application Site

- 1.1 The application site is the existing Hagshaw Hill Wind Farm. This wind farm is considered Scotland's first commercial wind farm and was constructed in 1995 and has been operating continuously for over 20 years. The wind farm is now nearing the end of its 25 year operational life span. The wind farm comprises twenty six, 65m high (to hub height) turbines. The application site comprises some 275 hectares of land and, excluding the existing wind farm, comprises a mixture of moorland and agricultural grazing land.
- 1.2 The application site is located approximately 1.6km to the north of the village of Glespin and 3.2km west of the village of Douglas and straddles 3 hills (Broomerside Hill, Common Hill and Hagshaw Hill). The site is located on land designated as rural within the Adopted South Lanarkshire Local Development Plan (SLLDP) (2015). The nearest residential properties are approximately 1km to the south of the site (Monksfoot).
- 1.3 Following the construction and operation of Hagshaw Hill Wind Farm, there have been several wind farm developments constructed in the area and several more have received consent and are expected to be constructed in the near future. Within a 10km radius of the application site, the operational (or being constructed) wind farms are:-
- Nutberry (within 5km, to the north west of the site)
  - Auchrobert (within 10km, to the north west of the site)
  - Galawhistle (within 5km, to the south west of the site)
  - Hagshaw Extension (adjoins the southern boundary of the site)
  - Middle Muir (within 10km, to the south east of the site)
  - Kype Muir and Kype Muir Extension (on the fringe of the 10km radius, north west of the site)

Further to these operational wind farms, the following have received consent and could be developed in the near future (again within a 10km radius of the site):-

- Kennoxhead (within 5km, to the south of the site)
- Cumberhead (within 5km, to the west of the site)
- Poniel (within 5km, to the north east of the site)
- Dalquhandy (within 5km to the north of the site)
- Broken Cross (5km to the north east of the site)
- Penbreck (on the fringe of the 10km radius, south west of the site)
- Douglas West (adjoins the western boundary of the site)

## 2 Proposal(s)

- 2.1 An application has been made to the Scottish Government under Section 36 of the Electricity Act 1989 for the erection of 14 wind turbines (up to 200m in height) and associated infrastructure with a 30 year operating lifespan. The proposals are to replace the existing wind farm as it reaches the end of its operational life. Given the proposals are for the replacement of an existing wind farm, the Scottish Government categorises the application as a 'repowering' of a wind farm. The repowering proposals comprise the following components:-
- Fourteen, 200m tall (to blade tip) wind turbines and their foundations

- Crane hardstanding areas adjacent to each turbine
- On site access tracks between turbines
- Substation
- Welfare Facilities and Maintenance Room
- On site energy/ battery storage facility (approx. capacity of 20MW)

- 2.2 Abnormal loads and deliveries to the site would travel along the M74 before leaving at Junction 11 Poniel. Vehicles would then use the private road that runs past the John Dewar bonded warehouse site and continue up into the existing wind farm using a combination of existing tracks that would be upgraded and new access roads.
- 2.3 The installed turbine generation capacity of the proposals would be 84MW with an additional potential on-site battery storage capacity of 20MW. It should be noted that battery technology has greatly increased over a very short period in recent times and is expected to continue to evolve rapidly. Whilst currently the average achievable battery storage capacity is 5MW, it is anticipated that, given the long term nature (30 years) of these proposals, if successful, battery storage of 20MW is achievable.
- 2.4 The existing Hagshaw Hill Wind Farm has a generation capacity of 16MW and, therefore, the proposals would represent an increase in capacity of some 68MW. The increase in turbine technology since the construction of Hagshaw Hill in 1995 has resulted in this increase in MW being achieved through the use of more efficient, taller turbines which allows for the dramatic increase in MW whilst dropping the number of turbines from the original 26 to the proposed 14. Whilst there is a proposed reduction in turbines on height, due to the proposed increase in height, the standoff distance between turbines to ensure they do not share the same wind (termed wake separation) has had to be increased and therefore the current application site extends further than the original footprint of Hagshaw to allow for this wake separation and, therefore, the current application boundary extends further south down to Broomerside Hill to with Turbines 1, 2 and 3 located in this southern extension.
- 2.5 The application is for a development that constitutes development of a nature that requires an Environmental Impact Assessment to form part of any application submission. An Environmental Impact Assessment Report (EIA Report) with a full suite of technical appendices has been submitted in support of the application to the Scottish Government as well as other supporting document including a Planning Statement and a Non -Technical Summary.

### **3 Background**

#### **3.1 National Policy**

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3

also notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”.

3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

3.1.3 The Scottish Government’s Onshore Wind Policy Statement (Dec 2017) sets out the considered views of Scottish Ministers, following consultation, with regard onshore wind energy and how renewable technology continues to evolve.

3.1.4 All national policy and advice is considered in detail in section 6 of this report.

## 3.2 Development Plan Status

3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans. It is noted that the site is located within an existing, operational wind farm.

3.2.2 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:

- Policy 2: Climate change
- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 15: Natural and historic environment
- Policy 17: Water environment and flooding
- Policy 19: Renewable energy

3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design

- Supplementary Guidance 9: Natural and Historic Environment
- Supplementary Guidance 10: Renewable Energy

3.2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

#### Volume 1

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 5 Development Management and Placemaking
- Policy 13 Green network and greenspace
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

#### Volume 2

- DM1 New Development
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

### 3.3 Planning Background

3.3.1 The application site is the existing Hagshaw Hill Wind Farm (P/LK/01940252 P) that has been operational since 1995. As previously mentioned, this wind farm comprises twenty six, 55m high (to tip height) turbines with a cumulative generating capacity of approximately 16MW. This planning permission was granted with an operational life span of 25 years and, therefore, is nearing the end of this life span. The removal of the turbines and restoration of the site at the end of this 25 year life span was a requirement of the planning permission.

3.3.2 Although outwith this application site, permission was granted in December 2006 for twenty, 80m (to tip) turbines adjacent to the original wind farm (Planning Ref: CL/05/0018). These turbines are operational and are referred to as the Hagshaw Hill Extension. These turbines are unaffected by the current proposals and have been operational since 2009 and are, therefore, approximately 10 years into their 25 year operational lifespan.

## 4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – no objection subject to conditions requiring a traffic management plan that includes,

but is not limited to, a safety audit for the Abnormal Loads Route, onsite parking, travel plan, wheel wash facilities and construction route signage. Also require a Section 96 legal agreement to ensure all HGV traffic to the site shall use Junction 11 of the M74 as stated within the application submission and to provide an undertaking by the applicant to either repair any damage attributable to construction traffic or contribute towards the maintenance of the public road network involved in the construction route.

**Response:** Noted, any consultation response stating no objection would be predicated on the basis of conditions requiring the further approval of a traffic management plan and the separate conclusion of a S96 Legal Agreement.

- 4.2 **Roads and Transportation Services (Flood Prevention)** - no comments to make.

**Response:** Noted.

- 4.3 **Countryside and Greenspace** – no objection to the proposal but note there is a small impact on an area of native woodland due to a new access track route and note that whilst the lack of any biodiversity through the site does limit habitat creation and no Habitat Management Group (HMG) or Plan is proposed. Consider that a HMG would still be useful to enhance biodiversity throughout the site.

**Response:** Noted. It is considered that the setting up of an HMG should be recommended to the Scottish Government to try and maximise any habitat creation possible. A HMG would also be able to assess whether replacement planting would negate any impact the loss of any unprotected woodland due to the proposed access route.

- 4.4 **West of Scotland Archaeology Service (WOSAS)** – note that the proposals are to be located on a mixture of previously disturbed land (due to the existing Hagshaw Hill Wind Farm) and previously undisturbed land. Agree with the archaeological findings within the EIA Report and the proposed mitigation measures which includes agreeing a scheme of archaeological investigation with WOSAS prior to development commencing. WOSAS, therefore, have no objections to the proposals subject to the use of a suitable archaeological condition requiring a programme of archaeological works agreed by WOSAS.

**Response:** Noted, any consultation response to the Scottish Government stating no objection would be predicated on the basis of a condition requiring the further approval of a programme of archaeological works.

- 4.5 **Environmental Services** – have no objections to the proposals subject to noise limits to protect the amenity of residential properties in the area.

**Response:** Noted and the recommend noise levels form part of the recommendation to the Scottish Government.

- 4.6 **Coalburn Community Council** – state that they fully support the proposals.

**Response:** Noted.

- 4.7 The following consultees had no comments to make on the proposals

Lesmahagow Community Council  
Douglas Community Council



## **5 Representation(s)**

- 5.1 Statutory advertisement of the application was undertaken by the applicant in January 2019 in the Edinburgh Gazette 9 and 15 January, the Herald (10 January) and the Lanark Gazette (9 and 16 January).
- 5.2 No letters of representation have been received following this advertisement.

## **6 Assessment and Conclusions**

- 6.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it is development comprising a wind farm with a generating capacity of over 50MW. In this instance, South Lanarkshire Council is a consultee to the application process and is not the consenting authority. South Lanarkshire is one of a number of consultees to the Scottish Government as part of an application of this nature. The Scottish Government has consulted with several other bodies such as SNH, SEPA, Transport Scotland and the Civil Aviation Authority. Each consultee provides comments based on their own remit and, therefore, some matters that would normally be covered within a Planning Assessment fall, in this instance, under the remit of other consultees and not that of the Council. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the application is made under the Electricity Act 1989 and not the Planning Act and, therefore, the Development Plan does not have the primacy it normally would for planning decisions but it is still an important material consideration in this instance.
- 6.2 In terms of National Planning Policy and Guidance, NPF 3 notes in paragraph 3.8 that the Government seeks to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015. SPP Policy Principles (page 9) state that there will be “a presumption in favour of development that contributes to sustainable development.” At paragraph 28 SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments, including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 6.3 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises distinct areas into groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes areas described as ‘community separation for consideration of visual impact’ and is relevant to this proposal. SPP indicates that this represents an area not exceeding 2km around settlements. This distance, however, is to be

determined by the planning authority based on landform and other features which restrict views out from the settlement. Visual impact, including the impact on settlements, is assessed at paragraphs 6.43 to 6.45. Group 3, identifies 'areas with potential for wind farm development'. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. These considerations are fully assessed below at sections 6.4 onwards of this report. Paragraph 170 of SPP states that "Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities." Taking into account the above, the principle of development being established by the existing Hagshaw Wind Farm and for the reasons set out in sections 6.4 onwards of this report, it is considered the proposed development accords with SPP.

- 6.4 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal, it is noted that the majority of the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development, by its nature, contributes to developing low carbon energy. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse effect. Consequently, it is considered that the proposal accords with Policy 10 of Clydeplan.
- 6.5 In the Adopted South Lanarkshire Local Development Plan (SLLDP) 2015 the overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources, (vii) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks. Taking into account the proposed wind farm proposals would generate renewable energy and have a generating capacity of some 68MW, in line with Government targets on renewable

energy generation, it is considered below that there would be no adverse impact upon the matters described in criteria (vii). As a result, it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change.

- 6.6 Policy 3: Green Belt and Rural Area states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. The proposal is located within the rural area. SG 2: Green Belt and Rural Area lists in Appendix 2 renewable energy as an appropriate use within this area and refers to the SG Renewable Energy, and SG Sustainable Development and Climate Change for further guidance. It is considered that the principle of the development has already been deemed acceptable within this part of the Rural Area given the site contains the existing Hagshaw wind farm (and the proposals are effectively a replacement or 'repowering' of this wind farm) and the other wind farms in operation in the locality. Therefore, there are no further implications for the countryside strategy set out within the Development Plan.
- 6.7 Policy 4 Development Management and Placemaking states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The principle of a wind farm has already been established on most of the site and in the locality, and therefore, the principle of a replacement wind farm is acceptable under this policy. The proposals' impact in terms of the local community, amenity, ecology and landscape and visual impact are assessed in detail and in relation to more specific policy criteria throughout the following assessment section below. It is, therefore, considered that the proposals comply with the broad principle of this policy subject to this further detailed assessment.
- 6.8 Policy 15: Natural and Historic Environment and the associated Supplementary Guidance provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features as listed in Table 6.1 of the SLLDP from adverse impacts resulting from development, including cumulative impacts. The policy categorises each of the natural and historic environment designations within three distinct groups and are assessed in turn below.
- 6.9 Category 1 areas include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) where development will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. The application site is not located within any SPA or SACs with only the Coalburn Moss SAC being located within a 5km radius of the application site. This SAC is designated for its unique bog mass and vegetation and it is considered that the proposals would not have any effect on this designation. The nearest SPA to the site is the Muirkirk and North Lowther SPA which is located approximately 2.3km away. This SPA is designated for its population of hen harriers, merlin, peregrine, golden plover and short-eared owls.

It is considered that this distance from the SPA would result in the proposals having no direct impact upon the SPA or habitats within the SPA but the application site is within the foraging range for species located within the SPA. The EIA Report has a chapter on ornithology which considers that there is limited potential for any significant impact upon protected bird species, including those species within the SPA. It is considered that the proposals are unlikely to have a significant impact upon protected bird species. It is also noted that the site currently hosts a wind farm which has been in situ for over 20 years. SNH have been consulted by the Scottish Government and will be providing further detailed advice on ornithological issues including impacts upon the SPA.

- 6.10 Policy 15 states that in Category 2 areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of further policy and guidance provided in the SG on the Natural and Historic Environment.
- 6.11 SG Natural and Historic Environment contains a number of policies on the historic environment covering category 2 national designations (Category A listed buildings and their setting fall within this designation) and includes:
- Policy NHE 2 Scheduled Monuments and their setting states that developments which have an adverse effect on scheduled monuments or their settings shall not be permitted unless there are exceptional circumstances.
  - Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and not diminish its interest.
  - Policy NHE 4 Gardens and designed landscapes aims to protect the quality and historic integrity of designed landscapes and avoid damage to their special character.
  - Policy NHE 5 Historic battlefields requires development to take cognisance of the battlefield and demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site.
- 6.12 The EIA Report submitted with the planning application contains a cultural heritage assessment of the proposals. There are no scheduled monuments, listed buildings, historic battlefields or Inventory Gardens and Designed Landscapes (GDL) within the application site but the assessment took in a 20km radius from the site boundary. The cultural heritage assessment concluded that there would be no significant effect on the setting of any of these level of cultural heritage asset within 20km of the application site. Historic Environment Scotland are also a consultee to this application and will be providing further detailed comments to the Scottish Government in relation to the proposals impact in relation to national, historic assets.
- 6.13 Other policies within SG Natural and Historic Environment that relate to category 2 national designations are Policies NHE 9, NHE 10 and NHE 11. Policy NHE 9 states that development which affects a Site of Special Scientific Interest (SSSI)/National Nature Reserve will only be permitted where an appraisal has

demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. There are several SSSIs within 5km of the application site. Coalburn Moss SSSI lies approximately 2.7km north east of the application site and is designated for its raised bog. Muirkirk Uplands SSSI and North Lowther Uplands SSSI are designated for their geological features and upland habitats as well as for populations of hen harriers and short-eared owls. Birkenhead Burn SSSI lies approximately 2.5km north-west of the application site and is designated for its vertebrate fossil-bearing rocks. Miller's Wood SSSI is located approximately 5km to the south west of the site and is designated due to its upland birch woodland. Ree Burn and Glenbuck Loch SSSI, Shiel Burn SSSI and Kennox Water SSSI are also located on the limit of the 5km perimeter from the site but these 3 SSSI's are also designated for their geological features. It is considered that 14 turbines at a height of 200m (to tip height) would have no impact upon the qualifying interests of these designations with the exception of the ornithological interests of the Muirkirk and North Lowther SSSIs. Impact on ornithology in relation to protected species at these 2 SSSIs is considered in para 6.9 above as the Muirkirk and North Lowther SPA encapsulates these SSSIs. It is considered that the proposed development complies with SG Natural and Historic Environment policy NHE 9.

- 6.14 Policy NHE 10 requires the protection of prime agricultural land and also land of lesser quality that is locally important. The application site does not contain any prime agricultural land as identified in SLLDP Strategy Map, therefore Policy NHE 10 is not relevant. Policy NHE 11 states that development proposals that involve the loss or fragmentation of areas of ancient semi-natural woodland (categories 1a and 2a on SNH Ancient Woodlands Inventory) will only be supported where any significant adverse effects are clearly outweighed by social or economic benefits of national importance. The proposal will not result in loss or fragmentation of areas of ancient semi-natural woodland identified in the SLLDP Strategy Map, therefore, Policy NHE11 is not applicable.
- 6.15 SG Natural and Historic Environment contains guidance on the water environment under category 2 national designations and refers to Policy 17 of the SLLDP. The impact of the proposed development on the water environment has been assessed in terms of Policy 17 at paragraphs 6.21 below. Overall, and in view of the above, it is considered that the proposals would not significantly affect Category 2 designations.
- 6.16 In Category 3 areas, development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected. The Category 3 local designations are taken in turn below with further reference made when applicable to policy and guidance provided in the SG Natural and Historic Environment.
- 6.17 SG Natural and Historic Environment contains the following policies on the historic environment under category 3 local designations. (Category B and C listed buildings and their setting fall within this designation):

- Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and ensure that proposals will not diminish its interest.
- Policy NHE 6 Non-scheduled archaeological sites and monuments requires these assets to be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.
- Policy NHE 7 Conservations areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.

6.18 As noted in 6.12 above, there are no listed buildings within the application site. Category B and C listed buildings were included in the cultural heritage assessment and, as previously noted, it was concluded that the proposed amendments would not have any impact upon any cultural heritage assets within a 20km radius of the site. Douglas does have a Conservation Area but it is considered that, due to the distance of it from the proposals and the intervening topography and built environment, the proposals shall have no direct impact upon the setting of this Conservation Area. In relation to unscheduled archaeological sites, WOSAS acknowledge that the existing wind farm has resulted in the site having already been developed which, therefore, limits the archaeological potential of the site whilst also noting that there are areas of new development that could provide opportunities for archaeological investigation. WOSAS, therefore, have no objections to the proposals subject to the use of a condition to agree a level of archaeological investigation prior to any development commencing on site. Subject to the Scottish Government attaching a suitable archaeological condition, it is considered that the proposals comply with SG Natural and Historic Environment policies NHE 3, NHE 6 and NHE 7.

6.19 Special Landscape Areas (SLA) are included within category 3 local designations under Policy 15 of the SLLDP; and Policy NHE16 of SG Natural and Historic Environment contains further guidance on SLAs and the wider landscape. There are 4 SLAs within 10km of the application site. The Douglas Valley SLA is the nearest and the application site boundary falls within the western edge of this SLA. Further afield are the Middle Clyde Valley SLA, the Upper Clyde Valley and Tinto SLA and the Leadhills and Lowther Hills SLA all located between 5 and 10km from the application site. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the EIA Report. The SLAs have been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. Of the four SLAs, three are considered not to experience significant effects due to a combination of distance, limited opportunities to view the proposed development from the area as a whole, as well as the existence of existing wind farms and wind turbines in closer proximity to these SLAs. In regard of the remaining SLA (Douglas Valley SLA), it is considered that this designation relates to the broad, open valley floor while the proposals are located on the western edge of the valley and in the rising slopes and hills of the northern side of the valley. It is therefore considered that the integrity of the SLA's character is not compromised by the wind farm development and the special nature of the valley is maintained. Further landscape and visual impact assessment is carried out in further detail below.

- 6.20 Policy NHE 15 in the SG Natural and Historic Environment (category 3 local designations) states that development on undesignated peatland will only be supported where any significant adverse effects are clearly outweighed by significant social or economic benefits. It adds that renewable energy development will be assessed on the basis of the specific guidance on peat contained in the Renewable Energy Supplementary Guidance. The site is not considered to have any large peat deposits. It should be noted that both SEPA and SNH are separate consultees to this Section 36 application and as part of their responses to the Scottish Government, peat management would be included. It is therefore, considered that, in this instance, solely as a consultee, the Council shall defer to both these bodies in relation to peat management.
- 6.21 Policy 17: Water Environment and Flooding states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. The SG on Sustainable Development and Climate Change contains guidance on the water environment, and the water environment falls under category 2 national designations within Policy 15 of the SLLDP. The EIA Report contains a chapter on hydrology, hydrogeology and geology that concludes that the proposals will have a minimal impact upon the water environment. Mitigation measures are proposed to further minimise the development's impact and this includes following a construction environmental management plan (CEMP) to ensure no oils or other potential pollutants during the construction phase are spilled and enter watercourses. Other mitigation includes surface draining for the areas of hardstanding to direct surface water into the surrounding water table. The application area is not identified as being at the risk of flooding. It is considered that the proposals will have a limited impact upon the water environment and that the mitigation measures proposed are suitable. Transportation Services (Flooding) have no objections to the proposals and it should also be noted that SEPA will, separately, be providing further detailed advice on the water environment.
- 6.22 Policy 19: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular, the considerations set out at paragraph 169 and additionally for onshore wind developments the terms of Table 1: Spatial Frameworks. The policy also requires the Council to produce statutory supplementary guidance which accords with SPP. The Council has now published its approved SG on Renewable Energy (SG10). The proposed development will be assessed against Table 7.1 Assessment checklist for wind energy proposals of SG10, which includes the Spatial Framework and the principles set out in paragraph 169 of SPP. Each is taken in turn below.
- 6.23 Policy RE1 Spatial Framework for Wind Energy requires applications for onshore wind turbine developments of a height to blade tip of 15m or over to accord with the Spatial Framework and to meet the relevant criteria set out in section 6 Development Management considerations and Table 7.1 Assessment checklist for wind energy proposals. The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Table 4.1 of SG10 Renewable Energy sets out three groupings in relation to wind energy development. These are as follows:
- Group 1: Areas where wind farms will not be acceptable

- Group 2: Areas of significant protection
- Group 3: Areas with potential for wind farm development

Group 1 areas comprise of National Parks and National Scenic Areas (NSA). There are no National Parks or NSA that will be affected by the proposed development.

Group 2 Areas of significant protection; SPP and SG10 recognise the need for significant protection of particular areas which include:

- National and international designations
- Other nationally important mapped environmental interests
- Community separation for consideration of visual impact

- 6.24 National and international designations have been previously assessed at paragraphs 6.9 to 6.12 and it is considered that subject to conditions there are no adverse effects on national and international designations. Other nationally important mapped environmental interests include areas of wild land as shown on the 2014 SNH map of wild land areas and carbon rich soils, deep peat and priority peatland habitat. There are no areas of designated wild land within South Lanarkshire. SNH has prepared a consolidated spatial dataset of carbon-rich soil, deep peat and priority peatland habitats in Scotland derived from existing soil and vegetation data. There are no areas of carbon rich soils/peatland within the site boundary of the proposed development. The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact. This is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area. There is 1 settlement (Glespin) within 2km of the application site. This is assessed further below. The ES contains a Landscape and Visual Impact Assessment (LVIA) at Section 6. The visual impact of the proposal is assessed at paragraphs 6.35 to 6.45 below.
- 6.25 Group 3 Areas with potential for wind farm development: SPP and SG Renewable Energy (SG10) states that beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. Table 7.1 of SG10 sets out a series of considerations which are to be taken into account when assessing renewable energy proposals and these are in line with the considerations set out at section 169 of SPP.
- 6.26 Policy RE2 Renewable Energy Development replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Therefore the development proposals are collectively assessed against the criteria of both policies at paragraphs 6.27 to 6.65 below. On the basis of the assessment below it is considered that subject to conditions and mitigation measures being implemented, the proposed amendments to conditions comply with Policies RE1, RE2 and Group 3 of the Spatial Framework as set out in SPP. As previously stated, as a consultee to the application not all the criteria are relevant to be assessed against as part of this response and therefore only the relevant criteria



is assessed. Other criteria that relate to the remit of other consultees such as the Civil Aviation Authority, Ministry of Defence etc. therefore do not form part of this assessment as they will be providing their own responses to the Scottish Government.

6.27 The relevant Table 7.1 criteria is taken in turn as follows;

6.28 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.9 to 6.12 and it is considered that there are no adverse effects on national and international designations.

6.29 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).

This has previously been assessed in paragraphs 6.20 and 6.24.

6.30 Community separation for consideration of visual impact.

This is examined in detail in paragraphs 6.35 to 6.45 below.

6.31 Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Section 13 of the EIA Report presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development represents a major investment in South Lanarkshire and has the opportunity to deliver a range of positive economic impacts through construction and operation. It also notes that taller turbines would have a larger output in MW than the existing wind farm even with the number of turbines being reduced from 26 to 14.

6.32 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.

It is considered that turbines with an increased electricity generating capacity would create more renewable energy than the existing wind farm and the improvements in modern turbine technology allow the construction footprint of the wind farm to be reduced from 26 turbines to 14 and the reduction in construction materials that this allows.

6.33 Effect on the natural heritage, including birds - Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats.

This criterion, in line with Policy NHE19 in the SG Natural and Historic Environment states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. Protected species surveys have been carried out on the site and are contained within Chapters 7 and 8 of the EIA Report. The EIA Report states that the development would not have a significant impact upon protected species and habitats. The EIA Report concludes that, due to the relatively poor habitat nature that would be lost as part of the proposals, there is no need for habitat enhancement measures within the application site. It is considered that whilst the habitat within the application site is relatively poor in ecological terms there are always potential habitat enhancement measures that can be implemented as part of the scheme. It is, therefore, considered that whilst the

results of the habitat and protected species within the EIA Report are agreed that there should be further consideration given to habitat management and enhancement. It is, therefore, proposed that any response of no objection to the Scottish Government should recommend that a Habitat Management Plan (HMP) and Habitat Management Group (HMG) would be a requirement of any consent if issued.

6.34 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).

As noted above, it is considered appropriate to recommend the implementation of a HMP as part of any consent.

6.35 Landscape and visual impacts

It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. First, the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Secondly, the visual impact is assessed followed by the impact on visual residential amenity. The assessment takes into account cumulative impacts. SPP makes reference to wild land which is a consideration when assessing landscape impacts. There are no areas of designated wild land within South Lanarkshire and there will be no impact on areas of wild land outwith South Lanarkshire from the proposed development.

6.36 As previously noted, this application has been categorised by the Scottish Government as a 'repowering' of an existing wind farm and therefore current practice requires any landscape and visual assessments to take account of the existing wind farm as part of baseline rather than a baseline where the existing wind farm has been removed from the landscape. The landscape and visual impacts as assessed below are, therefore, taken in the context of the existing wind farm being in situ when making the assessment.

6.37 The application site is located partly within the Rolling Moorland Landscape Character Type (LCT) and more predominantly the Rolling Moorland with Wind Farm LCT as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). The 3 most southerly proposed wind turbines (Turbines 1, 2 and 3 within the slightly extended southern boundary of the site) are located within the northern fringe of the 'Rolling Moorland Area' with the remaining 11 turbines located within the 'Rolling Moorland with Wind Farm Area'. The key characteristics of the 'Rolling Moorland' LCT are its distinctive upland character created by elevation and rolling or undulating landform and the predominant lack of modern development as well as a sense of apparent wildness and remoteness that separates the LCT from the lower lying farmed and settled lowlands. The 'Rolling Moorland with Wind Farm' is the same as the 'Rolling Moorland' but is now a landscape influenced by the presence of wind farms such as Hagshaw Hill.

6.38 As noted by the 'Rolling Moorland with Wind Farm' LCT, since the development of Hagshaw in 1995, this LCT area has seen extensive wind farm development resulting in it now being categorised as a wind farm landscape type. The landscape and visual impact assessment therefore does not concentrate solely on

the proposals impact upon the landscape but also its cumulative impact in relation to other existing and consented wind farms.

- 6.39 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the EIA Report (Chapter 6 Landscape and Visual). The LVIA includes replacement of the existing wind farm as part of its study as well as the cumulative impact of the proposals in relation to other existing and consented wind farms. The LVIA concludes that, as with any commercial scale wind farm the proposals would result in a series of landscape and visual effects but that the landscape has the capacity to accommodate the effects identified, especially taking into account the proposed wind farm in the context of similar and consented proposals in the immediate area that are due to be built on similar timescales as these proposals. The consented, but as yet unbuilt, wind farms (including sizes) referred to are:-
- Douglas West Wind Farm – 13 turbines at 149.9m to tip
  - Cumberhead Wind Farm - 11 turbines at 126.5 to tip
  - Dalquhandy Wind Farm – 15 turbines at 131m to tip
- 6.40 It should be noted that both the Cumberhead and Dalquhandy proposals have live planning applications to amend the height of their turbines. The Cumberhead developers propose to increase the number of turbines from 11 to 14 and increase the height to 149.9m for 12 turbines and 180m for 2 turbines. These proposals are currently pending consideration. The developers at Dalquhandy have applied to increase 11 of their 15 turbines to 149.9m and this application is pending decision, having been approved subject to the completion of a legal agreement at May's Planning Committee.
- 6.41 The application site is located within an area that is identified as having low capacity for wind turbines at a scale of 150m to 200m within the finalised Tall Turbine Addendum, 2017 to the South Lanarkshire Landscape Capacity Study 2016 (hereon referred to as the Addendum). This Addendum seeks to inform developers of areas within South Lanarkshire where turbines over 150m may be appropriate. It identifies areas into 4 categories of capacity, High, Medium, Low and None. It should be noted that the majority of South Lanarkshire is identified as None in relation to capacity. The capacity study is a high level, strategic document and, whilst trying to inform developers of the more suitable locations, each site's context and the nature of the proposals have to be fully taken into account when making assessments. The Addendum also contains further more LCT specific advice to again help inform developers in relation to siting tall turbines. The Addendum provides guidance for siting turbines of 150 to 200m in rolling moorland. It states that, due to the modest scale of landforms in this LCT, taller turbines might have adverse visual or adverse scale effects if not carefully sited. It does note that most of the areas where turbines could be most comfortably sited already have wind farm development leaving little capacity for further development in this LCT. It continues to note that with turbine heights varying from 55m to 149.9m in height, the addition of larger turbines could, therefore, be perceived as an extension to an operational or consented wind farm.
- 6.42 In terms of the landscape capacity of the area, it is noted that the 'Rolling Moorland' LCT only contains 3 of the 14 turbines and this LCT rises to join the Rolling Moorland with Wind Farm' LCT. The 3 turbines have, due to the rising topography of the landscape, a backdrop onto the Rolling Moorland with Wind Farm' LCT and this backdrop characterises this section of the 'Rolling Moorland'

LCT as being one of wind farm development as it frames the 'Rolling Moorland with Wind Farm' LCT. It should also be noted that the 'Rolling Moorland' LCT does not preclude the introduction of wind farm development just that, as previously stated in 6.41, there are several key landscape characteristics that need to be taken into account in determining if this is appropriate in landscape terms. The portion of the site within the 'Rolling Moorland' is viewed in its entirety in relation to it rising and joining the 'Rolling Moorland with Wind Farm' LCT and this backcloth of wind farm development characterises the immediate landscape. It is, therefore, considered that the location of the turbines from public viewpoints would in effect be viewed within the same LCT. The rolling nature of the site provides a background and backcloth in which to frame turbines within the application site.

- 6.43 It is considered, however, that turbines 10, 11 and 14 are located close to the summit of Common Hill (Turbines 10 and 11) and Henry's Hill (Turbine 14). The siting of these turbines on such a high point of the rolling landscape, where the modest vertical scale above the valley floor, removes the backcloth that the landscape provides and these 3 turbines at a height of 200m would dominate the horizon. It is considered that they should not be viewed in isolation but in relation to the other 11 turbines proposed by this application as well as the existing and consented wind farm development in the area. Therefore, whilst they may seem dominating at 200m, they do not appear incongruous within a turbine landscape of this nature as they are within the centre of the landscape rather than being outliers that cannot be read as part of a larger wind farm. It is considered that their siting, whilst dominant, would not lead to an objection on landscape and visual impact in itself, however, consideration has to be given to whether these more dominant turbines could be effectively 'softened' on the skyline. If they were dropped to 180m it would reduce their dominating effect on the skyline. While a reduction of 20m in relation to an open landscape may be considered to have limited visual affect it would bring a uniformity to these turbines in line with the other proposed turbines that are located below the summit and ridgeline of this LCT. This uniformity would soften the 3 turbines dominance on the horizon as they would be read more in context with the other 11 turbines proposed. It is, therefore, considered that, whilst not responding to the Scottish Government with an objection, any response would include a recommendation that the Scottish Government, as the decision maker, consider the reduction in height of turbines 10, 11 and 14.
- 6.44 SNH have been consulted on the proposals and will also be providing detailed landscape and visual impact advice directly to the Scottish Government. It is also considered that, due to the proposed turbines being over 150m in height, some, if not all, will be required to be up lit on the grounds of aviation safety. As noted in the Addendum, aviation warning lighting is less likely to have an adverse effect in this LCT given it is relatively located to settlements such as Douglas and Coalburn as well as more densely populated farmland and valleys which are both characterised by artificial lighting. It is considered that an aviation lighting plan should be conditioned as part of any consent issued and again this forms part of the recommendation to the Scottish Government. It should also be noted that the Scottish Government will be consulting directly with the Civil Aviation Authority and Ministry of Defence as well as other aviation related parties as part of this application.

- 6.45 In terms of other cumulative visual impacts, it is noted that whilst these proposals would involve the removal of the existing, original 26 Hagshaw Hill turbines, the Hagshaw Hill extension turbines have approximately 15 years until they are required to be decommissioned. These turbines sit at 80m to tip height and, while there will be some incongruity due to the difference in heights with the new proposals, this should be viewed in the context of the immediate landscape being viewed as a wind farm landscape. In addition, the new proposals do not encroach into the Hagshaw Extension area and, therefore, would be read as being in the middle of the landscape surrounded by a ring of smaller turbines. This, in turn, would allow them to be read in connection with the larger inner turbines. It is also considered by the time the repowering of Hagshaw is implemented the Hagshaw Extension would be even further into its 25 year lifespan and would either be required to be removed from the landscape or, more likely, a new repowering scheme will be sought. This disparity would, therefore, be short term in nature.
- 6.46 The visual impact and cumulative visual impact of the proposals is also assessed in the LVIA. A detailed viewpoint assessment of the operational effects of the proposal is presented in Chapter 6.3 of the EIA Report. There is one settlement (Glespin) within 2km of the proposed turbines. As stated at paragraph 6.24, developers are required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. A Residential Visual Amenity Study has also been submitted as part of the EIA Report. The application site is located approximately 1.6km to the settlement of Glespin, which lies at the bottom of a steep sided foothill of Broomerside Hill. The steepness of this foothill effectively shields the wind turbines from view in Glespin with only some of the proposed blade tips being visible. It is, therefore, considered that the natural topography screens the turbines from view and, therefore, naturally mitigates any impact on the residential amenity of this settlement.
- 6.47 The impact of the proposed development on residential amenity is considered below.
- 6.48 Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.  
The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of Table 7 of SG. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraph 6.46 above.
- 6.49 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the EIA Report. The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and recommend that appropriate conditions can be attached which require the noise limits to be validated, if consent is granted, to ensure the required levels are met. In addition Environmental Services recommend a suitable condition to be attached, if consent is granted, to address the required procedure in the event of there being a noise complaint from the proposed development. Shadow flicker is assessed at section 15 of the EIA Report. The shadow flicker analysis within this Chapter of the EIA report modelled potential shadow flicker based on 10 rotor diameters from each of the proposed turbines

and within 130 degrees either side of north. The results of the flicker analysis showed there was potential for one receptor to encounter shadow flicker (Low Broomerside). This receptor is a property owned by the applicant and they have stated that it will remain unoccupied for the lifetime of the wind farm, if consented. It is, therefore, considered that there are no receptors affected by potential shadow flicker from the proposals.

6.50 Impacts on carbon rich soils and peat, using the carbon calculator.

This consideration set out in criteria 2 of Table 7 of SG Renewable Energy and SPP has previously been assessed in paragraphs 6.20 and 6.24.

6.51 Impact on Public Access.

This consideration set out at criteria 12 of Table 7 of the SG Renewable Energy aligns with Policy 15 Natural and Historic Environment of SLLDP and Policy NHE 18 in the SG Natural and Historic Environment which contains guidance on core paths and rights of way. The EIA Report states that developing a public access strategy for the site to allow recreational access through the site is one of the environmental commitments of the scheme. The proposals do not affect any core paths or right of ways during construction or operation. It is, therefore, considered that the proposals are acceptable in relation to public access.

6.52 Impacts on the historic environment.

This consideration set out at criteria 13 of Table 7 of the SG Renewable Energy has previously been assessed under Policy 15 Natural and Historic Environment of SLLDP at paragraphs 6.10 to 6.12 and 6.17 to 6.18. On the basis of the above assessment, it is considered that the proposed development accords with the consideration set out at criteria 13 of Table 7 of the SG Renewable Energy.

6.53 Impacts on tourism and recreation.

The EIA Report assesses the likely effects of the proposals on tourism and recreation in Chapter 13 and concludes the proposed development would not generate any significant adverse effect on any of the tourist and recreational assets. The New Lanark World Heritage Site and Falls of Clyde Visitor Centre and Wildlife Reserve are national and regional attractions located approximately 12km from the application site so the overall effect of the proposals on these attractions would not be significant. There are a number of walking routes within the area, however, it is considered that, due to the existing wind farms in the area, that there is already a high expectancy for walkers or cyclists visiting the area to see a wind farm. Therefore, the proposals are not considered to be significant in this respect. Overall, the effects are considered not to be significant on tourism and recreation. Having taken account of and considered the above, it is concluded that, overall, the effects on tourism or recreation, would not be significant and subject to conditions the proposed development accords with the consideration set out at criteria 14 of Table 7 of the SG Renewable Energy.

6.54 Impact on road traffic and on trunk roads.

The EIA Report in Chapter 12 provides an analysis of the proposals with respect to the potential impact it may have on the road network. The proposed route for turbine delivery is to use the M74 motorway, exiting at junction 11, then exiting the Poniel interchange western roundabout on to the existing Dalquhandy private access road leading to the existing wind farm site. Roads and Transportation Services have no objections to the proposals subject to conditions requiring a

traffic management plan that includes, but not limited to, a safety audit for the Abnormal Loads Route, onsite parking, travel plan, wheel wash facilities and construction route signage. They also require a Section 96 legal agreement to ensure all HGV traffic to the site shall use Junction 11 of the M74 as stated within the application submission and to provide an undertaking by the applicant to either repair any damage attributable to construction traffic or contribute towards the maintenance of the public road network involved in the construction route. On the basis of the above, it is considered the proposed development complies with criteria 17 of Table 7 of the SG Renewable Energy subject to these conditions and requirement of a legal agreement.

6.55 Impacts on hydrology, water environment and flood risk

This consideration covers criteria 18 of Table 7 of the SG Renewable Energy. The water environment and flooding under Policy 17 of SLLDP has been assessed at paragraph 6.21 above. On the basis of the above assessment, it is considered that the proposed development accords with the consideration of effects on hydrology, the water environment and flood risk.

6.56 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust; and any consent granted will require a decommissioning and restoration condition attached. The EIA Report sets out a brief summary of the decommissioning proposals which includes all components being removed from site and disposed of and/or recycled as appropriate, and in accordance with regulations in place at that time. If required, exposed parts of the concrete turbine foundations would be ground down to below sub-soil level with the remaining volume of the foundations left in situ. The turbine base area and crane pads would be returned to their original appearances unless further consents were granted. It is, therefore, considered as part of any response to the Scottish Government that, if consent is granted, conditions shall be attached requiring that a decommissioning and restoration plan and to secure a decommissioning bond that satisfies the Council's requirements. On the basis the above requirements can be secured through conditions if consent is granted, the proposed development complies with criteria 19 and 21 of Table 7 of the SG Renewable Energy.

6.57 Opportunities for energy storage.

The proposed development contains on site battery storage of up to 20MW as part of the scheme and given this would allow for energy generation even when the grid has no capacity the proposals are supported by the Council.

6.58 Site decommissioning and restoration bond.

As noted at paragraph 6.56 above the Council consider that it should be a requirement of any consent that decommissioning and a restoration bond or financial guarantee should be put in place to meet all the expected costs of the proposed decommissioning and restoration phase. The bond or guarantee will have to satisfy the Council's criteria.

6.59 Forestry and woodland removal.

Criteria 22 of Table 7 of SG Renewable Energy requires the effect proposals may have on forestry and woodland to be fully assessed. The majority of the site is moorland or agriculture so there is little woodland affected by the proposals bar a

small area to be felled as part of a new access track. This area of unprotected woodland is not of a sufficient quality or quantity to require compensatory planting to be sought elsewhere on site. As previously mentioned in paragraph 6.33, the recommendation for a HMP would ensure that habitat creation, including woodland if deemed suitable, could be carried out in parts of the site to aid biodiversity.

6.60 Impact on Prime Agricultural Land.

As noted in paragraph 6.27 there is no Prime Agricultural Land within the application site.

6.61 Borrow pits.

Criteria 24 of Table 7 of SG Renewable Energy requires borrow pits associated with windfarms to comply with the requirements in paragraph 243 of SPP. Paragraph 243 of SPP states that borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries and that if they are acceptable they should be restored following the construction period of the wind farm. Two borrow pits are proposed for the construction of the wind farm. In this instance, the remoteness of the application site does add an economic and environmental cost to the project in terms of lorry distances. It should also be noted that the southern parts of the application site has historically been mined for coal and there is a legacy of a coal bing on site (Douglas West Bing). It is proposed that the material in the bing will be used for infill material during the construction period. It is considered that this use of former colliery spoil bings as construction material, supplemented by borrow pit material, would be considered an environmental enhancement project subject to suitable restoration, including timescales, of the bing and borrow pits. A condition requiring a restoration plan for any borrow pit would form part of any response to the Scottish Government.

6.62 Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licenses under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. As noted in para 6.21 above, SEPA will be providing a detailed consultation response to the Scottish Government including comments on Environmental Protection. The Council will, however, be responding requesting that a condition requiring the submission and approval by the Planning Authority in consultation with SEPA and SNH of a Construction Environmental Management Plan (CEMP) which includes a site specific Construction Method Statement, Site Waste Management Plan (SWMP), Pollution Prevention Plan and surface water management plan be attached to the consent if granted.

6.63 Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report the application was submitted with a robust EIA Report containing appropriate mitigation measures (Chapter 17). The response to the Scottish Government will recommend the implementation of all the mitigation measures as outlined within Chapter 17 'Schedule of Environmental Commitments' of the EIA Report that was submitted as part of the application.



6.64 Legal agreement

Criteria 28 of Table 7 of SG Renewable Energy requires, where appropriate, the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance, a legal agreement to secure community benefit payments (as discussed in paragraph 6.66 below), the employment of a Planning Monitoring Officer and to ensure control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements will be required to be entered into if planning permission is granted.

6.65 Environmental Impact Assessment (EIA)

Criteria 29 of Table 7 of SG Renewable Energy requires all applications for all renewable energy developments which fall within the scope of the Environmental Assessment Legislation to be accompanied by an Environmental Statement. As noted throughout Section 6 of this report an Environmental Impact Assessment Report accompanied the planning application submission.

6.66 Other considerations.

The considerations set out at Table 7 of SG Renewable Energy and SPP at paragraph 169 are assessed above at paragraphs 6.27 to 6.65. In addition to this, another principle set out in the SG Renewable Energy at paragraph 2.10 and at SPP at paragraph 173 relates to community benefit. SPP states that where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit. The applicant has confirmed that, should consent for the proposed development be granted and implemented, the applicant will provide a package of community benefit, equivalent to £5,000 per MW per annum for the lifetime of the development. This equates to approximately £420,000 per year of the windfarm development if approved. The level of contribution is not a material consideration in the assessment of the application.

6.67 Drawing all of the above together, it has been demonstrated that the proposed repowering of the windfarm will not have any adverse effects on the landscape character and visual amenity of the area and that all other relevant matters in determining the application insofar as they are within the remit of the Council in terms of this section 36 application have been satisfactorily addressed. The recommendation is to advise the Scottish Government that the Council has no objections to the proposals but note that consideration should be given to reducing the overall height of turbines 10, 11 and 14 in the scheme.

## **7 Reason for Decision**

7.1 The proposed repowering of an existing wind farm with a reduction of 12 turbines but at a much taller scale is considered acceptable, is not considered to have any significant, adverse impact within the surrounding area and is considered to accord with National Policy and the relevant provisions of the Development Plan, subject to the imposition of the attached, recommended environmental and transportation conditions. To further improve the scheme, consideration should be given by the Scottish Government in whether a reduction in height of turbines 10, 11 and 14 and whether this visual enhancement would, on balance, offset any reduction in renewable energy generated by the proposals.

**Michael McGlynn**  
**Executive Director (Community and Enterprise Resources)**

Date: 23 May 2019

**Previous references**

- ◆ P/LK/01940252 P

**List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
  
- ▶ Consultations
  - Roads Development Management Team 02.04.2019
  - Environmental Services 21.05.2019
  - WOSAS 08.02.2019
  - Countryside And Greenspace 25.03.2019
  - Coalburn CC 31.01.2019

**Contact for further information**

If you would like to inspect the background papers or want further information, please contact:-

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### Conditions and reasons

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Impact Assessment Report including all Appendices, dated December 2018, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

Reason: For the avoidance of doubt and to specify the drawings upon which the decision was made.

02. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-

- i. be granted in favour of the planning authority
- ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
- iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development
- iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
- v. come into effect on or before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.

No work shall begin at the site with the exception of Phase 1 felling until (1) written approval of the Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the planning authority.

In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Planning Authority.

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

03. The rating level of noise immissions from the combined effects of the wind turbines (including the application of any tonal 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 Local 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 property 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.

d) The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously 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 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. The assessment shall include 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. 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 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 - Noise Limits for the predicted worst case scenario (Proposed development) - Noise limits expressed in dB LA90,10 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 wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods

Location	Standardised wind speed at 10 meter height (m/s) within the site averaged over 10-minute periods								
	4	5	6	7	8	9	10	11	12
Shielpark	24	30	32	33	32	32	32	32	32
Monksfoot	30	36	38	39	38	38	38	38	38
Carmacoup Fm Cott	26	32	34	35	34	34	34	34	34
Viaduct Cottage	27	32	35	35	35	35	35	35	35
Bungalow Cottage	25	31	33	34	33	33	33	33	33
Longhouse Cottage	26	31	34	34	34	34	34	34	34
Braeface Cottage	27	32	34	35	35	35	35	35	35
Hillview Crescent	27	32	35	35	35	35	35	35	35
Hazelside Farm	25	30	33	33	33	33	33	33	33
Station House	24	30	32	33	32	32	32	32	32
Blackwood Cottage	24	29	32	32	32	32	32	32	32
Scrogton	22	27	30	30	30	30	30	30	30
Shielpark	24	30	32	33	32	32	32	32	32
Scrogtonhead	24	29	32	32	32	32	32	32	32

The above values are subject to the accuracy of tables 9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 9.7 and 9.8 The Hagshaw Hill Wind Farm Repowering Noise and Vibration statement Chapter 9. This as described within the attached advisory as they relate

to the day and night immisions both from the proposed development and also the resultant cumulative levels at those receptors identified.

Hazelside Farm and Blackwood Cottage are considered to be financially involved and are attributed the elevated immssion level of 45dB measured as an LA90,10 minute

## Guidance Notes for Noise Conditions

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immisions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance 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).

### Guidance Note 1

(a) Values of the LA90,10 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: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.

(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 property 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 LA90,10 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

arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. 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, 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.

(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 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. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in 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 LA90,10 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

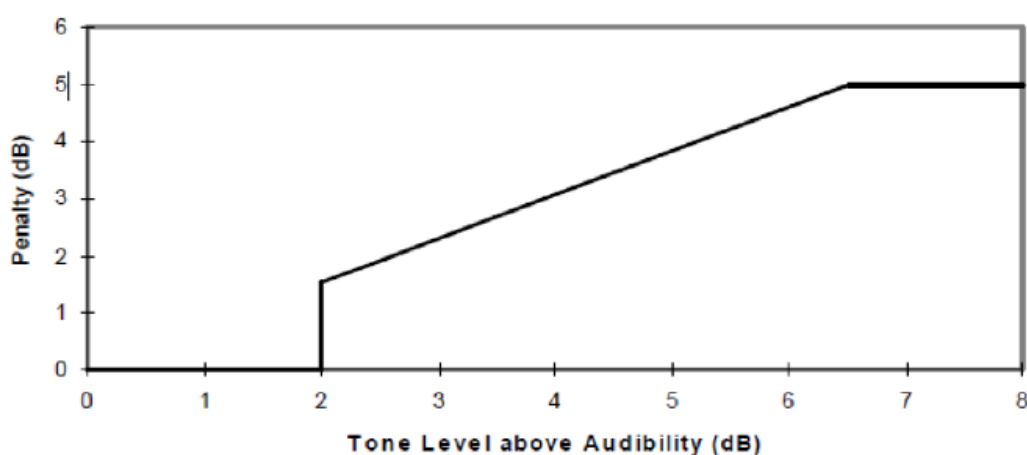
2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available ("the standard procedure"). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. 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 104-109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares "best fit" linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the "best fit" line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



#### Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant's dwelling approved in accordance with paragraph (e) of the noise condition, 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.

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

(e). Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining 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.

(f) The wind farm noise (L1) at this speed shall then be calculated as follows where L2 is the measured level with turbines running but without the addition of any tonal penalty

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

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

#### Environmental Health Advisory Statement

The Operational Noise from Wind Farm is based on compliance with ETSU-R-97. This should ensure that the details as described within The Hagshaw Hill Wind Farm Repowering Noise and Vibration statement Chapter 9 is correct. This should demonstrate compliance with the following-

#### Cumulative Noise (Daytime)

The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 35-40dB LA90,10min or background LA90,10min +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive

premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

#### Cumulative Noise (Night-time)

The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90,10min or background LA90,10min +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

#### Cumulative Noise (Financially Involved Receptors)

The cumulative noise (at any time) from the wind turbines must not exceed a noise level of 45dB LA90,10min or background LA90,10min +5dB, whichever is the greater, at the boundary of the curtilage of any financially involved noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

Reason: In the interests of residential amenity.

04. All construction work associated with the development must be carried out in accordance with the current BS 5228, 'Noise control on construction and open sites' and all audible construction activities shall be limited to:

Monday to Friday 7.00am to 7.00pm,

Saturday 7.00am to 1.00pm;

With no audible activity taking place on Sunday, local and national bank holiday. Outwith these periods, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the local planning authority. The local planning authority shall be informed in writing of emergency works within three working days of occurrence.

Subject to condition 4, any noise solely attributable to construction noise (where borrow pits are not operational) should not exceed 65dB(A) LAeq to include both stationary and mobile plant as described within Annex F- Code of practice for noise and vibration control on construction and open sites - Part 1: Noise (BS 5228-1:2009)

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

05. No blasting shall take place until such time as a blasting method statement has been submitted to and approved in writing by the Planning Authority.

The method statement shall include details of measures required to minimise the impact of blasting on residential and other noise-sensitive properties in the vicinity of the site. It shall also include the following measures:

- Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;
- Blasting techniques and instantaneous charge levels shall be employed such that the predicted peak particle velocity shall not exceed 6 mm/s in any plane in 95% of all blasts, and no individual blast shall exceed a peak particle velocity of 12 mm/s as would be measured on the ground adjacent to any vibration-sensitive building;
- Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;
- Within the constraints of safe practice, blasting shall be avoided under weather conditions which are likely to direct or focus the blast air overpressure towards neighbouring noise sensitive properties
- Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

No blasting shall take place except between the following times:-

10.00 - 12.00 and 14.00 - 16.00-Mondays to Fridays and;

10.00- 12.00 Saturdays.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

06. That the property Low Broomerside shall remain unoccupied for the lifetime of the development hereby approved unless otherwise agreed in writing by the Council as Planning Authority.

Reason: In the interests of residential amenity.

07. Prior to commencement of development works the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads Authority, and thereafter adhere to and implement the TMP within the timescales set out. The TMP shall be produced in consultation with Roads & Transportation Services and include, but not be limited to, a safety audit for the Abnormal Loads Route, onsite parking, travel plan, wheel wash facilities and construction route signage. No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.

Reason: In the interests of road safety and in order to retain effective planning control.

08. At least 3 months prior to the delivery of abnormal loads the developer will undertake an Abnormal Load Route Assessment (ALRA) which shall include a test run and submit a report describing the outcome of the ALRA together with any recommendations for the written approval of the Council as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads. Should the Abnormal

Load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require to be submitted to and approved by the Council as Roads Authority.

Reason: In the interest of road safety

09. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Peat Management Plan and Ground Water and Surface Water Monitoring Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The CEMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the EIA Report and Appendices dated December 2018. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The method statement shall include the following:

- a) A plan of the construction operations at an appropriate scale;
- b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
- c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
- d) Track design approach
- e) Maps of tracks indicating double and single tracks and position of passing places.
- f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
- g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
- h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
- i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and SNH and SEPA guidance.
- j) A management plan for minimising the emission of dust from the construction and operation of the development.
- k) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
- l) Compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
- m) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.

- n) Peat Management Plan (PMP) - a PMP shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH and thereafter all work will be carried out in accordance with the plan within the required timescales.
- o) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
- p) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- q) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- r) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during high periods of high rainfall.
- s) Timing and extent of any necessary re-instatement.
- t) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
- u) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.
- v) Ground Water and Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by component qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- w) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.

Reason: To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.

10. Prior to commencement of development the developer shall submit a detailed Access Management Plan (AMP) for the written approval of the Planning Authority, and thereafter adhere to and implement the AMP within the timescales set out. The AMP shall be produced in consultation with the Council's Countryside & Greenspace Services and a programme of community consultation shall be undertaken on a draft AMP. Proposals shall incorporate and identify the Council's Core Path and Wider Network and provide signage where the network identifies links. No works shall commence on site until such times as the AMP has been approved in writing by the Planning Authority.

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

11. Three months prior to the commencement of the development, an Ecological Clerk of Works (ECoW) shall be in place. The Planning Authority shall approve the ECoW for the period from prior to commencement of development to final commissioning of the development. The scope of work of the ECoW shall include:
- Monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the EIA Report
  - Advising the developer on adequate protection of nature conservation interests on the site;
  - Directing the micro-siting and placement of the turbines, bridges compounds and tracks and,
  - Monitoring compliance with the Construction Environmental Management Plan and Method Statement required by condition 18.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Impact Assessment Report and maintain effective planning control.

12. A minimum of 6 months prior to the commencement of decommissioning an Ecological Clerk of Works (ECoW) shall be appointed by the Company and approved by the Planning Authority after consultation with SNH until the completion of aftercare or such earlier date as may be agreed in writing by the Planning Authority. The scope of work of the ECoW shall include those elements identified in condition 30 with the exception of the third and fourth bullet points of that condition.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.

13. Each turbine shall be erected in the position indicated upon Figure 1.2b (site layout Plan West) within the Environmental Impact Assessment Report, dated December 2018. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and

West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:

- bring a turbine any closer to an uninvolved property than is already approved
- bring a turbine outwith the planning application boundary.
- breach the 50m water buffer zones

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

14. Within 3 months of commissioning the approved wind farm the applicant shall submit to the Planning Authority an "as built plan" at an appropriate scale indicating the location of any track, turbine, crane pad and restored borrow pit within the development.

Reason: In order to retain effective planning control

15. No later than 5 years prior to the end of the period of this deemed planning permission, or by such date later as may be agreed by the Planning Authority, the applicant shall submit a Restoration and Aftercare Plan including a method statement for the decommissioning of the wind farm and the restoration of the application site for the approval of the Planning Authority in consultation with SEPA and SNH. Additional consultation will be carried out to ensure that it takes into account changes in the environmental conditions, laws and techniques over the anticipated 30 year operational period. Decommissioning in accordance with the approved method statement shall be completed within 24 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development. The approved Decommissioning Plan and Method Statement shall be implemented and the works monitored by an ECoW.

Reason: To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.

16. Within 24 months of the end of the period of this deemed planning permission (unless a further permission is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the Restoration Plan and Aftercare Scheme referred to in Condition 15. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the Planning Authority, in consultation with SNH, shall review the retention of pads, foundations, cable/ducts and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement.

Reason: In order to retain effective planning control

17. No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Details of alternative warning devices shall be submitted to and approved in writing by the Council as Planning Authority prior to development

starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

18. That no development shall take place within the development site, as outlined in red on the approved plan, until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by West of Scotland Archaeology Service and approved by the Council, as Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Council, as Planning Authority in agreement with the Wets of Scotland Archaeology Service.

Reason: To minimise adverse impacts on archaeology on site.

19. That before any work starts on sites, details of any aviation lighting required by the CAA or MoD shall be submitted for the written approval of the Council, as Planning Authority. The lighting shall thereafter be maintained as approved for the lifetime of the development, hereby approved.

Reason: In the interests of visual amenity.

20. No later than 3 months prior to starting on site a Habitat Management Plan (HMP) for the entire application site shall be prepared in consultation with the Council as Planning Authority and SNH, and submitted to the Planning Authority for approval. The HMP shall include:
- (i) steps to provide habitat improvements
  - (ii) creation of new habitats to aid biodiversity
  - (iii) implementation of a Habitat Management Group
- Thereafter implement approved measures.  
Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP and within the timescales set out in the approved HMP.

Reason: To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control.

21. A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council and SNH and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims, and notwithstanding the above,
- a) Site clearance activities and where possible, construction, will take place outwith the bird breeding season (March to July inclusive). If site clearance activities commence during this period ECoW supervision is required.
  - b) The HMP will operate for the full lifespan of the wind farm, including decommissioning
  - c) The agreed proposals identified in the HMP will be fully implemented



d) Surveillance and monitoring results of species and habitat will be carried out in accordance with the approved plan and be submitted to the HMG in accordance with the timescales set out.

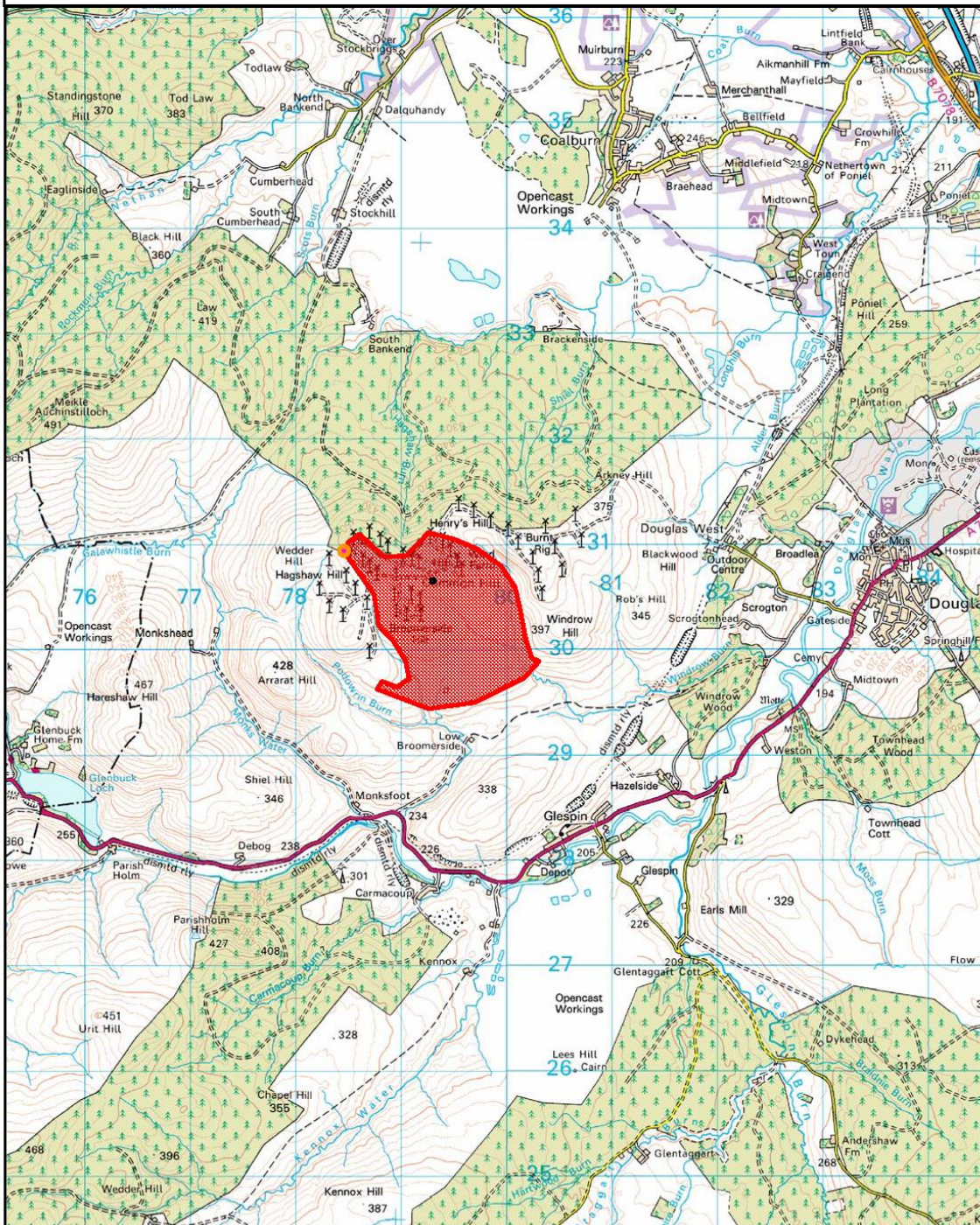
Reason: To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control.

22. That before any work starts on site, details of all proposed borrow pits shall be submitted for the written approval of the Council as Planning Authority. For the avoidance of doubt the details shall include timescales for the restoration of the borrow pits and full details of the proposed restoration of the borrow pits. The borrow pits and subsequent restoration shall thereafter be carried out as per these approved details.

Reason: In the interests of securing additional planning control.

P/18/1875

Hagshaw Hill, Wind Farm, Douglas, Lanark, ML11 0RR



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**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development