

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>8 October 2019</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/19/1145
Planning proposal:	Erection of 19 wind turbines (maximum height to tip 180m), access tracks, substation and other associated infrastructure (Section 36C application)

## 1 Summary application information

Application type: Variation of section 36 consent

Applicant: Brookfield Renewables  
 Location: Kennoxhead Wind Farm  
 Glentaggart Road  
 Glespin  
 Lanark  
 South Lanarkshire

## 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 amendments (increased tip height) to the Kennoxhead Wind Farm application made under Section 36(C) of the Electricity Act 1989
- (2) Authorise the Head of Planning and Economic Development 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 deal with the notification
- (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 and restoration guarantee quantum.

### 3 Other information

- ◆ Applicant's Agent:
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
  - Policy 1 – Spatial Strategy
  - 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
- 2: Green Belt and Rural Area
- 3: Development Management, Placemaking and Design
- 9: Natural and Historic Environment
- 10: Renewable Energy

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

- Policy 1 – Spatial Strategy
- Policy 2 Climate Change
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- 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

WOSAS

Roads and Transportation (Flood Management)

Douglas Community Council

Countryside and Greenspace

# Planning Application Report

## 1 Application Site

- 1.1 The application site is located approximately 3.1km south-west of Glespin and 6.5km south-west of Douglas and occupies an area of 10.5km<sup>2</sup>. The application boundary includes the proposed access route from the B7078 with the site itself located south of A70. The land cover within the application boundary comprises part of the upland river valley and rolling moorland with mature commercial forestry plantation present to the north/north west of the application site. In the wider area, land cover comprises rolling moorland and commercial forestry with the restored Glentaggart Open Cast Mine located to the north of the proposed development.
- 1.2 The site currently benefits from a Scottish Government consent under Section 36 of the Electricity Act 1989 for 19 turbines each 145m to tip with associated infrastructure including access tracks, transformer kiosks and turbine laydown areas. From here on this is referred to as the 'Original Consent'.

## 2 Proposal(s)

- 2.1 An application has been made to the Scottish Government to amend the Original Consent under Section 36(C) of the Electricity Act 1989. As with the Original Consent, the Scottish Government is the Consenting Authority with South Lanarkshire being a statutory consultee in this process. The amendments that are sought through this application are to increase the height of the turbines from 145m to tip to 180m to tip. The turbine foundation bases within the Original Consent have been assessed as being suitable for the larger turbine so the amendments do not require the re-location of any of the turbines or any significant alteration to the turbine foundation pads. The Original Consent also allowed for a 90m steel lattice anemometer mast and it is proposed to increase this mast to 113.5m as part of the proposals. Given this increase in height would only be required if the taller turbine proposals are acceptable and that the anemometer mast is a visually light, lattice structure that would not really be visible in the context of the wind turbines, it is considered that this height increase is acceptable and no further assessment is required for this part of the amendments.
- 2.2 The Original Consent has an electricity generation capacity of 64.6MW and the proposed changes to the turbines would increase this generating capacity by an additional 26.6MW with the amended scheme having a generating capacity of 91.2MW.
- 2.3 Any structures over 150m are required by the UK Air Navigation Order (2016) to be fitted with medium intensity aviation obstruction lighting and, therefore, whilst not needed as part of the Original Consent, aviation lighting would be required, and is proposed, for the amended turbines given their height.

### **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. Paragraph 25 acknowledges “the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts”.

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.

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 1 – Spatial Strategy
- 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:

Policy 2 Climate Change; Policy 4 Green Belt and Rural Area; Policy 5 Development Management and Placemaking; Policy 14 Natural and Historic Environment; Policy 16 Water Environment and Flooding and Policy 18 Renewable Energy

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 Original Consent (South Lanarkshire Ref CL/13/0042) was granted consent by the Scottish Government in July 2015 and was for a wind farm comprising 19 turbines with a maximum height to tip of 145m. South Lanarkshire Council, as a Statutory Consultee to the application offered no objections to the Original Consent. The Original Consent was issued under Section 36 of the Electricity Act 1989 and also received deemed planning permission under Section 57 of the Town and Country Planning Act. The deemed planning permission contained 33 planning conditions including for the provision of a financial guarantee for the restoration and aftercare of the site, a Construction and Environmental Management Plan (CEMP), the setting up of a Habitat Management Group (HMG) for the site and the employment of an Ecological Clerk of Works (ECoW) for the construction and decommissioning of the site.

## **4 Consultation(s)**

4.1 **Roads and Transportation Services (Development Management)** – no objection subject to replication of the Original Consent's Roads conditions (relating

to a Traffic Management Plan, Road Safety Audit and Access Management Plan) and replication of the legal agreement to provide financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.

**Response:** Noted, if members agree with the recommendation not to object to the application, the formal response to the Scottish Government would include replication of the aforementioned conditions and legal agreement.

- 4.2 **West of Scotland Archaeology Service (WOSAS)** – have no objections to the proposals subject to the replication of a condition to agree a level of archaeological investigation prior to any development commencing on site, in line with the Original Consent.

**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.

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

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

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

Roads and Transportation Services (Flood Risk)  
Countryside and Greenspace  
Douglas Community Council

## **5 Representation(s)**

- 5.1 Statutory advertisement of the application was undertaken by the applicant in July 2019. 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(C) of the Electricity Act 1989 as it is an amendment to a 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. 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.
- 6.2 As the proposals involve an amendment to an existing consent, there is no need to revisit the principle of the development or any facets of the Original Consent that do not form part of the proposed amendments. Therefore, in this instance, the assessment of the proposals relate solely to the increase in the turbines height.

The main matters for the Council's consideration are therefore whether the increase in the turbines height would comply with National Policy and South Lanarkshire's Development Plan Policy and the implications of the amended scheme in terms of landscape and visual impact, cumulative impact, transportation of larger turbines, ecology and ornithology, residential amenity and communities.

- 6.3 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).
- 6.4 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 categorizes 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 6.34 to 6.40. 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. 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 Original Consent and for the reasons set out below, it is considered the proposed development accords with SPP.
- 6.5 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 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.

- 6.6 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 amendments would increase the generating capacity of the Original Consent by 26.6MW, in line with Government targets on renewable energy generation, it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change subject to the assessment against other development management criteria as below.
- 6.7 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 the Rural Area given the site contains the Original Consent wind farm and the proposals are effectively an amendment to the Original Consent and, therefore, there are no further implications for the countryside strategy set out within the Development Plan.
- 6.8 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 the site and, therefore, the principle of a replacement wind farm is acceptable under this policy. The proposal's impact in terms of the local community, amenity, ecology and landscape and visual impact is 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.

- 6.9 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 these are assessed in turn below.
- 6.10 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 proposed development is not located in an international or national designated site. Muirkirk and North Lowther Uplands Special Protection Area (SPA) and Muirkirk Uplands Site of Special Scientific Interest (SSSI) lie adjacent to the proposed development site, and Red Moss Special Area of Conservation (SAC) and the associated SSSI are the nearest designated sites. It is considered that an increase in turbine height would not have any additional impact upon the Red Moss SAC and SSSI as the qualifying interests relate to bog land and, therefore, there would be no further effects from the taller turbines than from the Original Consent. The Muirkirk and North Lowther site is classified for its breeding and wintering populations of hen harrier and breeding populations of merlin, peregrine, short-eared owl and golden plover. The Original Consent took cognisance of the site's proximity to this SPA and SSSI and the setting up of a Habitat Management Group (HMG) was part of the mitigation measures to minimise the turbines potential impact upon the bird population within the neighbouring SPA. An HMG is included within the proposed mitigation measures for this application to ensure that the taller turbines are accounted for as part of the mitigation forth wind farms impact upon the SPA. In their response to the Scottish Government, SNH state that they are content with the proposed mitigation in relation to the SPA included within this application. It is, therefore, considered that subject to a condition requiring an HMG the proposals would comply with the policy criteria in this instance.
- 6.11 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.

- 6.12 The SG on 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.
- 6.13 The Environmental Report submitted with the Section 36(C) application contains a cultural heritage assessment for the amended proposals in relation the Original Consent. There are no scheduled monuments, listed buildings, historic battlefields or Inventory Gardens and Designed Landscapes (GDL) within the application site. The cultural heritage assessment concluded that there would be no significant effect on the setting of any of these cultural heritage assets as a result of the increase in turbine height. Notwithstanding, it is noted that Historic Environment Scotland as a consultee to this application and will provide detailed comments to the Scottish Government on this matter.
- 6.14 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. As previously mentioned, there are 2 SSSIs close to the application site. Coalburn Moss SSSI which is designated for its raised bog and Muirkirk Uplands SSSI and North Lowther Uplands SSSI which are designated for their geological features and upland habitats as well as for populations of hen harriers and short-eared owls. It is considered that an increase in turbine 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 is considered in para 6.10 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.
- 6.15 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 any additional loss or fragmentation of areas of ancient semi-natural woodland identified in the SLLDP Strategy Map, therefore, Policy NHE11 is not applicable.

- 6.16 This SG also 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 6.22 below. It is considered that the proposals would not significantly affect Category 2 designations.
- 6.17 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 policy and guidance provided in the SG Natural and Historic Environment.
- 6.18 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.
- 6.19 As noted in 6.13 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. In relation to unscheduled archaeological sites, WOSAS acknowledge that the Original Consent results in the site already having a permission in place for a wind farm and that an increase in turbine height is unlikely to further impact upon any unscheduled archaeological feature in the site area. WOSAS, therefore, have no objections to the proposals subject to the replication of a condition to agree a level of archaeological investigation prior to any development commencing on site, in line with the Original Consent. 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.
- 6.20 Special Landscape Areas (SLA) are included within category 3 local designations under Policy 15 of the SLLDP; and the SG Natural and Historic Environment

contains further guidance on SLAs and the wider landscape. There are 2 SLAs within 10km of the application site. The Douglas Valley SLA is the nearest and is approximately 5 to 7km to the north east of the site. The Leadhills and Lowther Hills SLA is located some 7.5km from the application site. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the Environmental Report. The SLAs have been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. The Leadhills and Hills SLA is considered not to experience significant effects due to a combination of distance and limited opportunities to view the proposed development from the area as a whole due to topography. In regard to the Douglas Valley SLA, it is considered that this SLA's designation relates to the broad, open valley floor and the proposals are located on the west side of the valley and in the rising slopes and hills of the southern side of the valley. It is, therefore, considered that the integrity of the SLA's character is not compromised by the proposed increase in turbine height and the special nature of the valley is maintained. Further landscape and visual impact assessment is carried out in further detail below.

- 6.21 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(C) 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.
- 6.22 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 Environmental Report contains a chapter on hydrology, hydrogeology and geology that concludes that the proposals will have a minimal impact upon the water environment. The application area is not identified as being at the risk of flooding. It is considered that the proposals to increase the turbine height will have a limited impact upon the water environment. It should also be noted that SEPA as a separate consultee will provide further detailed advice on the water environment.
- 6.23 SLLDP Policy 19 'Renewable Energy' states that renewable energy proposals will be assessed against SPP and South Lanarkshire Council's statutory supplementary guidance (SG). 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

6.24 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.

6.25 In terms of 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

6.26 National and international designations, as well as other nationally important mapped environmental interests, have been previously assessed at paragraphs 6.9 to 6.20 and it is considered that, subject to conditions, there are no adverse effects on national and international designations. 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. There are no communities within 2km of the application site with the nearest, Glespin being over 3km from the site.

6.27 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. The principle of wind farm development on this site has been established by the Original Consent and, therefore, there is no further need to assess the wind farm on a spatial level (Group 3) but instead focus on the effects of the proposed increase in height of the turbines.

6.28 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. Again, taking into account the principle of development has already been established through the Original Consent, only the relevant criteria, relating to the increased height of the turbines, from both policies is assessed below. Again, it should be noted that 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.

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

6.30 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.

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

The increase in turbine height would increase the renewable energy generated by the proposal and therefore they would have a greater contribution to renewable energy generation targets than the Original Consent.

6.32 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. This consideration has previously been assessed under Policy 15 Natural and Historic Environment of SLLDP above and it is considered that subject to replication of the Original Consent's conditions and the implementation of a HMG the proposed amendments accord with the consideration set out in Table 7.1 criteria 7 a) of the SG and SPP regarding effects on the natural heritage, including birds.

6.33 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.

6.34 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.

6.35 As previously noted, this application is made under Section 36(C) of the Electricity Act and is therefore a request to amend a previously consented scheme. In essence the application is to increase the height of 19 turbines by 35m and therefore any assessment has to be based solely on this increase in height. A further visual impact to consider, however, is that any structure over 150m will require aviation lighting. The Original Consent did not require aviation lighting.

6.36 The application site is located within the Rolling Moorland Landscape Character Type (LCT) and Rolling Moorland with Forestry, LCT subtype, as defined in the

South Lanarkshire Landscape Character Assessment 2010 (LCA). 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 Forestry subtype's key characteristic is that it is a landscape influenced by the presence of forestry. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands. The Original Consent (and, therefore, this application) is located within an area that is currently defined as to be of low sensitivity and low landscape value in relation to wind turbine development.

- 6.37 The application site is located within an area that is identified as having medium 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 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 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.
- 6.38 It is considered that the scale of the rolling moorland LCT and the site's relative remoteness from communities could accommodate an increase in height of 35m within the wider landscape. Taken in the context of the existing impact of the Original Consent, the increase in turbine height would not have any additional significant, detrimental effect in terms of landscape impact or visual impact. This and the low sensitivity for wind farm development in the landscape, therefore, leads to the conclusion that the proposed increase in height would not have any additional adverse landscape or visual impact upon the area than that already approved. There are no communities within 3km of the site and, therefore, the increase in height of the turbines will not introduce any residential visual impact issues.
- 6.39 In terms of the required aviation lighting, this is required to identify the turbines from the air and the lights are, therefore, directed upwards which helps minimise their impact upon the surrounding landscape at night. An assessment of the lighting has been carried out as part of the application submission which notes that whilst visible within the landscape it is not considered to have a significantly adverse effect on the landscape or any communities or single, residential



properties. Environmental Services are content with the proposed lighting and do not have any issues with it in relation to residential amenity. Whilst the lights will be visible, they will only be seen when dark by residential receptors and primarily from external areas such as gardens, which tend not to be used when dark. This further limits the potential to have a detrimental visual impact. It is considered that the proposed aviation lighting will have a negligible effect on the surrounding landscape. Therefore, on balance, the overriding safety requirement for the lighting is greater than the negligible effect the lighting would have on the night time landscape.

6.40 Therefore, taking into account the above assessment, it is considered that in terms of landscape and visual effects the proposed amendments to the Original Consent are acceptable.

6.41 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 paragraphs 6.34 to 6.40 above.

6.42 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 Environmental 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 was assessed as part of the Original Consent and, given the remote location, it has been assessed that the increase in blade height would still have no potential to create shadow flicker in relation to any residential property. It is, therefore, considered that there are no receptors affected by potential shadow flicker from the proposals.

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

The increase in turbine height would not lead to any additional loss of peat land.

6.44 Impact on Public Access.

The increase in turbine height would not inhibit public access as the tracks within the site would be unchanged.

6.45 Impacts on the historic environment.

This consideration has been assessed against SLLDP Policy 15 above.

6.46 Impacts on tourism and recreation.

It is considered that an increase in turbine height of this nature would have no further impact upon tourism or recreation within the local area.

6.47 Impact on road traffic and on trunk roads.

The Original Consent was subject to a legal agreement to account for the route of the turbine transportation to the site and account for any potential damage to public roads and structures created by the abnormal loads transporting the turbines to site. The increase in turbine height results in there still being a requirement for abnormal load transportation of turbines and, therefore, the requirement for a new legal agreement to address these issues is still relevant.

6.48 Decommissioning and restoration.

As with the Original Consent, there is a requirement for decommissioning and a restoration bond or other financial guarantee to 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 and should be a condition of any consent, if issued, in line with the Original Consent.

6.49 Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licences 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. SEPA will be providing a detailed consultation response to the Scottish Government including comments on Environmental Protection. The Original Consent required environmental measures to be carried out, therefore, all previous conditions of this nature should be replicated on any new consent, if issued.

6.50 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 robust and appropriate mitigation measures.

6.51 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 a community benefit payment (as discussed in paragraph 6.52 below), the appointment of a Planning Monitoring Officer and for 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 consent is granted.

6.52 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 6.64. 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, for the lifetime of the development based on the electricity generated.

Again, whilst not a material consideration to the assessment of this application any increase in turbine height would result in an increase in the electricity generated and, therefore, an increase in community payments.

### **6.53 Conclusion**

6.54 The application proposes amendments to a previous consent granted under Section 36 of the Electricity Act which, as a consultee, South Lanarkshire had no objections to. This consent established the principle of a wind farm development on the site. The amendments proposed relate to an increase in the turbine height by 35m going from the consented height of 145m to 180m and the key issue in providing a consultation response to the Scottish Government is whether the increase in turbine height is acceptable. A detailed assessment against development plan policy and supplementary guidance has been carried out and it is concluded that the increase in height would accord with the assessment criteria and would not have any significant, additional impact on the environment, landscape, residential amenity or road safety.

6.55 The Original Consent had several conditions attached to it to minimise the proposal's impact upon the natural and historic environment as well as the road network and residential amenity. Therefore, should South Lanarkshire Council have no objection to the amended proposals, it is recommended that this is on the basis that all these conditions and obligations are replicated on any new consent and that a legal agreement covering the issues detailed on the front page of this report is entered into.

## **7 Reason for Decision**

7.1 The proposals to increase the turbine heights from 145m to tip to 180m to tip under Section 36(C) of the Electricity Act 1989 are considered acceptable. The increase in turbine height is considered not to have any significant, adverse impact in relation to the previous consented development and accords with National Policy and the relevant provisions of the development plan subject to the imposition of the recommended environmental conditions.

**Michael McGlynn**

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

Date: 16 September 2019

### **Previous references**

♦ CL/13/0042

### **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 16.09.2019

Environmental Services

12.09.2019

WOSAS

08.08.2019

**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. Except as otherwise required by the terms of the Section 36(C) consent and associated deemed planning permissions, the Development shall be undertaken in accordance with the Environmental Report (June 2019) and any associated appendices .

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

02. No development shall commence until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour which should be non-reflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The turbines shall be consistent with the candidate turbine or range assessed in the Environmental Report (June 2019), and the tip height shall not exceed 180 metres above ground level. The turbines, masts and associated apparatus shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned.

All wind turbine blades shall rotate in the same direction.

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

Reason: In order to define the terms of the consent.

03. No development shall commence until final details of the external appearance, dimensions, and surface materials of the substation building, associated compounds, any construction compound boundary fencing, external lighting and parking areas have been submitted to and approved in writing by the Planning Authority. The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.

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

04. All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan references 60247473-ENG-002.1 and 60247473-ENG-002.2. Wind turbines, buildings, masts, areas of hardstanding

and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA, SNH and Historic Scotland) micro-siting is subject to the following restrictions:

- a. No wind turbine foundation shall be positioned more than 5m higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on plan reference 60247473-ENG-002.1 of the original S36 consent
- b. No wind turbine, building, mast or hardstanding shall be moved more than 50m from the position shown on the approved plans;
- c. No access track shall be moved more than 50m from the position shown on the approved plans;
- d. No micro-siting shall take place within areas of peat of greater depth than the original location;
- e. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems;
- f. All micro-siting permissible under this condition (other than that approved in writing by the Planning Authority) must be approved in advance in writing by the Ecological Clerk of Works (ECoW).

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

Reason: To control environmental impacts while taking account of local ground conditions.

05. No development shall commence until a site specific scheme for the working and restoration of each borrow pit forming part of the Development has been submitted to and approved in writing by the Planning Authority in consultation with SEPA. The scheme shall include;
- a. A detailed working method statement based on site survey information and ground investigations;
  - b. Details of the handling of any overburden (including peat, soil and rock);
  - c. Drainage, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependant Terrestrial Ecosystems from drying out;
  - d. A programme of implementation of the works described in the scheme; and
  - e. Full details of the reinstatement, restoration and aftercare of the borrow pits at the end of the construction period, to include topographic surveys of pre-construction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall thereafter be implemented in full.

Reason: To ensure that excavation of materials from the borrow pits is carried out in a manner that minimises the impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental

Statement accompanying the Application, or as otherwise agreed, are fully implemented. To secure the restoration of borrow pits at the end of the construction period.

06. 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:

- a. Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;
- b. 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;
- c. Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;
- d. 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;
- e. Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

Blasting shall only take place on the site between the hours of 10.00 to 16.00 on Monday to Friday inclusive and 10.00 to 12.00 on Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise approved in advance in writing by the Planning Authority.

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

07. No development shall commence until the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with SNH and SEPA. The terms of appointment shall:

- a. Impose a duty to monitor compliance with the ecological and hydrological commitments in the Environmental Statement and Additional Environmental Information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved in accordance with condition 20, and other plans approved in terms of condition 13. (The works required to be carried out in accordance with the plans referred to in this paragraph are hereafter referred to as "the ECoW works");
- b. Require the ECoW to report to the Company's nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;

- c. Require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- d. Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development, throughout any period of tree felling, construction activity and during any period of post construction restoration works approved in terms of condition 37.

No later than 18 months prior to decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier), the Company shall submit to the Planning Authority for approval, in consultation with SNH and SEPA, details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

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

08. No development shall commence until a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all on-site construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to, at least two months prior to the proposed commencement, and approved in writing by the Planning Authority in consultation with SNH and SEPA. Phase 1 Felling may progress subject to the provision and approval of details outlined in parts (a), (k), and (u) below.

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

- a. a site waste management plan (dealing with all aspects of waste produced during the construction period other than peat and including forest waste), including details of contingency planning in the event of accidental release of materials which could cause harm to the environment;
- b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;
- d. site specific details for management and operation of any concrete batching plant (including disposal of pH rich waste water and substances);
- e. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- f. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site, including specific details relating to the Red Moss SAC/SSSI;
- g. soil storage and management;



- h. a peat management plan, to include details of vegetated turf stripping and storage, peat excavation (including volumes), handling, storage and re-use, as well as details of an appropriate seed mix and reseedling/soil erosion control proposals;
- i. a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources;
- j. details of compliance with the Planning Authority'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.
- k. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- l. sewage disposal and treatment;
- m. temporary site illumination;
- n. the construction of the access into the site and the creation and maintenance of associated visibility splays;
- o. the method of construction of the crane pads;
- p. the method of construction of the turbine foundations;
- q. the method of working cable trenches;
- r. the method of construction and erection of the wind turbines and meteorological masts;
- s. details of watercourse crossings;
- t. post-construction restoration/reinstatement of the working areas not required during the operation of the Development, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas, access tracks, passing places and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. Details should include all seed mixes to be used for the reinstatement of vegetation;
- u. a felling and tree management plan, including restocking plan as described in the Additional Environmental Information (AEI) report from Chapters 13.15.27 to 13.15.44 (including Fig:13.8), plus an independent yearly monitoring survey and reporting plan for 10 years to ensure woodland re-establishment.
- v. a Construction Noise Management Plan detailing the processes and control measures to be implemented to mitigate impacts of construction activity which have the potential to give rise to excessive noise at nearby sensitive receptors, with specific reference to Code of practice for noise and vibration control on construction and open sites - Part 1: Noise (BS 5228-1:2009).

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority in consultation with SNH and SEPA, and where there are forestry interests; in consultation with FCS.

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

09. The design, construction and maintenance of all infrastructure must ensure that the quality and quantity of the groundwater that feeds sensitive receptors (groundwater abstractions and Groundwater Dependant Terrestrial Ecosystems (GWDTE)) downstream from any infrastructure does not statistically significantly change and the development does not act as a preferential pathway to groundwater flow.
- a. The results of pre-construction ground investigation works with respect to groundwater presence, depths and distribution and subsequent detailed infrastructure and drainage design shall be provided to SEPA and the Planning Authority. Appropriate best practice construction techniques and drainage measures should be included. This will be used to help inform potential impacts to GWDTE. Any associated and agreed mitigation should also inform the site's CEMP. Should the information provided be deemed inadequate by either the Planning authority or SEPA, or the Planning Authority or SEPA identify there are significant risks to wetlands which are shown to have a groundwater contribution, then Parts (b) and (c) of this condition should be implemented.
  - b. On-going monitoring of the groundwater as set out in SEPA Technical Guidance Note 1: The Monitoring of Infrastructure with Excavations Less than 1m Deep within 100m of Sensitive Receptors (Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystem) (Appendix 4 to SEPA Planning Guidance LUPS-31 Guidance on Assessing the Impacts of Development Proposals on Groundwater Abstractions and Groundwater Dependent Terrestrial Ecosystem).
  - c. The monitoring results demonstrating whether the quality of groundwater and/or hydrological connectivity is being maintained must be presented to the Planning Authority in consultation with SEPA annually from the commencement of development in the required format. If monitoring identifies that the requirements are not being met, remedial action must be taken within 6 months in agreement with the Planning Authority in consultation with SEPA.

No excavations greater than 1m deep within 100m of sensitive receptors may take place unless agreed in writing with the Planning Authority in consultation with SEPA.

The monitoring programme must be agreed in advance, and implemented in full, unless otherwise agreed by SEPA and the Planning Authority.

Reason: To ensure the protection of Groundwater Dependent Terrestrial Ecosystems

- 10.
- a. No work shall be undertaken within a 20m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing with the Planning Authority;
  - b. Track layout shall minimise disruption to water courses;

- c. Existing drainage routes shall be maintained through sensitive placement of soil heaps and where necessary temporary drains;
- d. Silt traps shall be provided on all existing drainage routes affected by site works;
- e. Bridge crossings across watercourses should, where possible, be used instead of culvert designs where existing culverts do not already exist or require to be upgraded; and/or where CAR authorisation cannot be achieved for new culverts;
- f. Bridge crossings and culvert design shall be put forward and agreed in writing with the Planning Authority in consultation with SEPA;
- g. Any disturbance of watercourses shall be minimised utilising cofferdam temporary works;
- h. Cable trenches shall only be constructed in limited sections to reduce drainage of groundwater and prevent additional drainage routes being created;
- i. Cable trenches shall be plugged to prevent the creation of new drainage paths;
- j. The scheduling of works shall minimise disruption and working within wet weather;
- k. Temporary works interception drains shall be constructed to prevent potential contamination of runoff and groundwater;
- l. Stockpiling of materials on wet ground and near drainage channels shall not take place, unless agreed in writing with the Planning Authority;
- m. Backfilled trenches shall be re-vegetated;
- n. Temporary silt traps shall be constructed to treat runoff;
- o. Sulphate resistant concrete shall be used to prevent leaching of chemicals.

Reason: To ensure that all construction operations are carried out in a manner that minimises impacts on the water environment.

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

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

Reason: In the interests of local amenity.

12. No development shall commence until a Traffic Management Plan (TMP) has been submitted to and approved in writing by the Planning Authority. The TMP shall include:
  - a. The routing of all traffic associated with the Development on the local road network;

- b. Measures to ensure that the specified routes are adhered to, including monitoring procedures;
- c. Details of all signage and lining arrangements to be put in place;
- d. Provisions for emergency vehicle access;
- e. Identification of a nominated person to whom any road safety issues can be referred; and
- f. A plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site.

Following approval of the TMP:

- g. The Company shall notify the Planning Authority in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. The Company must consult with the Planning Authority and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes within the timescale set out;
- h. The Company shall undertake all work associated with the approved TMP and any subsequent amendments in accordance with the approved TMP. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment. The Company shall notify the Planning Authority in writing should they propose to remove any excess material from site. Any such notification shall include details of proposed traffic routes and phasing of such operations all for the approval of the Planning Authority in consultation with the Roads Authority;
- i. At least 3 months prior to the first delivery of an abnormal load the Company shall 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 Planning Authority 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 be submitting to and approved by the Planning Authority in consultation with the Roads Authority.

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

13. No development shall commence until a full Safety Audit for all infrastructure to be constructed and adopted, or altered, on any public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, is submitted to and approved by the Planning Authority.

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

14. No development shall commence until a detailed Access Management Plan (AMP) has been submitted to and approved by the Planning Authority. The approved AMP must thereafter be implemented within the timescales set out. The AMP shall be produced in consultation with the Planning Authority's Countryside and Greenspace Service. The AMP shall incorporate and identify the Planning Authority's Core Path and Wider Network and provide signage where the network identifies links. No works apart from Phase 1 Felling shall commence on site until such times as the AMP has been submitted and approved in writing by the Planning Authority.

Reason: In the interests of local amenity and public safety.

15. No development shall commence until a habitat management plan has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The habitat management plan shall set out proposed habitat management of the wind farm site during the period of Phase 1 Felling, construction, operation, decommissioning, restoration and aftercare of the site.

The habitat management plan shall include the following:

- a. Measures to help reduce potential collision risk to Muirkirk and North Lowther Uplands Special Protection Area/SSSI hen harriers and associated post-construction vantage point monitoring. Such measures shall include details of sward management in keyhole and other open areas within the Development site;
- b. Measures to establish, maintain, and monitor two habitat management units as outlined in the submitted AEI, specifically Management Unit A - Blanket Bog, and Management Unit B - Black Grouse Enhancement Area.

The approved habitat management plan must include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat management plan objectives. In particular, the approved habitat management plan must be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval in consultation with SNH and SEPA.

Unless otherwise agreed in advance in writing with the Planning Authority, the approved habitat management plan and any updated approved habitat management plan shall be implemented in full.

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

16. The Company shall within one month following the date of Commissioning invite the Planning Authority, SNH and RSPB to participate with them in a Habitat Management Group (HMG). The purpose of the HMG will be to oversee the delivery of the HMP and to review and assess the results from on-going monitoring. The HMG shall have the power to review the terms of the HMP but changes to the HMP shall only take effect once approved in writing by the Planning Authority.

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

17. Not more than 3 months prior to commencement of development a pre-construction survey for otter, badger and water vole shall be submitted for the approval of the Planning Authority in consultation with SNH. Thereafter any required works must be carried out in accordance with the approved mitigation measures and timescales set out. Should any otter, badger and/or water vole be recorded, a licence must be obtained from SNH prior to works commencing if this is considered by SNH to be required.

No part of any turbine blade shall be closer than a minimum of 50m from the nearest woodland (forest edges) unless otherwise agreed in writing with the Planning Authority and a European Protected Species licence shall be obtained from SNH, if deemed necessary by them.

Construction and decommissioning work within 500m of black grouse leks, shall not be undertaken between 3am and 9am during the black grouse breeding season, March to July, unless otherwise agreed in writing by both the Planning Authority and SNH.

Reason: In the interests of safeguarding protected species.

18. No development shall commence until a deer management statement has been submitted to and approved in writing by the Planning Authority in consultation with SNH. The deer management statement shall set out proposed long term management of deer using the wind farm site and shall provide for the monitoring of deer numbers on site from the period from Commencement of Development until the date of completion of restoration.

The approved deer management statement shall thereafter be implemented in full.

Reason: In the interests of good land management and the management of deer.

19. With the exception of Phase 1 Felling, no development shall commence until the Planning Authority in consultation with the West of Scotland Archaeology Service has approved the terms of a programme of archaeological works to be observed during construction of the Development, to include measures to be taken to protect and preserve any features of archaeological interest in situ and the recording and recovery of archaeological features which cannot be so preserved.

The approved programme of archaeological works shall thereafter be implemented in full and all recording and recovery of archaeological resources within the development site must be undertaken to the satisfaction of the Planning Authority in consultation with the West of Scotland Archaeology Service.

Reason: To ensure the protection or recording of archaeological features on the site.

20. No development shall commence until a woodland planting scheme to compensate for the removal of 30.6 hectares of existing woodland ("the Replanting Scheme") has been submitted for the written approval of the Planning Authority in consultation with Forestry Commission Scotland Conservator.

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

- a. details of the location of the area to be planted;
- b. details of land owners and occupiers of the land to be planted;
- c. the nature, design and specification of the proposed woodland to be planted;
- d. details of all consents required for delivery of the Replanting Scheme and timescales within which each will be obtained;
- e. the phasing and associated timescales for implementing the Replanting Scheme;
- f. proposals for the maintenance and establishment of the Replanting Scheme, including annual checks, replacement planting, fencing, ground preparation and drainage; and
- g. proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme.

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

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

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

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

21. With the exception of Phase 1 Felling, prior to Commencement of Development, the Company shall appoint and pay for an independent and suitably qualified geotechnical engineer acceptable to the Planning Authority, the terms of whose appointment (including specification of duties and duration of appointment) shall be approved by the Planning Authority.

The Company shall undertake continuous monitoring of ground conditions during the construction and deforestation phases of the Development. Continuous analysis and call out services shall be provided by the geotechnical engineer throughout the construction phase of the Development. If a risk of peat failure is identified, the Company shall install such geotechnical instrumentation to monitor ground conditions as is recommended by the geotechnical engineer and shall monitor ground conditions. Any remediation work considered necessary by the geotechnical engineer shall be implemented by the Company to the satisfaction of the geotechnical engineer. Monitoring results shall be fed into risk analysis reports to be submitted to the Planning Authority on a quarterly basis during the construction and deforestation phases of the Development.

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

22. The development site shall not be illuminated by lighting unless:
- a. the Planning Authority has given prior written approval;
  - b. lighting is required during working hours which has been approved by the Planning Authority; or
  - c. an emergency requires the provision of lighting.

Reason: In the interests of minimising visual disturbance in the vicinity of the Development

23. **1.0 Operational Noise from Wind Farm ETSU-R-97**

In keeping with the data submitted the following noise limits shall be adhered to on selection of the actual Turbines to be used taking into account all wind farm developments currently within the planning system-

The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 40dB LA90 (10 min) or background LA90 (10 min) +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.

The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90 (10 min) or background LA90 (10 min) +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.

**2.0 Validation Testing**

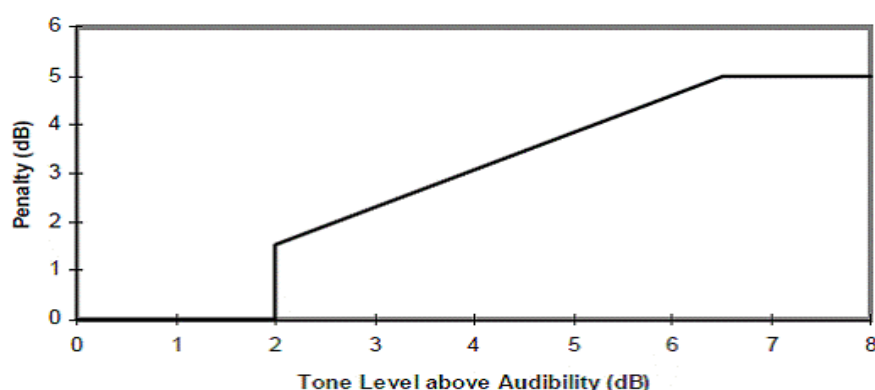
Prior to electricity being exported the wind farm operator shall submit to the Planning Authority for written approval a list of proposed independent consultants who shall undertake compliance and validation measurements to demonstrate compliance with condition 1.0 above. Amendments to the list of approved consultants shall be made only with written approval of the Planning Authority. The measurements shall be carried out in accordance with ETSU-R-97 (with respect to current best practice) and submitted to the Planning Authority for their approval. Any variation determined from the compliance and validation



measurements shall be mitigated for in order to comply with condition 38 above subject to agreement with the Planning Authority.

### 3.0 Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in condition 38 shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97 (See Figure below). The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.



### 4.0 Investigation of Complaints

At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97. The Planning Authority shall inform the wind farm operator whether the noise giving rise to the complaint contains or is likely to contain a tonal component or an amplitude modulation.

Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority for prior approval. In the event of amplitude modulation being established, the developer shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority.

Reason: In the interests of residential amenity.

24. 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, unless agreed in advance with the Planning Authority.

Details of alternative warning devices shall be submitted to and approved in writing by the 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.

25. Only mechanical means of snow clearance shall be used to clear access tracks, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval.

26. With the exception of Phase 1 Felling, no development shall commence until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the Development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.

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

27. Where a complaint of deterioration in television signal is received by the Planning Authority or the Company, the Company shall undertake appropriate investigations as agreed in writing with the Planning Authority to confirm the deterioration and occurrence within 1 month of the complaint or otherwise agreed in writing with the Planning Authority. If the Development's wind turbines are deemed to be the cause of the deterioration of television signal the Company will implement, within 2 months of the complaint or otherwise agreed with the Planning Authority, an agreed technical mitigation measure with the Planning Authority to prevent any re-occurrence.

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

28. No development shall commence until a method statement has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties, which are served by private water supplies, which lawfully exist or for which planning permission has been granted at the date of the section 36 consent and which may be affected by the Development. The method statement shall include water quality sampling methods and shall specify abstraction points, where identified as being required. The approved method statement shall thereafter be implemented in full.

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

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

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

30. With the exception of Phase 1 Felling, there shall be no Commencement of Development until the Company has provided the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS with the following information, and has provided evidence to the Planning Authority of having done so:
- o the date of the expected commencement of each stage of construction;
  - o the height above ground level of the tallest structure forming part of the Development;
  - o the maximum extension height of any construction equipment; and
  - o the position of the turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

31. No turbines shall be erected until a scheme for aviation lighting has been submitted to and approved in writing by the Council, as Planning Authority, in consultation with the Civil Aviation Authority. Once approved, the scheme shall be fully implemented as approved and maintained as such for the lifetime of the development hereby approved.

Reason: In the interests of aviation safety.

32. The Development shall cease to generate electricity by no later than the date falling twenty five years from the date of Final Commissioning. The total period for restoration of the site in accordance with this condition shall not exceed three years from the date on which the Development, hereby approved, ceases to generate electricity in accordance with this condition without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

With the exception of Phase 1 Felling, no development shall commence until a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority in consultation with SNH and SEPA. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and shall include, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

No later than 3 years prior to decommissioning of the Development or the expiration of the section 36 consent (whichever is the earlier) a detailed

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

- a. a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- b. details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- c. a dust management plan;
- d. details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- e. a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- f. soil storage and management;
- g. a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- h. sewage disposal and treatment;
- i. temporary site illumination;
- j. the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- k. details of watercourse crossings;
- l. a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 months prior to submission of the plan.

The Development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority in consultation with SNH and SEPA.

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

33. 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 shall be submitted for the written approval of the Planning Authority. Such guarantee must:-

- a. be granted in favour of the Planning Authority;
- b. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;

- c. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the Planning Authority at least one month prior to the commencement of development;
- d. contain provisions so that all the site restoration and aftercare liabilities as determined at least one month prior to the commencement of development shall be increased on each fifth anniversary of the date of the section 36 consent;
- e. come into effect on or one month before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.

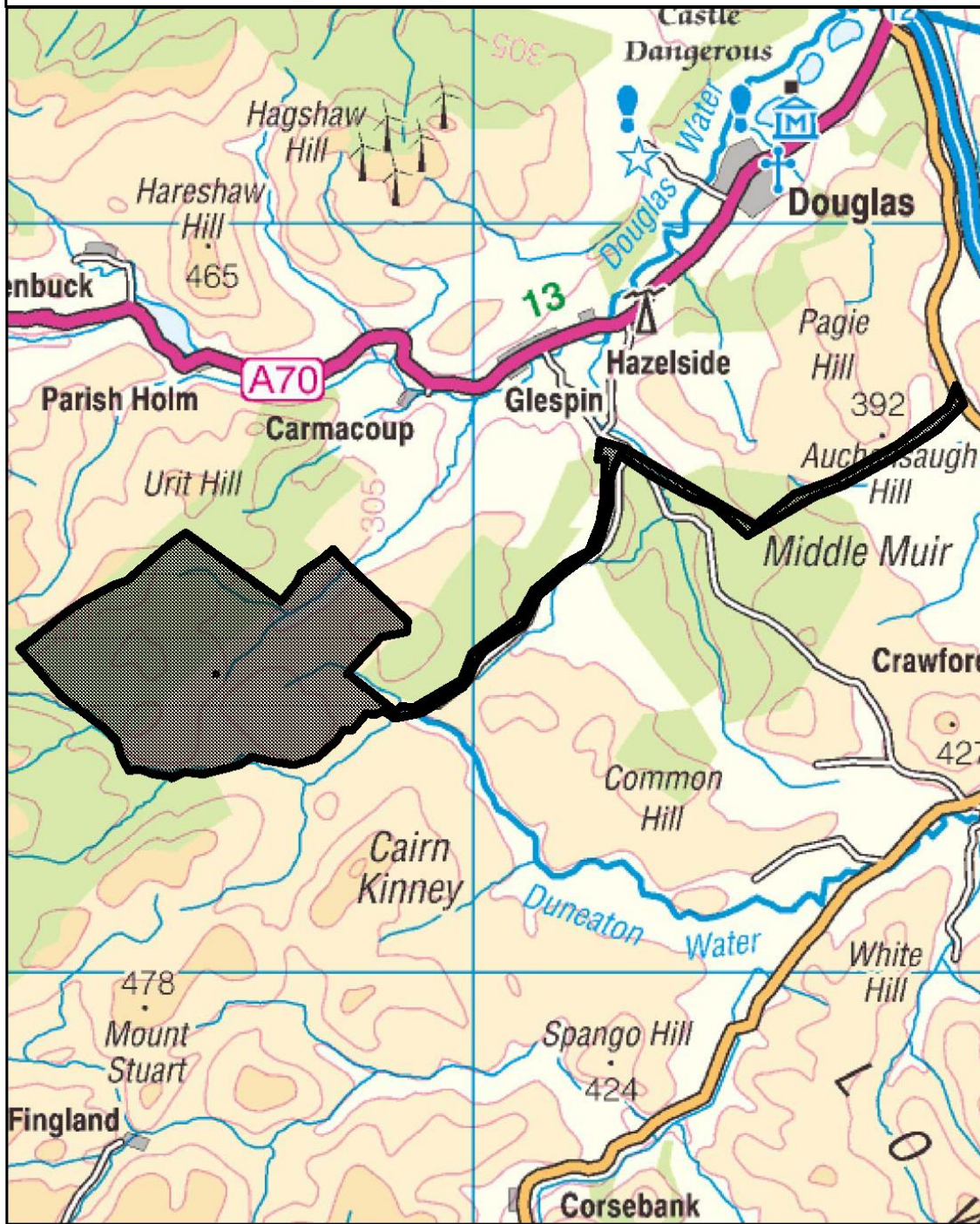
With the exception of Phase 1 felling, no development shall commence until (1) the written approval of the Planning Authority has been given to the terms of such guarantee and (2) the validly executed guarantee has been delivered to the Planning Authority.

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

P/19/1145

Kennoxhead Wind Farm, Glentagart Road, Glespin



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Scale:  
1:70,000  
Date:  
10/09/2019



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