

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 February 2018</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application No	CL/17/0477
Planning Proposal:	Erection of 13 Wind Turbines (Maximum Height to Tip 149.9m), Access Tracks, Substation and Other Associated Infrastructure, and Increase Export Capacity to 49MW (Section 42 Application to Vary Conditions 1, 27, 37 and 45 of Planning Permission CL/15/0273 to Revise Wind Farm Layout, Increase Turbine Height and Export Capacity, and Deletion of Conditions 17 - 21 of Wood Fuel Drying Facility)

## 1 Summary Application Information

- Application Type : Further applications
- Applicant : Douglas West Wind Farm Ltd
- Location : Douglas West and Dalquhandy DP Renewable Energy Project  
Former Dalquhandy Opencast Coal Site  
West of Junction 11 of M74  
South Lanarkshire

## 2 Recommendation(s)

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

- (1) Approve the planning application subject to Conditions (based on the conditions overleaf)

### 2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:
  - A Legal Agreement securing:
    - A contribution to the Council's Renewable Energy Fund
    - 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.

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/ developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Legal Agreement.

### 3 Other Information

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

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

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

#### **Supplementary Guidance 3: Development Management, Placemaking and Design** DM1 – Design

#### **Supplementary Guidance 9: Natural and Historic Environment** NHE2 - Scheduled monuments and their setting NHE3 - Listed buildings NHE4 - Gardens and designed landscapes NHE5 - Historic battlefields NHE 6 Non-scheduled archaeological sites and monuments NHE7 – Conservation Areas NHE9 - National Nature Reserves and Sites of Special Scientific Interest NHE10 - Prime agricultural land NHE11 - Ancient semi-natural woodland NHE15 – Peatlands NHE18 – Walking, cycling and riding routes NHE19 - Protected species

## Supplementary Guidance 10: Renewable Energy

RE1 - Spatial Framework for Wind Energy

RE2 - Renewable Energy Developments

### ◆ Representation(s):

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

### ◆ Consultation(s):

Countryside & Greenspace

RSPB Scotland

Roads & Transportation Services (Flood Risk Management Section)

Ministry of Defence (Windfarms)

Scottish Water

West of Scotland Archaeology Service

National Air Traffic Services Ltd

Defence Estate Organisation

BAA Aerodrome Safeguarding (Glasgow)

British Telecom

S.E.P.A.

The Coal Authority

Transport Scotland

Historic Environment Scotland

National Grid UK Transmission

Arquiva

Joint Radio Company

Scottish Wildlife Trust

Coalburn Community Council

Environmental Services

Douglas Community Council

Scottish Natural Heritage

Roads Development Management Team

Forestry Commission Scotland

Transco

SP Energy Network

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is located approximately 1km south of Coalburn, 1.2km north-west of Douglas, 5km south of Lesmahagow and 11km south-west of Lanark. The site occupies an area of 245 hectares (ha). The application site is located within two Landscape Character Types - Rolling Moorland and Plateau Farmland Opencast Mining. Part of the application site is located on the former Dalquhandy opencast coal site and the topography is a result of the land restoration of that ground. The other part of the site lies on an area of sloping rough grassland. The application site ranges from 200 metres (m) above Ordnance Datum (AOD) at the site access near Junction 11 of M74 to 240m AOD in the eastern part of the site and up to 280m AOD near the proposed north western turbines.
- 1.2 The site is located on land designated as rural within the Adopted South Lanarkshire Local Development Plan (SLLDP) (2015) and is also located on land defined as a Development High Risk Area by the Coal Authority.

### **2 Proposal(s)**

- 2.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition or conditions attached to a previous planning permission.
- 2.2 In this instance the applicant wishes to vary conditions 1, 27, 37 and 45 and delete conditions 17 to 21 of planning permission Ref: CL/15/0273 (hereon referred to as the Original Permission). Planning permission Ref: CL/15/0273 granted planning approval for 'erection of 15 wind turbines (maximum height to tip 126.5m), access tracks, substation and other associated infrastructure and wood fuel drying facility'. This application was granted in February 2016 and was subject to 51 conditions and a legal agreement covering:
- A contribution to the Council's Renewable Energy Fund
  - 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 permitted turbines had a maximum blade tip height of 131 (maximum hub height of 85m and a maximum blade length of up to 55m) and a typical generating capacity of up to 3.0MW). The installed capacity of the approved wind farm development would be up to a maximum of 45MW.

- 2.3 Condition 1 of planning permission CL/15/0273 states:

'That the development is carried out strictly in accordance with the terms of the application, the plans hereby approved and the accompanying Environmental Statement dated July 2015 and Supplementary Environmental Information September 2015, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.'

- 2.4 Condition 27 of planning permission CL/15/0273 states:

'Each turbine shall be erected in the position indicated in Table 3.2 Wind Turbine Coordinates in the Environmental Statement July 2015. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 25 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECOW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation is of between 25 metres and 50 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:

- bring a turbine any closer to an uninvolved property than is already approved
- bring a turbine outwith the planning application boundary.
- breach the 50m water buffer zones, without the prior written agreement of the Planning Authority in consultation with SEPA.'

2.5 Condition 37 of planning permission CL/15/0273 states:

'No later than 3 months prior to starting on site the Outline Habitat Management Plan (HMP) dated May 2015 for the entire application site and the Draft Species Protection Plan (SPP) dated May 2015 shall be finalised in consultation with the Council's Local Biodiversity Officer, RSPB and SNH, and submitted to the Planning Authority for approval. The HMP shall include:

- i. monitoring at the site to collate any bird collisions
- ii. confirm the significance of the losses
- iii. identify any potential mitigation to minimise the potential for bird strike
- iv. monitor flight paths of SPA species and other species and recommend any mitigation measures required for approval of the Habitat Management Group.
- v. Agreed management units
- vi. Delineate management measures on a spatial plan
- vii. Timing and programme of delivery and monitoring

The SPP shall include:

- i. Otter Management Plan
- ii. Badger Management Plan
- iii. Pre-construction surveys

Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP and SPP and within the timescales set out in the approved HMP and SPP.'

2.6 Condition 45 of planning permission CL/15/0273 states:

'Operational Noise from Wind Farm ETSU-R-97

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.

Notwithstanding the following condition the base limits and noise projections are based on Appendix 9.7 of the Douglas West & Dalquhandy DP Renewable Energy Project (30 July 2015).'

2.7 The request to delete conditions 17 to 21 relate to a part of the Original Permission (the wood fuel drying facility) that has now been developed under a separate planning permission (CL/16/0157). The request to delete these conditions are therefore summarised separately below in paragraph 2.18 to 2.19.

2.8 The applicant has requested that condition 1 be amended to read:

'That the development is carried out strictly in accordance with the terms of the application, the plans hereby approved and the accompanying Environmental Statement dated October 2017, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.'

2.9 The applicant has requested that condition 27 be amended to read:

'Each turbine shall be erected in the position indicated in Table 3.2 Wind Turbine Coordinates in the Environmental Statement October 2017. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 25 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation is of between 25 metres and 50 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:

- bring a turbine any closer to an uninvolved property than is already approved
- bring a turbine outwith the planning application boundary.
- breach the 50m water buffer zones, without the prior written agreement of the Planning Authority in consultation with SEPA.'

2.10 The applicant has requested that condition 37 be amended to read:

'No later than 3 months prior to starting on site the Outline Habitat Management Plan (HMP) dated August 2017 for the entire application site and the Draft Species Protection Plan (SPP) dated August 2017 shall be finalised in consultation with the Council's Local Biodiversity Officer, RSPB and SNH, and submitted to the Planning Authority for approval. The HMP shall include:

- i. monitoring at the site to collate any bird collisions
- ii. confirm the significance of the losses
- iii. identify any potential mitigation to minimise the potential for bird strike
- iv. monitor flight paths of SPA species and other species and recommend any mitigation measures required for approval of the Habitat Management Group.
- v. Agreed management units
- vi. Delineate management measures on a spatial plan
- vii. Timing and programme of delivery and monitoring

The SPP shall include:

- i. Otter Management Plan
- ii. Badger Management Plan

iii. Pre-construction surveys

Thereafter, all works shall be implemented strictly in accordance with the terms of the approved HMP and SPP and within the timescales set out in the approved HMP and SPP.'

2.11 The applicant has requested that condition 45 be amended to read:

'Operational Noise from Wind Farm ETSU-R-97

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.

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

Notwithstanding the following condition the base limits and noise projections are based on Appendix 9.7 of the Douglas West Wind Farm Revised Scheme Environmental Statement (October 2017).'

2.12 Taking account of the above the applicant, in summary, is requesting to amend these conditions in order to revise the wind turbine portion of the planning approval. The proposed conditions, if approved, would amend the Original Permission from 15 wind turbines each with a maximum height to tip of 131m to a development comprising 13 wind turbines each with a maximum height to tip of 149.9m, with a different layout. An increase in height of 18.9 metres with a change in blade length going from 55m to 64m (an increase of 9m).

2.13 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development again but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. As a new planning permission would then be issued for the whole development, any legal agreements attached to the previous permission would not be valid for the new permission and therefore a new legal agreement reflecting the new planning permission would be required to be entered into. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

2.14 Therefore, as outlined in paragraph 2.12, whilst this application is to amend conditions on a previous planning permission it is in essence for the following proposals. A revised planning permission for the erection of 13 wind turbines, each with a



maximum blade tip height of 149.9m (maximum hub height of 85m and a maximum blade length of up to 64m and typical generating capacity of up to 3.8MW). The proposed power output by all 13 turbines is up to a maximum of no more than 49.9MW. The proposed wind farm development will comprise the following components:

- 13 wind turbines and their foundations
- Crane hardstanding areas adjacent to each turbine
- On site access tracks between wind turbines and the existing spine road
- Watercourse crossings and drainage
- Sub-station and control room building with staff welfare facilities
- A new permanent meteorological monitoring mast (with a maximum height of up to 80m) and the retention of the existing 50m high, meteorological monitoring mast
- A temporary construction compound, including concrete batching plant, to be removed following completion of construction of the proposed development.

- 2.15 The installed capacity of the proposed wind farm development would be up to a maximum of 49.9MW (4MW more than the Original Application). It is anticipated that the development would take approximately 12 months to construct and the wind farm would operate for a further 25 years at which point decommissioning would take place, unless further consent was granted. The proposed wind farm site would be reinstated in accordance with the approved restoration plan.
- 2.16 The proposed development is expected to be connected to the grid via the transmission network through the Coalburn Substation to the north east of the application site. The final routing and design of the grid connection will be subject to a separate application under Section 37 of the Electricity Act 1989.
- 2.17 During the 12 month construction period, personnel would travel to and from the development site by private car, light vehicle or minibus accessed from the M74 at Junction 11 or via B7078. The construction delivery route proposed in the Traffic and Transportation section of the ES is from the M74 Junction 11 or from the B7078. The proposed abnormal load route is from King George V Dock in Glasgow to Junction 11 of the M74 where the site entrance is located at the Poniel roundabout.
- 2.18 As noted in paragraph 2.7 the Original Permission also included a Wood Fuel Drying Facility (WFDF) housed in a large agricultural building located on the remaining foundations of the former Dalquhandy Open Cast Disposal Point (DP). It contains wood drying equipment, storage space and associated office and welfare facilities. The WFDF is to dry virgin wood chip imported from local sawmills to create a dried wood chip product that will be used as a fuel source for biomass boiler systems.
- 2.19 Due to differing project timescales, a planning application (Ref: CL/16/0157) was submitted for the WFDF in its own right and unassociated with the wind turbine portion of the Original Application. This application was approved and the WFDF has now been built and is operational. The Original Permission, for the windfarm had conditions that related specifically to the WFDF (conditions 17 to 21) and these conditions were replicated and incorporated within the stand alone planning permission for the WFDF (Ref: CL/16/0157). Given this replication, the request to delete these conditions from any new planning permission, if approved, is therefore considered appropriate and no further assessment is required for this aspect of this Section 42 application.

### **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 Scottish Government's Specific Advice Sheet for Onshore wind turbines was last modified on 28 May 2014. It supports the policy in SPP 2010 by providing information and best practice on renewable energy developments. It also gives advice on areas for planning authorities to focus upon, technical information, and typical planning considerations to be taken into account in determining planning applications for onshore wind turbines. This advice is currently being updated in line with SPP 2014.
- 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 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 part of the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan (6 turbines are located within the area with potential for Wind Farm Development and 7 turbines are located outwith). The proposed development by its nature contributes to developing low carbon energy, and its visual, landscape and cumulative impact is assessed below in Section 6 below.

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

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

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

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Supplementary Guidance 9: Natural and Historic Environment
- Supplementary Guidance 10: Renewable Energy

3.2.4 All these policies and guidance are examined in the assessment and conclusions section of this report.

### 3.3 Planning Background

3.3.1 Planning permission was granted for the erection of 15 wind turbines (maximum height to tip 113m), access tracks, substation and other associated infrastructure and wood fuel drying facility (the Original Application). The application was granted subject to 51 conditions and a legal agreement covering the following:

- A contribution to the Council's Renewable Energy Fund
- 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.

3.3.2 As noted above, following this approval, the WFDF received planning permission within its own right (CL/16/0157). The planning permission was granted subject to 18 conditions, 5 of which were replications of conditions 17 to 21 of the Original Permission. The legal agreement attached to the Original Permission related solely to matters relating to the wind turbine element of the permission and therefore the WFDF permission did not require a legal agreement. The WFDF is built and operational.

3.3.2 Due to its scale and nature, the Original Application fell within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant carried out the statutory Pre-Application Consultation (PAC) with the local community.

3.3.3 Whilst this Section 42 application is also categorised as a 'Major' development, given its scale and nature, the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 state that applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997 do not require to be preceded by the submission of a Proposal of Application Notice (PAN). Therefore in this case, the application did not require the submission of a PAN. It should be noted, however, that whilst not statutorily required, the applicant did carry out public consultation. The applicant held 2 public consultation events, one in Douglas (26 June

2017) and one in Coalburn (27 June 2017). Publicity for these events was advertised within the Lanark Gazette and posters were displayed in public places and shops in both Douglas and Coalburn. Invitations to the meetings were also sent to local Councillors, Douglas and Coalburn Community Councils and the constituency MP and MSP.

- 3.3.4 Again, due to its scale and nature this Section 42 application also constitutes an EIA development as set out within The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. As part of this planning submission, the application is supported by an Environmental Statement. The Original Application was also constituted an EIA development and was supported by an Environmental Statement.

## **4 Consultation(s)**

- 4.1 **Roads and Transportation Services (Flood Prevention)** - no objection subject to conditions to comply with the Council's Design Criteria and to complete the necessary forms and provide required information prior to commencement on site. The new culverts/crossings require to be designed appropriately for a 1:200 year flood event and a regular inspection and maintenance plan requires to be put in place to monitor all the culverts and crossings.

**Response:** Noted. The requirements of Roads and Transportation Services – Flood Prevention can be incorporated into planning conditions if planning permission is granted.

- 4.2 **Roads and Transportation Services (Traffic and Transportation)** – no objection subject to replication of the Roads conditions (relating to Traffic Management Plan, Travel Plan, vehicle parking on site, signage, wheel wash facility, Abnormal Loads Route Assessment) that were attached to the Original Permission and an agreement to secure 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.

**Response:** If planning consent is granted the previous requirements of Roads and Transportation Services can be incorporated into planning conditions and a new legal agreement entered into with the same Heads of Terms. The recommendation requires a new legal agreement (with the same terms as the Original Permission) and replicates the previous Roads conditions.

- 4.3 **Environmental Services** – no objection subject to conditions. Environmental Services recommended conditions in relation to noise, deliveries of materials, operational noise levels (including cumulative noise), construction noise levels, validation testing of noise levels, dust mitigation and complaint investigation.

**Response:** Noted. If planning consent is granted appropriate conditions can be imposed to control operations and construction to ensure the works are conducted in a way that minimises noise, pollution and dust to meet the requirements of Environmental Services.

- 4.4 **Countryside and Greenspace (C&G)** – no objection subject to conditions. C&G note the requirement for a Habitat Management Plan (HMP) and recommend liaison with neighbouring wind farm managers to ensure the HMP aims for the proposed site are compatible with the adjacent HMPs. The HMP should be overseen by a Habitat Management Group (HMG) including the Council and RSPB. C&G also request that an access strategy is prepared to link the site into the wider core path network.

**Response:** Noted. If planning consent is granted appropriate planning conditions shall be attached. The cumulative landscape and visual impact is assessed in section 6.4.41 to 6.4.49 below.

- 4.5 **Transport Scotland** - no objection subject to conditions. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.  
**Response:** Noted. If planning consent is granted appropriate conditions shall be attached.
- 4.6 **BAA Aerodrome Safeguarding (Glasgow)** - no objection, the proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.  
**Response:** Noted.
- 4.7 **Defence Estate Organisation (MOD)** – no objection. As part of the Original Permission the MOD required conditions to be attached to the planning permission regarding information to be provided to the MOD; and in the interests of air safety the MOD requests that the turbines are fitted with aviation lighting. The MOD have no objections to the proposals subject to the replication of these conditions.  
**Response:** If approved, the MOD conditions would be replicated on the new permission, if approved.
- 4.8 **National Air Traffic Services Ltd (NERL Safeguarding)** – no objections subject to the use of conditions 30 and 31 from the Original Permission.  
**Response:** Noted. These conditions would be replicated on the new permission, if approved.
- 4.9 **Scottish Environmental Protection Agency (SEPA)** – no objections subject to conditions requiring a Construction Environmental Management Plan and surface water management plan to be submitted prior to development commencing.  
**Response:** Noted. Any permission granted can be subject to appropriate conditions.
- 4.10 **Scottish Natural Heritage (SNH)** – no objection. SNH provide comments on protected species, special landscape designations, habitat management and landscape and visual effects. Subject to mitigation and enhancement measures set out in the ES which include the preparation of a protected species plan and a habitat management plan SNH conclude there will be no adverse impacts on ecological and natural heritage interests. SNH also advise that the birds recorded on the proposed development site are not directly connected to the Muirkirk and North Lowther Special Protection Area (SPA) or other designated areas. SNH advise there is no significant impact on any specially protected bird species. SNH consider that the proposals could have significant adverse impacts in landscape and visual terms.  
**Response:** Noted. Any consent granted can be subject to appropriate conditions. The comments provided in relation to landscape and visual and cumulative impacts are assessed in section 6.4.41 to 6.4.49 below.
- 4.11 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals subject to the replication of the Original Permission's archaeological condition.  
**Response:** If approved, the archaeological condition would be replicated on the new permission.
- 4.12 **Historic Environment Scotland** – no objection. Historic Scotland expressed concerns over the visibility of the proposed development in relation to the scheduled

and listed St Bride's Chapel though they are content that the impacts would not raise issues of national significance and would not warrant an objection.

**Response:** Noted. This is assessed at section 6 below.

- 4.13 **RSPB** – no objection subject to previous comments on the Original Permission being taken into account. The previous comments to the Original Permission confirmed that RSPB had no objections subject to conditions requiring preparation of a Habitat Management Plan (HMP). This should be associated with a legal agreement including a financial bond, and the establishment of a Habitat Management Group (HMG) of which RSPB should be a member. The HMP should operate for the full lifespan of the wind farm, including decommissioning. The HMP should stipulate how the species present are to be surveyed, monitored and assessed and how the habitat quality is to be restored and enhanced. This must be undertaken by an appropriately qualified ecologist.

**Response:** Noted. The Original Permission had conditions relating to a HMP, HMG and restoration bond. If approved, these conditions would be replicated on the new permission.

- 4.14 **The Coal Authority** – no objection subject to a condition requiring site investigation works prior to commencement of development. The Coal Authority considers that the content and conclusions of the Mining Risk Assessment Report are sufficient for development on land falling within the defined 'Development High Risk Area'. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings or identify the need for mitigation works to ensure the safety and stability of the proposed development, these require to be undertaken prior to commencement of development.

**Response:** Noted. Any consent granted shall be subject to an appropriate condition.

- 4.15 **Scottish Water** – no objection. Provide detailed advice for the applicant regarding Scottish Water assets

**Response:** Noted. The applicant has received the detailed advice.

- 4.16 The following consultees provided no response to the proposed development:

Arqiva

BT

Transco

SP Energy Networks (Acting for Scottish Power)

Joint Radio Company (Acting for Scottish Power and Scotia Gas Networks)

Scottish Wildlife Trust

Forestry Commission

Coalburn Community Council

Douglas Community Council

## **5 Representation(s)**

- 5.1 Neighbour notification was carried out on 1 November 2017. The proposal was publicised as an application requiring advertisement due to the scale or nature of operations and for the non-notification of neighbours in the Lanark Gazette on 8 November 2017. The application was also advertised in accordance with the EIA Regulations 2017 with adverts being placed in the Lanark Gazette (8 November 2017) and the Edinburgh Gazette (10 November 2017).

- 5.2 No representations have been made following this publicity.

## **6 Assessment and Conclusions**

### **6.1 Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended**

6.1.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 42 of the Act states that:

'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.'

6.1.2 This type of application therefore does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent and whether it is acceptable to amend or delete as requested. Whilst in essence a Section 42 is an application to vary condition(s) on an existing permission, the process requires a new, stand alone planning permission to be issued for the original development but with a new suite of conditions, including all those still thought to be relevant as well as the varied condition(s). Should the proposed amendment to the condition(s) not be acceptable a Section 42 application is to be refused but without affecting the status of the original permission.

6.1.3 In assessing whether any condition is still relevant, there would be the requirement to consider certain aspects of the development. In this instance the applicant has requested that conditions 1, 27, 37 and 45 be amended and that conditions 17 to 21 be deleted. However it is noted that the nature of the legislation would require all conditions to be revisited as they may be linked or connected to these specific conditions.

6.1.4 The main matters for consideration are therefore whether the proposed amendment to the conditions proposed would undermine the reasons for the original conditions or the Development Plan position; and if it is considered this Section 42 application does undermine either of these, whether there are material considerations which would outweigh this to allow permission to be granted.

6.1.5 The WFDF facility has now been developed through a separate permission and therefore it is considered that should a new planning permission be issued any conditions solely relating to this part of the Original Permission can be deleted. Therefore the request to delete conditions 17 to 21 is considered acceptable and therefore needs no further assessment within this report.

6.1.6 The request to amend conditions 1, 27, 37 and 45 of the Original Permission are assessed in detail below.

### **6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997**

6.2.1 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 case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and its associated Supplementary Guidance.

6.2.2 Whilst a Section 42 application, these proposals are in essence for the erection of 13 wind turbines (149.9 maximum height to tip and 64m blade length) with associated infrastructure including access tracks, hardstandings, substation and control room and meteorological mast to replace an approved scheme of 15 smaller turbines. The main issues in determining the application are whether the amended proposals continue to comply with National and Development Plan Policy and the implications of the amended scheme in terms of landscape and visual impact, cumulative impact, impact

on the water environment, aviation and defence, ecology, ornithology, residential amenity and communities and traffic and road safety.

### **6.3 National Planning Policy and Guidance**

6.3.1 In relation to planning policy guidance, the proposal can be assessed as follows:

6.3.2 NPF 3 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”. 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). SPP also requires planning authorities to prepare supplementary guidance and set out a spatial framework for onshore wind farm developments. The considerations set out in SPP at paragraph 169 and the Council’s approved SG Renewable Energy 2016 are assessed at section 6.4 below.

6.3.3 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises 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 6.4.41 to 6.4.49. Group 3, identifies ‘areas with potential for wind farm development’. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. These considerations are fully assessed below at sections 6.3 and 6.4. 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 Original Permission and for the reasons set out in sections 6.3 and 6.4, it is considered the proposed development accords with SPP.

6.3.4 The Scottish Government Specific Advice Sheet – Onshore Wind Turbines - was last modified 28 May 2014 and describes typical planning considerations to be assessed when determining applications for onshore wind turbines. The advice covers the consideration and assessment of: landscape, wildlife, habitats, ecosystems, biodiversity, communities, aviation and defence matters, historic environment, road traffic, cumulative impacts, good practice during construction and decommissioning. The Environmental Statement (ES) submitted as part of the application covers the



impacts listed above and this has been taken into consideration in the assessment of the development against the Development Plan at sections 6.3, and 6.4 below.

#### **6.4 Development Plan**

6.4.1 The proposed development requires to be considered against the 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 part of the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan (6 turbines are located within the area with potential for Wind Farm Development and 7 turbines are located outwith). The proposed development by its nature contributes to developing low carbon energy, and its visual, landscape and cumulative impact is assessed below in Section 6 below. Consequently it is considered that the proposal accords with Policy 10 of Clydeplan, and is subject to detailed consideration against the terms of the Local Development Plan. This is dealt with in the following section.

#### **6.5 Adopted South Lanarkshire Local Development Plan 2015**

6.5.1 In the Adopted South Lanarkshire Local Development Plan (SLLDP) 2015 there are five policies and associated supplementary guidance relevant to this proposal which relate to climate change, the rural area, natural and historic environment, water environment and renewable energy. The SLLDP's 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.'

6.5.2 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.

6.5.3 Taking into account the contribution of up to 49.9MW of renewable electricity generated by this proposal (an increase from the previous capacity of 45MW) and the assessment at paragraphs 6.4.21, 6.4.26 to 6.4.27, 6.4.30 and 6.4.38 respectively on the above matters, it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change.

6.5.4 Policy 3: Green Belt and rural area, this 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. Sustainable development and climate change

has been assessed above and the guidance set out in the Proposed SG Renewable Energy is assessed at section 6.4.29 to 6.4.72 below.

- 6.5.5 It is considered that the principle of the development has already been deemed acceptable within the Rural Area and the proposed alterations to the planning conditions have no further implications for the countryside strategy set out within the Development Plan.
- 6.5.6 SLLDP 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 site is located on land defined by the Coal Authority as a 'Development High Risk Area' due to its legacy of underground coal mining in the area. A Mining Risk Assessment was submitted and, following agreement from the Coal Authority, approved as part of the Original Permission subject to a condition requiring intrusive site investigations as part of the development proposals. Again, a Mining Risk Assessment has been submitted as part of this application and been agreed by the Coal Authority subject to a replication of the site investigation condition. This condition would be replicated if approval were granted.
- 6.5.7 It is, therefore, considered that the application meets this criteria of the development and further assessment of the proposed amendments impacts on landscape character, built heritage, habitats and species, biodiversity, protected species, amenity, and water environment is undertaken at paragraphs 6.4.8 to 6.4.72.
- 6.5.8 Policy 15: Natural and Historic Environment assesses all development proposals in terms of their effect on the character and amenity of the natural and built environment. Policy 15 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. Each of the natural and historic environment designations are assessed in turn below.
- 6.5.9 Policy 15 states that in Category 1 areas, development which could affect Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. The application site is not located within a designated area and the Muirkirk and North Lowther SPA is located over 6km to the west of the proposed development. The ES identifies that birds recorded on the application site are not directly connected to the Muirkirk and North Lowther SPA or any other specially protected sites in the area. SNH concur and confirm that they do not anticipate any direct or indirect effects on nationally or internationally important natural heritage sites. It is therefore considered that the proposal complies with Policy 15 Category 1.
- 6.5.10 Policy 15 states that in Category 2 areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of further policy and guidance provided in the SG on the Natural and Historic Environment.

6.5.11 SG Natural and Historic Environment contains a number of policies on the historic environment covering category 2 national designations (Category A listed buildings and their setting fall within this designation) and includes:

- Policy NHE 2 Scheduled Monuments and their setting states that developments which have an adverse effect on scheduled monuments or their settings shall not be permitted unless there are exceptional circumstances.
- Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and not diminish its interest.
- Policy NHE 4 Gardens and designed landscapes aims to protect the quality and historic integrity of designed landscapes and avoid damage to their special character.
- Policy NHE 5 Historic battlefields requires development to take cognisance of the battlefield and demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site.

6.5.12 The ES provides full details of the assessment of the proposed development on the historic environment in section 10. There are no scheduled monuments, listed buildings or Inventory Gardens and Designed Landscapes (GDL) within the application site. There are two Scheduled Monuments within 5km of the proposed development site which are directly impacted by the proposed development. St Bride's Chapel, Douglas, a scheduled monument and A listed building, and the Monument to James, Earl of Angus, Douglas, an A listed structure. Both are located approximately 1.7km from the nearest turbine. A third Scheduled Monument, Thorril Castle, is located approximately 4.1km from the nearest turbine. Historic Environment Scotland (HES) previously noted concerns over the visibility of the proposed development in relation to the scheduled and listed St Bride's Chapel but concluded that the impacts of the proposed amendments to the previous conditions would not raise issues of national significance for their interests. HES have stated that the proposed amendments to the previous conditions do not change their opinion on this but do not raise further concerns than those previously raised. HES do state that the proposed amendments to conditions would not give rise to significant additional impacts on the setting of the monument to James, Earl of Douglas than the Original Permission and that there will be no impact upon Thorril Castle. Having considered the views of HES and the scale, nature and location of the proposed amendment to conditions and the conclusions previously reached on the original application, it is considered that the impact on the St Bride's Chapel, arising from the changes to the scheme, does not provide a reasonable basis for refusing consent. The ES also sets out mitigation in the form of an archaeological watching brief and, as with the Original Permission, West of Scotland Archaeology Service (WOSAS) raise no significant issues so long as appropriate mitigation is implemented. The amendment to conditions therefore are not shown to have a significant impact on the historic environment and on the basis of the above assessment it is considered that the proposal complies with SG Natural and Historic Environment policies NHE 2, NHE 3, NHE 4 and NHE 5.

6.5.13 Other policies within SG Natural and Historic Environment that relate to category 2 national designations are Policies NHE 9, NHE 10 and NHE 11. Policy NHE 9 states that development which affects a Site of Special Scientific Interest (SSSI)/National Nature Reserve will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of

national importance. Coalburn Moss Special Area of Conservation (SAC) and Special Scientific Interest (SSSI) is located approximately 1.62 km to the north of the application site. Coalburn Moss SAC/SSSI supports active raised bog and degraded raised bog. The distance of the SAC/SSSI to the site means that it is not hydrologically connected to the proposed development site due to being in a different sub-catchment. The ES concludes therefore that the SAC/SSSI is not indirectly impacted by the proposed development. Miller's Wood SSSI is designated for upland birch woodland which is located approximately 2.23km from the site. This designated site is also not considered to be indirectly impacted by the proposed development. As with the Original Permission, SNH do not consider that the sites will be affected by the proposed development. As a result of the above assessment it is considered that the proposed development complies with SG Natural and Historic Environment policy NHE 9.

- 6.5.14 Policy NHE 10 requires the protection of prime agricultural land and also land of lesser quality that is locally important. The application site does not contain any prime agricultural land as identified in SLLDP Strategy Map, therefore Policy NHE 10 is not relevant.
- 6.5.15 Policy NHE 11 states that development proposals that involve the loss or fragmentation of areas of ancient semi-natural woodland (categories 1a and 2a on SNH Ancient Woodlands Inventory) will only be supported where any significant adverse effects are clearly outweighed by social or economic benefits of national importance. The proposal will not result in loss or fragmentation of areas of ancient semi-natural woodland identified in the SLLDP Strategy Map. The ES in section 7 assesses ancient woodland. It concludes that no areas of ancient woodland will be directly affected by the proposed development. The closest ancient woodland is Long Plantation which lies approximately 75m to the east of the proposed site boundary. However due to the distance (approximately 500m) between the proposed wind farm infrastructure and the woodland, and the topography of the area it is considered that the ancient woodland will not be impacted upon by the proposed development. On the basis of the above assessment it is considered that the proposed development complies with SG Natural and Historic Environment policy NHE 11.
- 6.5.16 SG Natural and Historic Environment contains guidance on the water environment under category 2 national designations and refers to Policy 17 of the SLLDP. Therefore the impact of the proposed development on the water environment has been assessed in terms of Policy 17 at paragraphs 6.4.26 to 6.4.27 below. Given these assessments it is considered that subject to mitigation measures the proposal complies with SLLDP Policy 15 Category 2.
- 6.5.17 In SLLDP Policy 15 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.
- 6.5.18 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.

6.5.19 There are no listed buildings within the site boundary and 16 Category B listed buildings within 5km of the application site. Seven of these B listed buildings are located within the village of Douglas. There is one conservation area, Douglas Conservation Area located within 5km of the application site. The ES provides full details of the assessment of the proposed development on the historic environment in section 10. The proposed amendments to conditions are not shown to have a significant impact on the historic environment and Historic Scotland concurs with the conclusion. Taking account of the cultural heritage assessment and the consultation responses from Historic Scotland and WOSAS, as noted above at paragraph 6.4.11 to 6.4.12, the proposed amendments to conditions are considered to comply with SG Natural and Historic Environment policies NHE 3, NHE 6 and NHE 7.

6.5.20 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 four SLAs within 10km of the proposed development. Turbines 10, 11, 12 and 13 and their associated infrastructure are located within the northern area of the Douglas Valley SLA with Turbine 9 straddling the northern boundary of the SLA. In the Original Permission 2 turbines were located within the Douglas SLA (Nos. 14 and 15). The Middle Clyde Valley SLA, Upper Clyde Valley and Tinto SLA and Leadhills and Lowther Hills SLA lie between 5km and 10km from the proposed development. The SLAs have been recognised in the ES and taken into consideration when assessing the sensitivity of the landscape character and visual amenity as well as the proposed change in layout and additional turbine locations within the Douglas SLA. Of the four SLAs, three are considered not to experience significant effects due to a combination of distance, limited opportunities to view the proposed development from the area as a whole, as well as the existence of existing wind farms and wind turbines in closer proximity to these SLAs. The technical note provided on assessing the SLAs identifies that there would be a number of differing landscape effects on various parts of the Douglas Valley SLA ranging from Major/Moderate to no effect. The area being assessed with Major/Moderate effects is south-east of the Douglas Water within the Douglas Valley SLA. The greater level of effect in this area is as a result of less vegetation or buildings obstructing views of the turbines. Viewpoints 3, 4, and 14 in the ES show that the proposed turbines would be prominent in views above existing woodland at Long Plantation. The turbines would be visible above Long Plantation. The Plantation, however, provides a strong edge to the valley landscape and it is considered that it would be evident that the proposed development was related to a separate landscape, beyond the valley. It is further noted that the proposed amendment to conditions (in this instance the increase in height of the turbines by approx 23.4m) would visually strengthen this differentiation between this edge of the valley landscape and the separate landscape beyond in which the majority of the turbines sit. It is acknowledged nevertheless that there would be significant effects on some areas of the Douglas Valley SLA. However, taking into account that the existing Hagshaw Hill wind farm and its extension are currently visible from the same areas of the SLA, the Original Permission in place on the application site, and that the proposed amendments to conditions would not result in the introduction of the only turbines visible from within some areas of the SLA, and after further considering the

effect of the proposed amendments to conditions on the whole Douglas Valley SLA, it is concluded that the level of effect is not significant. In terms of the cumulative effects, it is considered that no additional significant cumulative effects on the Douglas Valley SLA would be generated. Based on the information provided in the ES and technical note, and having considered the scale and location of the proposed amendments to conditions it is considered that it will not adversely affect the overall quality of the SLA designated landscape area and therefore accords with Policy 15 of the SLLDP.

- 6.5.21 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. Section 11 of the ES assesses Hydrology, hydrogeology and geology. Following desk based, habitat surveys, site walkovers and targeted probing exercise, it is concluded that there are no peat deposits greater than 0.75m in depth, present in the parts of the site which are to be disturbed by the proposed development. SEPA and SNH do not raise any concerns regarding peat within their responses. However SNH did state in the consultation to the Original Permission that there is a known presence of peat within the southern section of the proposed development site. Two probes in this area did evidence peat at depths of 1m and 1.5m respectively in this area of the site but it is considered that, due to the other probe results in the area, that these are soft peaty clay soils with flush zones rather than peat deposits. Adopting the precautionary principle and to ensure key issues relating to peat are addressed, if peat is identified on site, a requirement to prepare a peat management plan shall be conditioned, if permission is granted. Accordingly, subject to conditions the proposal complies with Policy NHE 15.
- 6.5.22 Policy NHE 12 in the SG Natural and Historic Environment describes Local Nature Reserves, Policy NHE 13 Tree Preservation Orders, Policy NHE 14 felling of existing woodland and Policy NHE 17 Country Parks as category 3 local designations. The application site does not affect a local nature reserve or Country Park as identified in SLLDP Strategy Map or woodland that has a tree preservation order or any existing woodland. Therefore Policies NHE 12, 13, 14 and 17 are not relevant to this assessment.
- 6.5.23 Policy NHE 18 in the SG Natural and Historic Environment (category 3 local designations) contains guidance on core paths and rights of way and sets out that the Council will encourage new and enhanced opportunities for access linked to wider networks. There is a core path on the periphery near the southern boundary and to the north-east boundary of the proposed site. There is also an aspirational core path and wider path network traversing the proposed site. The Original Permission involved proposals to prepare and implement an Access Strategy and Heritage Trail which is to provide a formal footpath network, linking the villages of Douglas and Coalburn, through the development site. It was proposed to include interpretation areas explaining the industrial heritage of the site and its contribution to the nation's energy needs, past and present. An Outline Access Strategy was approved as part of the Original Permission and has also been submitted in support of this application. The Access Strategy has been prepared in conjunction with the adjacent landowners and communities. On the basis of the above requirements again being secured through condition the proposed development complies with guidance set out in SG Natural and Historic Environment under category 3 local designations.
- 6.5.24 Policy NHE 19 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. European Protected Species were assessed in the ES which included otter, Great Crested Newts, badger, water vole, red squirrel and bats. SNH are satisfied that surveys for habitats and species have been undertaken using the appropriate methodologies. It is considered that if all the proposals in section 7.7 and Appendix 7.9 Species Protection Plan of the ES are fully implemented there will be no adverse impacts on protected species. If the application is granted permission, further protected species surveys will have to be undertaken several weeks in advance of construction on site. SNH concur with further survey work being undertaken prior to development on site. SNH consider the bird surveys to have been undertaken appropriately and confirmed there is no significant impact on protected bird species and connectivity to Special Protection Areas (SPA). On the basis of the above and subject to conditions being attached, the proposed amendments to conditions would be considered to comply with Policy NHE 19 protected species.

6.5.25 The SG Natural and Historic Environment also includes quiet areas as category 3 local designations. The proposed development does not impact on any quiet areas as identified in the SLLDP Strategy Map. Therefore following the above assessment of the proposal against Policy 15 Natural and Historic Environment at paragraphs 6.4.8 – 6.4.25, it is considered that subject to conditions the proposed development complies with Policy 15 of the SLLDP.

6.5.26 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. SG 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. Section 11 of the ES assesses the effects on hydrology, hydrogeology and geology. No significant effects were identified in the ES subject to identified mitigation measures being in place. The ES outlines that the infrastructure layout has been designed to avoid hydrologically-sensitive areas and provide a minimum 50 metre buffer zone for all watercourses. The mitigation measures set out in Section 11 of the ES (water quality monitoring, a pollution risk assessment and other appropriate control measures) require to be included in the Construction Environmental Management Plan (CEMP). As with the Original Permission, if these proposals were granted permission, a condition requiring the preparation of the CEMP, which would include surface water pollution prevention measures, peat management, and construction method statements, would be included. Thereafter the CEMP has to be approved by the Planning Authority in consultation with SEPA and implemented during construction, operation and decommissioning. SEPA are satisfied that the proposed development has no risk to the Groundwater Dependent Terrestrial Ecosystems (GWDTE) on site. The Original Permission had a condition requiring further information, including surveys, of all private water supplies (PWS) within the site area to ensure they would not be affected by the development. Following the issuing of the Original Permission, a PWS survey was carried out and assessment of PWS is contained within the hydrology chapter of the ES. It has been confirmed that there are no PWS within 1 km of the site boundary and SEPA are content that the proposals will have no effect on PWS. It is therefore considered that the issue regarding potential impact on PWS has been addressed and if this permission is issued there is no further requirement to replicate the condition attached to the Original Permission.

6.5.27 On the basis of the above assessment it is considered that subject to conditions the proposal complies with Policy 17 Water environment of the SLLDP.

6.5.28 Policy 19: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular the considerations set out at paragraph 169 and additionally for onshore wind developments the terms of Table 1: Spatial Frameworks. The policy also requires the Council to produce statutory supplementary guidance which accords with SPP. As noted above at paragraph 3.2.4, the Council has prepared SG on Renewable Energy (SG10). The proposed development will be assessed against Table 7.1 Assessment checklist for wind energy proposals which includes the Spatial Framework and the principles set out in paragraph 169 of SPP. Each is taken in turn below.

6.5.29 Policy RE1 Spatial Framework for Wind Energy requires applications for onshore wind turbine developments of a height to blade tip of 15m or over to accord with the Spatial Framework and to meet the relevant criteria set out in section 6 Development Management considerations and Table 7.1 Assessment checklist for wind energy proposals. The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Table 4.1 of SG10 Renewable Energy sets out three groupings in relation to wind energy development. These are as follows:

- Group 1: Areas where wind farms will not be acceptable
- Group 2: Areas of significant protection
- Group 3: Areas with potential for wind farm development

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

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

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

6.5.30 National and international designations have been previously assessed at paragraphs 6.4.8 to 6.4.16 and it is considered that subject to conditions there are no adverse effects on national and international designations. Other nationally important mapped environmental interests include areas of wild land as shown on the 2014 SNH map of wild land areas and carbon rich soils, deep peat and priority peatland habitat. There are no areas of designated wild land within South Lanarkshire. SNH has prepared a consolidated spatial dataset of carbon-rich soil, deep peat and priority peatland habitats in Scotland derived from existing soil and vegetation data. There are no areas of carbon rich soils/peatland within the site boundary of the proposed development. The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact. This is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area. There are two settlements within 2km of the application site. This is assessed further below. The ES contains a Landscape and Visual Impact Assessment (LVIA) at Section 6. The visual impact of the proposal is assessed at paragraphs 6.5.41 to 6.5.49 below.

6.5.31 Group 3 Areas with potential for wind farm development: SPP and SG Renewable Energy (SG10) states that beyond groups 1 and 2, wind farms are likely to be



acceptable, subject to detailed consideration against identified policy criteria. Table 7.1 of SG10 sets out a series of considerations which are to be taken into account when assessing renewable energy proposals and these are in line with the considerations set out at section 169 of SPP.

6.5.32 Policy RE2 Renewable Energy Development replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Therefore the development proposals are collectively assessed against the criteria of both policies at paragraphs 6.4.33 to 6.4.72, below. On the basis of the assessment below it is considered that subject to conditions and mitigation measures being implemented, the proposed amendments to conditions comply with Policies RE1, RE2 and Group 3 of the Spatial Framework as set out in SPP.

6.5.33 The Table 7.1 criteria is taken in turn as follows;

6.5.34 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.4.8 to 6.4.16 and it is considered that subject to conditions there are no adverse effects on national and international designations.

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

This has previously been assessed in paragraphs 6.4.21 and again in 6.4.30.

6.5.36 Community separation for consideration of visual impact.

This is examined in detail in paragraphs 6.4.46 to 6.4.52 below.

6.5.37 Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Section 13 of the ES presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development represents a major investment in South Lanarkshire and has the opportunity to deliver a range of positive economic impacts. Section 13 of the ES states that the proposed development has the potential to support 8 permanent maintenance and operational jobs for the working lifetime of the wind farm, as well as supporting employment during construction. Other socio-economic effects identified from the proposed development include benefits from direct employment in the area and positive impacts from employee spending in the local economy during the construction period of approximately 12 months, and the temporary moderate effect on the regional economy generated by construction related expenditure. In addition it is considered there would be a permanent beneficial effect on the local tourism sector generated by the expenditure of tourists attracted by the new Heritage Trail. This would enable local community groups to secure a continuous revenue stream during the operation of the proposed wind farm.

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

Section 3 of the ES sets out the energy generation and carbon emissions savings for the proposed development. The proposed development is expected to result in a saving of approximately 58,910 tonnes of carbon dioxide (CO<sub>2</sub>) through displacement of carbon-emitting generation over its 25 year lifetime of operation. It is noted that this is a saving of approximately 13,040 tonnes more CO<sub>2</sub> than the 45,870 tonnes that would be saved by the Original Permission. The development does not involve the loss of any trees (carbon absorption) or disturbance of large depths of peat (carbon sinks) which again minimises the carbon footprint of the development. The estimated

carbon payback period of the total proposed development is expected to be approximately 0.6 years.

6.5.39 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 consideration has previously been assessed under Policy 15 Natural and historic environment of SLLDP at paragraph 6.4.24. A Species Management Plan can be attached as a condition to safeguard the Schedule 1 birds nesting in close proximity to the proposed wind farm site. On the basis of the above assessment it is considered that subject to conditions and mitigation measures the proposed amendments to conditions 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.

6.5.40 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP). The Original Permission required, through a planning condition, the submission of a HMP on the basis that potential impacts on biodiversity over the proposed wind farm's lifetime could be mitigated through the preparation and implementation of an approved HMP. It is considered that this condition would be replicated on any new planning permission if issued.

6.5.41 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.

6.5.42 As previously noted, this is a Section 42 application to amend/ vary conditions attached to a planning permission. The landscape and visual assessment is therefore not solely related to the impact of a scheme for 13 No. Turbines at a maximum height of 149.9m but is instead an assessment on the impacts the 13 No. Turbine scheme would have compared to the previously approved Original Permission (15 No. Turbines with a maximum height of 131m); and whether the proposed amendments would result in additional significant, adverse visual effects that would not allow an amended permission to be issued.

6.4.43 The impact on landscape designation, in this case the Douglas Valley SLA, has been assessed above at paragraph 6.4.20 and it concludes the proposed development will not adversely affect the overall quality of the SLA's designated landscape area.

6.5.44 Section 6 of the ES contains a Landscape and Visual Impact Assessment (LVIA), landscape and visual figures are within Volume 2, landscape and visual appendices are within Volume 3 and visualisations in Volume 4 of the ES. The proposed development is located within Rolling Moorland and Plateau Farmland Opencast Mining landscape character types (LCT). Four of the most northerly turbines (T1 – T4) are located within Plateau Farmland Opencast Mining LCT and the remaining seven turbines (T5 – T13) are located within Rolling Moorland LCT. The proposal is in close proximity to the operational Hagshaw Hill wind farm, and its extension to the south-west, and the operational Nutberry wind farm to the west. Galawhistle wind

farm is also within this cluster located to the west of Hagshaw Hill and Nutberry and is now in operation. The approved Dalquhandy wind farm is adjacent to the west of the proposed development. Another proposal within this cluster is Cumberhead wind farm which currently has planning permission subject to the conclusion of a legal agreement and is located further to the west from the proposed development. Figure 6.3 in the ES identifies wind farms within 10km of the proposed development. The cumulative landscape impact of these developments and the addition of the proposed amendment to conditions have been assessed in the LVIA. It states that the Original Permission was considered to result in a direct significant effect on the LCTs within which the site is located. However the sense of openness experienced across the wider landscape area would not be greatly altered by the introduction of turbines in this proposed location. The LVIA states that the proposed amendments do not diminish this direct significant effect but do not increase it to any significant degree. The cumulative assessment considers the scale of the underlying former opencast workings landscape is medium to large and is dominated by a disturbed landform and regenerating land cover. The LVIA considers that within this context the proposed amendment to conditions would not lead to a development that would diminish the overall scale of the local landscape, although in the immediate vicinity of the turbines the presence of the turbines would be clearly dominant, but again not to any degree of scale that would be significantly different from the Original Permission. The LVIA assessment concludes that the introduction of turbines and the movement of blades when operating will be highly prominent, becoming a characterising influence on the wider landscape area alongside its opencast legacy. It is noted however that this application does not introduce turbines into the site and therefore the Original Permission would be the characterising influence on the wider landscape area. The proposed amendments, whilst increasing the height of the turbines and blade length, do also include the removal of 2 turbines which decreases the visual footprint of the proposals.

6.5.45 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. In 2017 an Addendum to this guidance was produced, (Tall Turbines: Landscape Capacity, Siting and Design Guidance) and it provides additional guidance on the design and siting of windfarms involving turbines at a height of 150m or more. The Original Permission at Douglas West has been designed to be part of the Hagshaw Hill/Nutberry/Galawhistle/Dalquhandy wind farm cluster. This cluster is approximately 12km to the west from the operational Clyde Wind Farm, and approximately 5km to the south lies the Andershaw/Middle Muir/Glentaggart wind farm cluster. The distances between these wind farm clusters are in line with the landscape capacity study. The landscape analysis for this area describes it as a rolling landform, with a simple landscape pattern of moorland and forestry and low settlement density. The adjacent plateau farmland is characterised by proximity of settlements, significant areas of industry and coal extraction and by having a more open character as it rises to the rolling moorlands. The Original Development (and therefore this application) is located within an area that is currently identified as a 'Wind Turbine Landscape' typology in Figure 6.2 of the Landscape Capacity Study for Wind Energy 2016. The proposed maximum development capacity at this location is a 'Wind Turbine Landscape' and the strategic objective for the moorlands is to ensure that further extension of this typology is limited (Figure 6.3 of the Landscape Capacity Study for Wind Energy 2015). Although the capacity for wind turbines in this location is limited, an assessment also has to take into account the Original Permission as well as the context of the landscape character in which the proposed development is located. This includes restored opencast mining, forestry activities, large industrial units, pylons and operational and consented wind farm developments. It was acknowledged that there would be a significant impact on the immediate landscape character from the Original Permission. However, from

reviewing the visualisations in the ES and from site visits, taking account of the Original Permission and having regard to the presence of operational wind farms in the current landscape and those consented, it is considered that, in this context, the proposed amendments to conditions would not create an unacceptable impact on the landscape character, in relation to the Original Permission.

- 6.5.46 The visual impact and cumulative visual impact of the proposed amendment to conditions is assessed in the LVIA. A detailed viewpoint assessment of the operational effects of the proposal is presented in Appendix 6.3 of the ES. There are two settlements within 2km of the proposed turbines, these are Coalburn and Douglas. As stated at paragraph 6.4.23, developers are required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.
- 6.5.47 Douglas village is located to the south-east of the proposed development with properties approximately 1.6km from the nearest proposed turbine. The LVIA states that the introduction of the proposed turbines would result in areas within Douglas experiencing a moderate/major effect. It is considered, however, that the mature vegetation throughout and around Douglas, which is a characteristic of the village, provides filtering views of the proposed development. Buildings within Douglas also screen views towards the proposed turbines from many of the properties. When the proposed turbines are visible in parts of Douglas they would also form prominent features in the landscape, beyond the Douglas Water valley, and above the woodlands at Long Plantation. In terms of cumulative visual impact the proposed turbines, however, would be seen in combination with the existing Hagshaw Hill turbines with a separation between the two developments as viewed in visualisations, viewpoint 3 and 4 within the ES. It is considered therefore that the proposed amendments to conditions taking into account the Original Permission and the existing views of turbines, together with the screening from the built features and woodlands in the surrounding area would not lead to an unacceptable visual impact on the village of Douglas. It is also noted that no letters of objection have been received from residents or businesses within Douglas.
- 6.5.48 Coalburn is located to the north of the proposed development with properties approximately 1.2km from the nearest proposed turbine. It should also be noted that planning permission currently exists for a residential development south of Middlemuir Road in Coalburn, named, Gunsgreen. The closest proposed turbine is 800m from the consented residential development. This consent has been taken into account in assessing the impact of the proposed amendments to conditions in terms of visual impact, noise, amenity and shadow flicker. The LVIA assessed there will be a moderate/major level of effect on some properties in Coalburn and that theoretically there would be a major effect on the view from the consented residential development. The impact of the Original Permission was assessed as having the same level effect on properties and it is considered that the proposed amendments do not increase this effect. In terms of cumulative visual impact the proposed development however would be viewed at some points from the village in conjunction with the operational Hagshaw Hill wind farm and its extension, Nutberry wind farm, Galawhistle wind farm, and consented Dalquhandy wind farm. The cumulative visual impact can be viewed from the visualisations, viewpoints 1 and 13 in the ES. The Original Permission windfarm would be seen as an eastern extension of the consented Dalquhandy wind farm and the proposed amendments to conditions do not alter this reading of the turbines given the application site is the same. The reduction in turbine numbers does not alter this perception due to the proposed amended layout. It is also noted in the LVIA that the residential properties in Coalburn which would have direct views of the proposed turbines are not the same properties which will have direct views of the consented Dalquhandy wind turbines. In addition, whilst it

is acknowledged in the LVIA that there would be a significant effect at some properties within Coalburn, it notes some of these views from Coalburn would be obstructed by vegetation. Finally it is noted that there have been no letters of objection from residents or businesses within Coalburn. It is therefore considered that the level of visual effect from the proposed amendments to conditions has not altered from the Original Permission and therefore is deemed acceptable in this instance. Impact on residential amenity is assessed in paragraphs 6.4.52 to below.

6.5.49 The LVIA sets out the mitigation measures taken into account in the design of the proposed development. The design evolution details the principles that were applied to the design iterations leading from the Original Permission to the proposals that form this application. It is acknowledged that the applicant has taken into account all engineering and environmental constraints in the final layout. The proposal has been designed to form an array of turbines when viewed in conjunction with the existing and consented wind farm developments from Douglas, Coalburn and the surrounding area. The design of the proposed development also sought to utilise existing infrastructure such as access tracks and hardstanding areas. The proposals have been designed to minimise any differences in Visual Impact the additional heights may have from the Original Permission by maintaining a similar layout within the same site area. The reduction in turbine numbers by 2 is considered to reduce the development's visual footprint within the landscape. The proposed substation and control building and construction compound, including concrete batching plant are also located on the former Dalquhandy DP. This location benefits from good screening/backclothing from forestry directly to the south, which assists in minimising the visual impact of the proposed buildings. Taking into account the above assessment at paragraphs 6.4.41 to 6.4.49, the assessment in the ES, SNH comments and the existing operational and consented developments, as well as the context of the impact of the Original Permission, it is considered that in terms of landscape and visual and cumulative effects the amendments to conditions are acceptable.

6.5.50 The impact of the proposed development on residential amenity is considered below.

6.5.51 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 6.4.41 to 6.4.49 above.

6.5.52 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 ES. The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and consider 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 a suitable condition will be attached, if approval is granted, to address the required procedure in the event of there being a noise complaint from the proposed development. Shadow flicker is assessed at section 15 of the ES. With the increase in turbine height and blade length an additional 3 residential receptors fell within the study area of the assessment. Figure 15.1 shows the modeled shadow flicker impact area, which is based on 10 rotor diameters from each of the proposed turbines and within 130 degrees either side of north. There are five existing residential properties within this area, Westerhouse, Craigend, West Toun House, 8 Middlemuir Road and Braehead. There is a sixth receptor at the consented residential development site, Gunsgreen,

which has also been included in the assessment. The maximum shadow hours per year are 1.26 at 8 Middlemuir Road, 3.03 at Braehead, 7.51 at West Toun House, 13.59 at Craigend, 15.38 hours at Westerhouse, and 8.18 at Gunsgreen. The results at each receptor are below the recommended limit of 30 hours per year. The assessment does not take into account consideration of any local screening from vegetation, blinds or curtains, or window orientation relative to the turbines that would further minimise shadow flicker. The residential receptors are mainly orientated with the main living areas facing an easterly, westerly or northerly direction and therefore are not directly towards the proposed turbines. There are also small areas of woodland between the proposals which will reduce further the potential for the receptors to experience shadow flicker. Taking account of the above, effects from shadow flicker are considered not to be significant. Nevertheless it is considered that where shadow flicker is found to cause a nuisance, mitigation measures should be implemented in order to reduce its occurrence. Therefore if planning consent was granted an appropriate condition should be imposed to control this matter. In addition to the Landscape and Visual Impact Assessment (LVIA) undertaken within section 6 of the ES, an assessment of potential receptors within 2km was carried out. The ES includes a Residential Visual Amenity Survey (RVAS) which is contained at Appendix 6.4. There are eight residential properties within 1.2km of the proposals (an increase of one property since the Original Permission). The RVAS assesses the worst-case level of effect on visual amenity resulting from the proposed development from any view from the property and curtilage of each property within 1.2km of the proposed turbines. It is concluded in the RVAS that four properties (West Toun House, Craigend, Blackwood Cottage and Station House) would experience Moderate effect. Westerhouse and numbers 1 and 3 Westoun Steadings would experience Moderate/minor effect. The eighth property, Braidlea is located within woodland which curtails views towards the application site and therefore no further assessment of this property was required. It is considered, having taken account of the above plus the nature, scale and location of the proposal, that the residents in any of these properties would not experience an overbearing effect on their visual amenity or that their properties would become unattractive places in which to live. No representations have been received from members of the public or from these surrounding individual properties and communities regarding the impact of the proposals on views. On the basis of the above assessment at paragraphs 6.4.50 to 6.4.52 it is considered that individual properties would have no adverse significant effects, it is therefore concluded that the proposed development complies with criteria regarding the impact on communities and individual dwellings.

6.5.53 Impacts on carbon rich soils and peat, using the carbon calculator. This consideration set out in criteria 2 of Table 7 of SG Renewable Energy and SPP has previously been assessed in paragraphs 6.4.21 and again in 6.4.30.

6.5.54 Impact on Public Access.

This consideration set out at criteria 12 of Table 7 of the SG Renewable Energy has previously been assessed at paragraph 6.4.23 under Policy 15 Natural and Historic Environment of SLLDP and Policy NHE 18 in the SG Natural and Historic Environment which contains guidance on core paths and rights of way. On the basis of the above assessment it is considered that subject to conditions the proposed development accords with the consideration set out at criteria 12 of Table 7 of the SG Renewable Energy.

6.5.55 Impacts on the historic environment.

This consideration set out at criteria 13 of Table 7 of the SG Renewable Energy has previously been assessed under Policy 15 Natural and Historic Environment of SLLDP at paragraphs 6.4.11 to 6.4.12 and 6.4.18 to 6.4.19. On the basis of the above assessment it is considered that subject to conditions the proposed

development accords with the consideration set out at criteria 13 of Table 7 of the SG Renewable Energy.

**6.5.56 Impacts on tourism and recreation.**

The ES assesses the likely effects of the proposed amendments to conditions on tourism and recreation at section 13. The visibility from tourist routes and visibility from accommodation is considered and how the behaviour of tourists might be affected by changes to views from important tourist routes in the area and from tourist accommodation. There are nine tourist attractions/leisure assets within the study area, three of which are within 10km. The New Lanark World Heritage Site and Falls of Clyde Visitor Centre and Wildlife Reserve are national and regional attractions located approximately 12km from the application site. It is considered that the overall effect of the proposed amendment to conditions on these attractions would not be significant. There are a number of walking routes within the area with the closest one to the proposed development in the village of Douglas. It is considered that due to the existing wind farms in the area that there is already a high expectancy for walkers or cyclists visiting the area to see a wind farm. Therefore the proposed amendment to conditions is not considered to be significant. There are 19 individual tourist accommodation places within 15km of the proposed development. Of the 19 none are within 5km of the proposed turbine locations. The assessment in the ES concludes the proposed development would not generate any significant adverse effect on any of the tourist and recreational assets. Overall the effects are considered not to be significant on tourism and recreation. Having taken account of and considered the above it is concluded that overall the effects on tourism or recreation, would not be significant and subject to conditions the proposed development accords with the consideration set out at criteria 14 of Table 7 of the SG Renewable Energy.

**6.5.57 Impacts on aviation and defence.**

The ES section 14 assesses what the potential impact of the proposed amendment to conditions may be on radar and defence systems within the vicinity of the site. NATS Safeguarding has no objections to the proposed amendments to conditions subject to the replication of their conditions from the Original Permission. The Ministry of Defence (MOD) does not object to the proposals subject to the replication of their conditions from the Original Permission. On this basis it is considered that a technical solution is established with NATS and MOD and appropriate conditions can be attached if planning consent is granted. Therefore it is considered that subject to these conditions the proposed development accords with the consideration set out at criteria 15 of Table 7 of the SG Renewable Energy.

**6.5.58 Impacts on transmitting or receiving systems.**

The ES section 14 assesses the potential impact of the proposed amendments to conditions on telecommunications. Any adverse effects with regard to television and radio interference, as a direct effect of the proposed development, can be resolved through technical solutions. Appropriate conditions shall be attached if consent is granted. Taking account of the above and having considered the conclusions in the ES the proposed development accords with criteria 16 of Table 7 of the SG Renewable Energy.

**6.5.59 Impact on road traffic and on trunk roads.**

The ES at section 12 provides an analysis of the proposed amendment to conditions with respect to the potential impact it may have on the road network. The assessment concludes that with the increase in turbine size the abnormal loads route approved under the Original Permission is still fit for purpose. The proposed route is to use the M74 motorway, exiting at junction 11, then exiting the Poniel interchange western roundabout on to the existing Dalquhandy private access road leading to the proposed site; and the construction traffic accesses the site from the north via M74

Junction 11 and from the south Junction 12 of the M74 via a short stretch of the B7078 to Junction 11. The Roads and Transportation Service therefore has no objection subject to a replication of the conditions and legal agreement that were attached to the Original Permission. On the basis of the above it is considered the proposed development complies with criteria 17 of Table 7 of the SG Renewable Energy.

**6.5.60 Impacts on hydrology, water environment and flood risk**

This consideration covers criteria 18 of Table 7 of the SG Renewable Energy. The water environment and flooding under Policy 17 of SLLDP has been assessed at paragraph 6.4.26 to 6.4.27 above. On the basis of the above assessment it is considered that subject to conditions and mitigation measures the proposed development accords with the consideration of effects on hydrology, the water environment and flood risk.

**6.5.61 Decommissioning and restoration.**

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust; and any consent granted will require a decommissioning and restoration condition attached. The ES sets out a brief summary of the decommissioning proposals which includes all components being removed from site and disposed of and/or recycled as appropriate, and in accordance with regulations in place at that time. If required, exposed parts of the concrete turbine foundations would be ground down to below sub-soil level with the remaining volume of the foundations left in situ. The turbine base area and crane pads would be returned to their original appearances unless further consents were granted. If consent is granted conditions shall be attached requiring that a decommissioning and restoration plan is submitted to the Council no later than 24 months prior to the end of consent and a condition to secure a decommissioning bond that satisfies the Council's requirements. On the basis the above requirements can be secured through conditions if consent is granted, the proposed development complies with criteria 19 and 21 of Table 7 of the SG Renewable Energy.

**6.5.62 Opportunities for energy storage.**

The proposed development does not include opportunities for energy storage and therefore is not assessed.

**6.5.63 Site decommissioning and restoration bond.**

As noted at paragraph 6.4.61 above there is a requirement for decommissioning and restoration bond or 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.

**6.5.64 Forestry and woodland removal.**

Criteria 22 of Table 7 of SG Renewable Energy requires the effect proposals may have on forestry and woodland to be fully assessed. As noted in paragraph 6.4.22, there is no forestry or woodland being removed as part of the proposals.

**6.5.65 Impact on Prime Agricultural Land.**

As noted in paragraph 6.4.14 there is no Prime Agricultural Land within the application site.

**6.5.66 Borrow pits.**

Criteria 24 of Table 7 of SG Renewable Energy requires borrow pits associated with windfarms to comply with the requirements in paragraph 243 of SPP. No borrow pits are proposed as part of this application.



#### 6.5.67 Environmental Protection

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

#### 6.5.68 Notifiable installations and exclusion zones

There are no notifiable installations and exclusion zones in or adjacent to the site.

#### 6.5.69 Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report the application was submitted with a robust ES containing appropriate mitigation measures which have been conditioned as part of the recommendation where required.

#### 6.5.70 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 6.4.72 below), 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 planning permission is granted.

#### 6.5.71 Environmental Impact Assessment (EIA)

Criteria 29 of Table 7 of SG Renewable Energy requires all applications for all renewable energy developments which fall within the scope of the Environmental Assessment Legislation to be accompanied by an Environmental Statement. As noted in paragraph 3.3.4 the proposals constitute development that falls within the scope of the Environmental Assessment Legislation and as referenced throughout Section 6.4 of this report an Environmental Statement accompanied the planning application submission.

#### 6.5.72 Other considerations.

The considerations set out at Table 7 of SG Renewable Energy and SPP at paragraph 169 are assessed above at paragraphs 6.4.33 to 6.4.71. 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 to the South Lanarkshire Council Renewable Energy Fund, equivalent to £5,000 per MW per annum for the lifetime of the development. This equates to approximately £6.1 million over the lifetime of the windfarm development if approved. The level of contribution is not a material consideration in the assessment of the application.

### 6.6 Conclusion

- 6.6.1 In conclusion, the proposals to vary conditions 1, 27, 37 and 45 of planning permission CL/15/0273 result in an amended windfarm development comprising 13 wind turbines each with a maximum height to tip of 149.9m and with blades 64m in length. The amendments would result in the reduction of the number of turbines by 2 and it is considered that, taking account of the Original Permission, the additional turbine height and blade length of the remaining turbines would not have any significant, additional impact on the landscape and environment.
- 6.6.2 The Wood Fuel Drying Facility received a standalone permission and therefore it is appropriate to remove any conditions relating solely to this development from any future permission as it no longer forms an intrinsic part of the planning permission.

## **7 Reasons for Decision**

- 7.1 The proposals to vary conditions 1, 27, 37 and 45 and delete conditions 17 to 21 of planning permission Ref: CL/15/0273 are considered acceptable and the updated suite of approved documents appropriate. The increase in turbine height and blade length are considered to not have any significant, adverse impact in relation to the previous planning approval and accord with National Policy and the relevant provisions of the Development Plan subject to the imposition of the attached environmental conditions as allowed under Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended.

**Michael McGlynn**

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

**5 February 2018**

### **Previous References**

- ◆ CL/15/0273

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ South Lanarkshire Local Development Plan (adopted 2015)
- ▶ 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
- ▶ Neighbour notification letter dated 1.11.2017

### **▶ Consultations**

▶

National Air Traffic Services Ltd	09/11/2017
The Coal Authority - Planning and Local Authority Liaison Department	01/12/2017
Historic Environment Scotland	04/12/2017
BAA Aerodrome Safeguarding (Glasgow)	27/11/2017

Scottish Natural Heritage	17/01/2018
Ministry of Defence (Windfarms)	29/12/2017
West of Scotland Archaeology Service	20/11/2017
BAA Aerodrome Safeguarding (Glasgow)	12/12/2017
S.E.P.A. (West Region)	19/12/2017
Transport Scotland	19/12/2017
Scottish Water	19/12/2017

### **Contact for Further Information**

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

James Wright, Minerals Officer, Montrose House, 154 Montrose Crescent, Hamilton ML3 6LB  
 Ext 5903 (Tel : 01698 455903 )  
 E-mail: [james.wright@southlanarkshire.gov.uk](mailto:james.wright@southlanarkshire.gov.uk)

Further applications

PAPER APART – APPLICATION NUMBER : CL/17/0477

## CONDITIONS

- 1 That the development is carried out strictly in accordance with the terms of the application, the plans hereby approved and the accompanying Environmental Statement dated October 2017, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Council as Planning Authority before the works described therein are undertaken.
- 2 **Construction Noise (BS 5228)**  
The applicant shall ensure that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'.  
The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 7.00am to 7.00pm, Saturday 7.00am to 1.00pm and Sunday - No audible activity with no audible activity taking place on Sunday, local and national bank holiday - without prior written approval of the Planning Authority.  
  
Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the Council as Planning Authority.
- 3 Prior to commencement of development works the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads Authority, and thereafter adhere to and implement the TMP within the timescales set out. The TMP shall be produced in consultation with Roads & Transportation Services, Police Scotland and the Council's Access Officer and include a programme indicating phasing of construction of the project. Proposals shall include signage at conflicts with the Council's Core Path and Wider Network and arrangements for maintenance of such signage. The developer shall also submit a Travel Plan as part of their TMP, to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and also for those attending through the course of site inspections and site meetings. No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.
- 4 The developer shall notify the Council 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 developer will consult with the Council 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.
- 5 The developer shall undertake all work associated with the approved planning consent 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 developer 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 Council as Roads Authority.

- 6 That prior to commencement of construction works a full Safety Audit for all infrastructure to be constructed and adopted, or altered, on the public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority.
- 7 At least 2 months prior to commencement on site a Construction Environmental Management Plan (CEMP) and Construction Method Statement (CMS) including Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The CEMP shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the Environmental Statement October 2017 supporting the application. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The method statement shall include the following:
- a) A plan of the construction operations at an appropriate scale;
  - b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
  - c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
  - d) Track design approach
  - e) Maps of tracks indicating double and single tracks and position of passing places.
  - f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
  - g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
  - h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
  - i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and SNH and SEPA guidance.
  - j) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
  - k) Compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 5.
  - l) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.
  - m) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
  - n) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.

- 8 Construction Environmental Management Plan (CEMP) continued from condition 7 above:
- o) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during periods of high rainfall.
  - p) Timing and extent of any necessary re-instatement.
  - q) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
  - r) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.
  - s) Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by component qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc shall be submitted to the Planning Authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the Planning Authority on a 6 monthly basis, or on request.
  - t) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor and mitigate the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations, type of monitoring equipment to be used, frequency, gathering of information on background levels, and keeping of records shall be submitted to the Planning Authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the Planning Authority on request.
- 9 Prior to commencement of development the developer shall submit a detailed Access Strategy (AS) for the written approval of the Planning Authority, and thereafter adhere to and implement the AS within the timescales set out. The AS shall be produced in consultation with the Council's Countryside & Greenspace Services and a programme of community consultation shall be undertaken on the draft AS. Proposals shall incorporate and identify the Council's Core Path and Wider Network and provide signage where the network identifies links. No works related to the AS shall commence on site until such times as the AS has been approved in writing by the Planning Authority.
- 10 That during the construction of the development:-
- a) All works shall be carried out in a manner consistent with The Water Environment (Controlled Activities) (Scotland) Regulations 2005
  - b) No work shall be undertaken within a 50 m 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.
  - c) Track layout shall minimise disruption to water courses

- d) Existing drainage routes shall be maintained through sensitive placement of soil heaps and where necessary temporary drains.
- e) Silt traps shall be provided on all existing drainage routes affected by site works.
- f) 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. 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.

- 11 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.
- 12 Three months prior to the commencement of the development, an Ecological Clerk of Works (ECoW) shall be in place. The Planning Authority shall approve the ECoW for the period from prior to commencement of development to final commissioning of the development. The scope of work of the ECoW shall include:
  - Monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the Environmental Statement dated October 2017;
  - Advising the developer on adequate protection of nature conservation interests on the site;
  - Directing the micro-siting and placement of the turbines, bridges compounds and tracks and,
  - Monitoring compliance with the Construction Environmental Management Plan and Construction Method Statement required by condition 7 and 8.
- 13 No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Details of alternative warning devices shall be submitted to and approved in writing by the Council as Planning Authority prior to development starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.
- 14 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of

investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

- 15 The developer shall be responsible for any alterations required to statutory undertaker's apparatus.
- 16 Prior to development commencing on site, details of materials, external finishes and colours for all ancillary elements (including access tracks, transformers, switchgear/metering building, compound, and fencing) shall be submitted to and approved in writing by the Planning Authority. If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning Authority shall be used.
- 17 That consent is granted for the wind farm and its associated infrastructure for a period from the date of this consent until 25 years from the date of final commissioning of the development. No later than 5 years prior to the end of said 25 year period, the decommissioning scheme referred to in condition 30 of this consent shall be submitted to and approved in writing by the Planning Authority. Written confirmation of the date of commencement of development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.
- 18 Prior to the commencement of the development intrusive site investigations work shall be undertaken and a report prepared of the findings shall be submitted to the Planning Authority. Details of ground conditions and the final turbine foundation design shall be submitted at least 1 month prior to commencement of development unless agreed in writing with the Planning Authority, for the written approval of the Planning Authority, and thereafter adhered to and implemented as approved in the report. The site investigation should have particular regard to the potential for unrecorded mine workings within the application site.

If peat is identified during the site investigations, a Peat Management Plan (PMP) shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH and thereafter all work will be carried out in accordance with the plan within the required timescales.

If any historic mine workings are identified during the site investigation, a suitable mitigation plan shall be submitted to and approved in writing by the Planning Authority in consultation with the Coal Authority prior to the commencement of construction works on site. Thereafter, the approved mitigation scheme shall be implemented in full to the satisfaction of the Planning Authority in consultation with the Coal Authority in accordance with the plan within the required timescales.

- 19 All imported material that is required to be brought onto site shall be accompanied by certification from a suitably U.K.A.S accredited laboratory to confirm that it is free from contamination. If any off-site borrow pit(s) are proposed, information relating to the quantities, proposed vehicle trips and delivery routes between the proposed borrow pit site(s) and the wind farm site shall be submitted to the Planning Authority. Should these routes not be covered by the approved route for this application the developer will be required to provide an amended legal agreement to reflect any changes. Thereafter the



changes require to be adhered to and implemented.

- 20 There shall be no commencement of development until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.
- 21 At least 3 months prior to the delivery of abnormal loads the developer will undertake an Abnormal Load Route Assessment (ALRA) which shall include a swept path assessment of the route and proposals for a trial run of abnormal load deliveries, and submit details of their report together with any recommendations for the written approval of the Council as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries and confirmation from Transport Scotland that it is acceptable if their land is encroached by abnormal loads along the approved route. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads. Should the Abnormal Load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require to be submitted to and approved by the Council as Roads Authority.
- 22 Each turbine shall be erected in the position indicated in Table 3.2 Wind Turbine Co-ordinates in the Environmental Statement October 2017. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 25 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation is of between 25 metres and 50 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:
- bring a turbine any closer to an uninvolved property than is already approved
  - bring a turbine outwith the planning application boundary.
  - breach the 50m water buffer zones, without the prior written agreement of the Planning Authority in consultation with SEPA.
- 23 Within 3 months of commissioning the approved wind farm the applicant shall submit to the Planning Authority an "as built plan" at an appropriate scale indicating the location of any track, turbine, crane pad and restored borrow pit within the development.
- 24 Culverts/ crossings shall be designed appropriately for a 1:200yr event. Prior to commencement on site detailed drawings of the culverts/crossings and an inspection and maintenance plan shall be prepared which shall set out regular inspection, maintenance and monitoring arrangement of the culverts/crossings. Thereafter the drawings and plan shall be implemented.
- 25 No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and

approved in writing by South Lanarkshire Council in order to avoid the impact of the development on the Primary Radar of the Operator located at Cumbernauld and associated air traffic management operations.

- 26 No part of any turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of conditions 25 and 26 above;  
"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Cumbernauld primary radar and air traffic management operations of the Operator.

- 27 Prior to delivery of turbines details of the confirmed turbine layout, colour, height and manufacturer, including illustrations as well as details of size, shall be submitted to, and approved in writing by, the Planning Authority. The turbines:
- i) Shall have blades that rotate in the same direction.
  - ii) Shall have no large 'logos' or other symbols or writing unless for reasons of health and safety or as agreed in writing by the Planning Authority.

Only the approved type shall be installed.

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

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

- 30 No later than 5 years prior to the end of the period of this planning permission for the wind farm and its associated infrastructure, or by such date later as may be agreed by the Planning Authority, the applicant shall submit a Restoration and Aftercare Plan including a decommissioning and method statement for the decommissioning of the wind farm and the restoration of the application site for the approval of the Planning Authority in consultation with SEPA and SNH. Additional consultation will be carried out to ensure that it takes into account changes in the environmental conditions, laws and techniques over the anticipated 25 year operational period. Decommissioning in accordance with the approved method statement shall be completed within 24 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development. The approved Decommissioning Plan and Method Statement shall be implemented and the works monitored by an ECoW.

31 Within 24 months of the end of the period of this consent (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the Restoration Plan and Aftercare Plan referred to in Condition 30. Notwithstanding the terms of condition 30 above, no later than one year prior to the commencement of the approved Decommissioning Plan and Method Statement, the Planning Authority, in consultation with SNH, shall review the retention of pads, foundations, cable/ducts and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement. Thereafter any amendments to the restoration strategy are agreed by the Planning Authority.

32 No later than 3 months prior to starting on site the Outline Habitat Management Plan (HMP) dated August 2017 for the entire application site and the Draft Species Protection Plan (SPP) dated August 2017 shall be finalised in consultation with the Council's Local Biodiversity Officer, RSPB and SNH, and submitted to the Planning Authority for approval. The HMP shall include:

- i. monitoring at the site to collate any bird collisions
- ii. confirm the significance of the losses
- iii. identify any potential mitigation to minimise the potential for bird strike
- iv. monitor flight paths of SPA species and other species and recommend any mitigation measures required for approval of the Habitat Management Group.
- v. Agreed management units
- vi. Delineate management measures on a spatial plan
- vii. Timing and programme of delivery and monitoring

The SPP shall include:

- i. Otter Management Plan
- ii. Badger Management Plan
- iii. Pre-construction surveys

Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP and SPP and within the timescales set out in the approved HMP and SPP.

33 A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council, RSPB and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims, and notwithstanding the above,

- a) Site clearance activities and where possible, construction, will take place outwith the bird breeding season (March to July inclusive). If site clearance activities commence during this period ECoW supervision is required.
- b) The HMP will operate for the full lifespan of the wind farm, including decommissioning
- c) The mitigation identified in the HMP will be fully implemented
- d) Surveillance and monitoring results of species and habitat will be carried out in accordance with the approved plan and be submitted to the HMG in accordance with the timescales set out.

34 Prior to the erection of any turbines, the requirement to meet Ministry of Defence (MOD) aviation lighting shall be submitted to, and approved in writing by the Planning Authority, in consultation with MOD. Thereafter implemented and maintained over the life of the wind farm. The cardinal turbines are to be fitted

combi 25 candela red and IR lighting and the perimeter turbines are to be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point or as agreed in writing with MOD. The developer shall provide the MOD with the 'as built' turbine locations within 1 month of installation of turbine erected.

- 35 Prior to the erection of turbines or cranes on site the company shall provide to the Planning Authority, Ministry of Defence, Defence Geographic Centre, Civil Aviation Authority, and NATS with the following information, and has provided evidence to the Planning Authority of having done so;
- date of the expected commencement of turbine or crane erection
  - height above ground level of the tallest structure forming part of the Development;
  - the maximum extension height of any construction equipment; and
  - grid co-ordinates of the turbines and masts positions in latitude and longitude.
- 36 Except to any extent specifically permitted in writing by the Planning Authority, there shall be no commencement of development or operations at the site until the Guarantee (after mentioned) has been delivered to the Planning Authority and the Planning Authority has confirmed receipt of it.
- 37 That prior to the commencement of the development hereby approved, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such guarantee must, unless otherwise approved in writing by the Council as Planning Authority;
- i) be granted in favour of the Council as Planning Authority
  - ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
  - iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
  - iv) either contain indexation provisions so that the specified amount of the guarantee shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by on or behalf of HM Government between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the guarantee always covers the value of the site restoration and aftercare liabilities
  - v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period.

No works shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the Council as 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 Council as Planning Authority.

- 38 **Operational Noise from Wind Farm ETSU-R-97**

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.

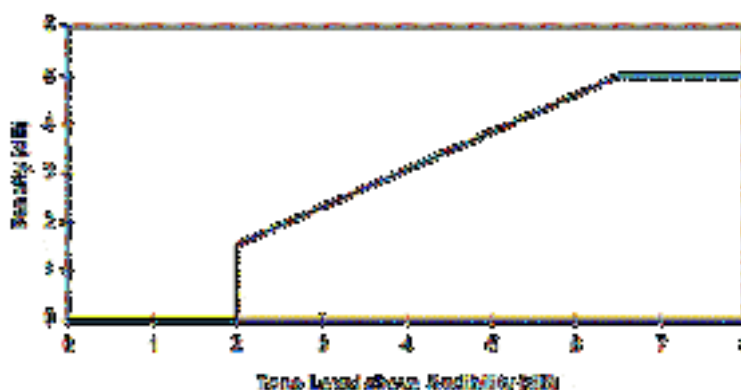
The cumulative noise (at any time) from the wind turbines must not exceed a noise level of 45dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any financially involved noise sensitive premises at all times at wind speeds of up to 12 metres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

### 39 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 38 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.

### 40 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.



### 41 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.

- 42 In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of 12 months, unless otherwise agreed with the Planning Authority, the turbine(s) shall be replaced (in the case of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and access roads shall be reinstated within three months of the end of the twelve month period of non-generation in accordance with a scheme agreed with the Council as Planning Authority, all to the satisfaction of the Council.
- 43 That 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 that a European Protected Species licence has been obtained from SNH if required.
- 44 Where a complaint of deterioration in television signal is received by the Local Authority or applicant the wind farm operator 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 applicant's wind turbines are deemed to be the cause of the deterioration of television signal the applicant 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.

## **REASONS**

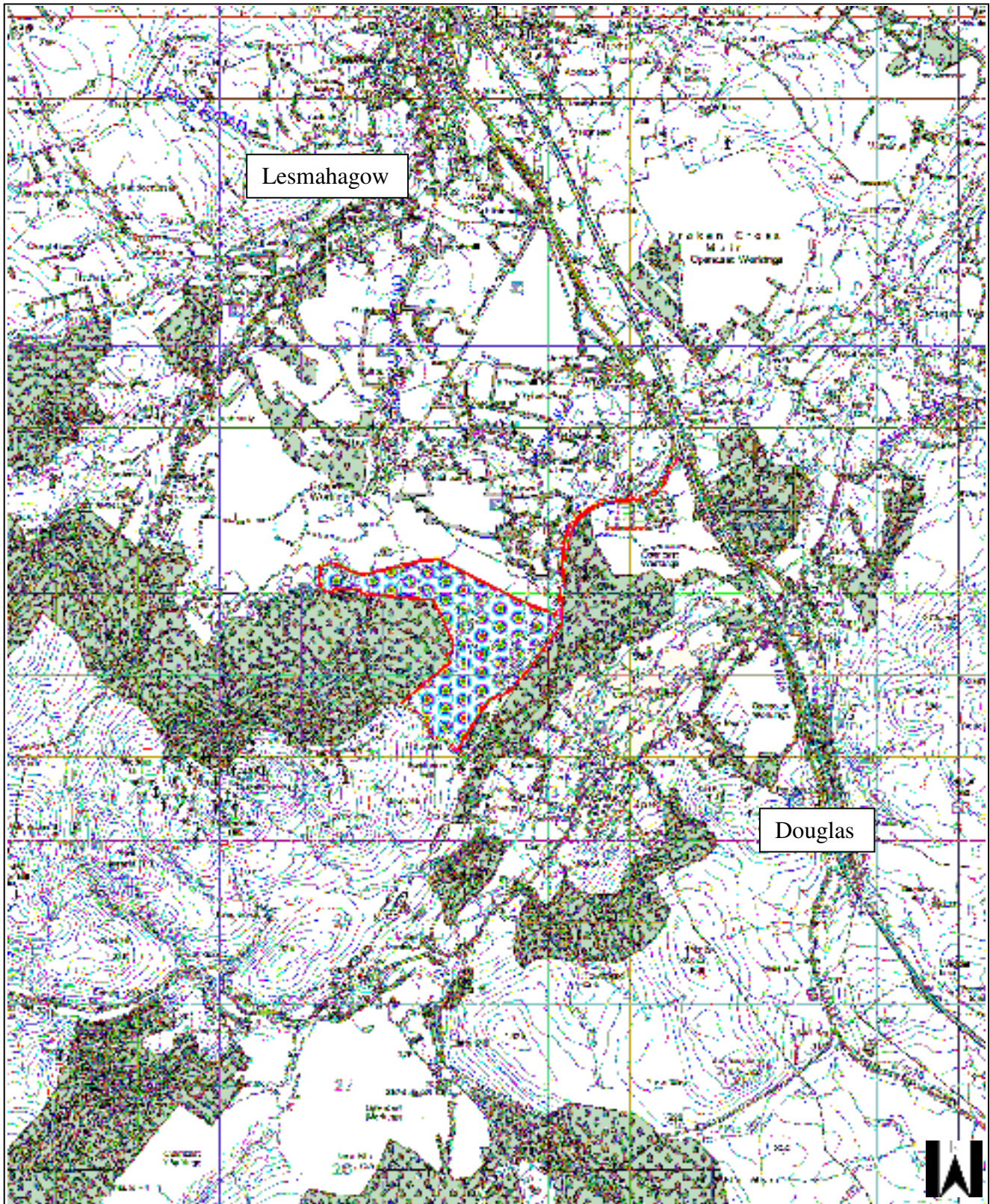
- 1.1 For the avoidance of doubt and to specify the documents upon which the decision was made.
- 2.1 In order to retain effective planning control and to safeguard the noise amenity of local residents.
- 3.1 In the interest of road safety and in order to retain effective planning control.
- 4.1 In the interest of road safety and in order to retain effective planning control.

- 5.1 In the interest of road safety and in order to retain effective planning control.
- 6.1 In the interest of road safety
- 7.1 To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
- 8.1 To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
- 9.1 In the interests of amenity and in order to retain effective planning control.
- 10.1 In order to retain effective planning control
- 11.1 In the interests of amenity.
- 12.1 To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
- 13.1 To protect local residents from noise nuisance.
- 14.1 To minimise adverse impacts on archaeology on site.
- 15.1 In the interest of public safety
- 16.1 In order to retain effective planning control
- 17.1 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 18.1 To ensure the mineral and ground stability of the site.
- 19.1 To minimise environmental impact and in order to retain effective planning control.
- 20.1 To offset impacts of shadow flicker on residential and commercial property amenity.
- 21.1 In the interest of road safety and in order to retain effective planning control.
- 22.1 In order to retain effective planning control
- 23.1 In order to retain effective planning control
- 24.1 To minimise environmental impact on watercourses and in order to retain effective planning control.
- 25.1 In the interest of public safety
- 26.1 In the interest of public safety
- 27.1 In order to retain effective planning control

- 28.1 To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval
- 29.1 To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.
- 30.1 To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
- 31.1 In order to retain effective planning control
- 32.1 To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.
- 33.1 To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.
- 34.1 In the interest of public safety
- 35.1 In the interest of public safety
- 36.1 In the interests of amenity and in order to retain effective planning control.
- 37.1 To ensure that provision is made for the restoration and aftercare of the site.
- 38.1 In order to retain effective planning control and to safeguard the noise amenity of local residents.
- 39.1 In order to retain effective planning control and to safeguard the noise amenity of local residents.
- 40.1 In order to retain effective planning control and to safeguard the noise amenity of local residents.
- 41.1 In order to retain effective planning control
- 42.1 To ensure that any redundant wind turbine is removed from site, interests of safety, amenity and environmental protection.
- 43.1 To safeguard protected species and in order to retain effective planning control.
- 44.1 In order to retain effective planning control



For information only



For information only