

Report

Report to:	Planning Committee
Date of Meeting:	12 September 2017
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Planning Application No. CL/08/0727 - Alterations to Planning Conditions at Penbreck Wind Farm, Penbreck and Carmacoup Forest, Near Douglas
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1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Seek Committee approval for the addition of three planning conditions to Planning Application No. CL/08/0727 to secure the required radar mitigation measures needed to meet the requirements of Glasgow Prestwick Airport.

2 Recommendation(s)

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

- (1) Add planning conditions, 51, 52 and 53 to Planning Application No. CL/08/0727 to secure the required radar mitigation measures needed to meet the requirements of Glasgow Prestwick Airport.

3 Background

3.1 A planning application was submitted on 11 December 2008 for the erection of 9 wind turbines with access tracks, borrow pits and associated infrastructure works. The application was considered to be in accordance with planning policy and the Planning Committee granted conditional planning permission on 24 June 2014. It was also agreed that the decision notice would not be issued until a Section 75 Planning Obligation encompassing the following matters was concluded:

- ◆ Submission of a Bond for the Restoration and Aftercare of the site
- ◆ A contribution to the Council's Renewable Energy Fund
- ◆ The provision of an Ecological Clerk of Works
- ◆ 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.

3.2 Since the planning application was approved at Planning Committee, there have been ongoing discussions between the applicant and the Council in relation to progressing the terms of the legal arrangement. Alongside the legal agreement, the applicant has also been discussing with Glasgow Prestwick Airport (GPA) the aviation technical solution required to safeguard the safety and efficiency of GPA air traffic control service and its primary surveillance radar. GPA has now identified a technical solution which can mitigate the impact of the wind farm. GPA has, therefore, advised the Council that they consider it would be appropriate to add three further conditions to the planning application to secure the implementation of the identified mitigation

measures. This would satisfy the requirements of GPA and the conditions can be added before the legal agreement is concluded and the decision notice issued.

4. Conclusion

- 4.1 Taking account of the above, it is considered that, as a technical solution has been identified by GPA, it would be appropriate to incorporate the additional planning conditions they have recommended to ensure the appropriate radar mitigation measures are put in place. The three planning conditions (51, 52 and 53) which require to be attached to Planning Application CL/08/0727 are set out in Appendix 1. Should the Committee agree to the recommendation, following the conclusion of the legal agreement referred to in paragraph 3.1 above, the planning consent then issued would include the three planning conditions described in Appendix 1.

5 Employee Implications

- 5.1 None.

6 Financial Implications

- 6.1 The applicants will be expected to meet the legal expenses of the Council.

7 Other Implications

- 7.1 There are no risks associated with this proposal or sustainable development issues.

8 Equality Impact Assessment and Consultation Arrangements

- 8.1 This report does not introduce a new policy, function or strategy or recommend a change to an existing policy, function or strategy and, therefore, no impact assessment is required.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

28 August 2017

Link(s) to Council Objectives/Values

- ◆ Effective and efficient use of resources

Previous References

- ◆ None

List of Background Papers

- ◆ Report to Planning Committee 24 June 2014 in respect of CL/08/0727

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:- Ruth Findlay, Planning Officer, Montrose House, Montrose Crescent, Hamilton ML3 0AL

Ext 5943, (Tel : 01698 455943)

E-mail: ruth.findlay@southlanarkshire.gov.uk

Appendix 1

Condition 51

No development shall commence unless and until such time as the Planning Authority receives confirmation from the Airport Operator that: (a) a Radar Mitigation Scheme has been identified; and (b) the Radar Mitigation Scheme can be implemented and maintained for the lifetime of the development.

Reason: In the interests of aviation safety.

Condition 52

No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as the Planning Authority receives confirmation from the Airport Operator that: (a) all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented; and (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator that the Radar Mitigation Scheme is acceptable mitigation for the development and has been satisfactorily implemented by the Airport Operator.

Reason: In the interests of aviation safety.

Condition 53

No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme approved under the terms of condition 51 and 52.

Reason: In the interests of aviation safety.

Definitions:

"Airport Operator" means Glasgow Prestwick Airport Limited or any successor as holder of a licence under the Air Navigation Order 2000 from the Civil Aviation Authority to operate Glasgow Prestwick Airport.

"Radar Mitigation Scheme" means such equipment, procedural or technological measures, as the Airport Operator identifies as necessary and sufficient to prevent the operation of the development or of any turbines forming part of the development impacting adversely on radar performance or on the performance of other navigational aids at Glasgow Prestwick Airport or on maintaining safe and efficient air traffic control services or procedures or airspace and which the Airport Operator is willing and able to implement and maintain for the lifetime of the development or for such shorter period as may be agreed in consultation with the Airport Operator as necessary to mitigate any such adverse impact.

"Testing Protocol" means the protocol to control the operation of any turbine or turbines forming part of the development for the purposes of testing of the Radar Mitigation Solution.