

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>15</h1>
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Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>7 June 2005</b>
Report by:	<b>Executive Director (Enterprise Resources)</b>

Application No	CL/04/0850
Planning Proposal:	Erection and Operation of Windfarm (Consultation from Scottish Executive under Section 36 of the Electricity Act 1989)

## 1 Summary Application Information

- Application Type : Consultation under Section 36 of the Electricity Act 1989
- Applicant : Airtricity
- Location : Clyde Windfarm, adjacent to Abington, Crawford and Elvanfoot

## 2 Recommendation(s)

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

- (1) that the Scottish Executive is informed that South Lanarkshire Council objects to the proposed Clyde Windfarm

### 2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application

## 3 Other Information

- ◆ Applicant's Agent: None
  - ◆ Council Area/Ward: 07 Duneaton/Carmichael
  - ◆ Policy Reference(s): Glasgow & Clyde Valley Joint Structure Plan (Approved)
    - Strategic Policy 1: Rural Investment Area
    - Strategic Policy 7: Strategic Environmental Resources
    - Strategic Policy 8: Sustainable Development of Resources
    - Strategic Policy 10: Departure from the Structure Plan
- Upper Clydesdale Local Plan (Adopted)
- Policy 76: Scenic Area
  - Policy 107: Tourism Initiatives

- ◆ Representation(s):
  - ▶ 73 Objection Letters
  - ▶ 2 Petition Letters – one with 36 signatories and the other with 81

- ◆ Consultation(s):

Dumfries & Galloway Council

Scottish Borders Council

Crawford Community Council

Duneaton Community Council

Environmental Services

Health & Safety Executive

Autolink

Roads and Transportation Services (South Division)

RSPB Scotland

Railtrack Outside Parties Section

S.E.P.A. (West Region)

Scottish Natural Heritage

TRANSCO (Plant Location)

Scottish Wildlife Trust

British Telecom

Scottish Water

West of Scotland Archaeology Service

Civil Aviation Authority

Ministry of Defence

National Air Traffic Services

National Roads Directorate

Forestry Commission (Central Scotland Conservancy)

## **1 Purpose of Report**

- 1.1 To form the response of South Lanarkshire Council to the consultation request from the Scottish Executive in relation to a proposed windfarm adjacent to Abington, Crawford and Elvanfoot.
- 1.2 The proposal has been submitted to the Scottish Executive for consideration and determination under Section 36 of the Electricity Act 1989. Consent is required from the Scottish Ministers for the construction and operation of a power generating station with an output of 50 megawatts (MW) or more. The application includes a full Environmental Impact Assessment (EIA).

## **2 Application Site**

- 2.1 The application site is located between Biggar and Moffat and is split by the M74 motorway running between Abington, Elvanfoot and Crawford. The site occupies approximately 4750 hectares (ha) of farmland, consisting of permanent grassland currently used for sheep grazing and areas for commercial forestry.
- 2.2 The application site encompasses a range of landscape types. It is to be located within the South Clydesdale Regional Scenic Area and lies within SNH's Strategic Guidance Zone 2 (medium natural heritage sensitivity). The area is regarded as being the 'Gateway to Scotland' and is typified by large-scale Southern Uplands landscape. It is made up of a series of hills, ridges and valleys. The hills and ridges are smooth in profile and covered with grazed moorland or coniferous plantations.
- 2.3 The windfarm has been designed with an operation life of 25 years. At the end of its life, the turbines will be dismantled and removed from the site. Alternatively, an application may be submitted to retain or replace the wind turbines.

## **3 Proposals**

### **3.1 Turbines**

The proposal is for the development of a windfarm, comprising 169 wind turbines with an estimated output of up to almost 600 MW of electricity. The turbines each have a maximum output of 3.6MW. Each turbine would be 3-bladed, horizontal axis machines, with a hub height of 80 metres, a blade diameter of 90 metres, giving a total height of 125 metres. The turbines would generally be spaced approximately 400 metres apart, set in concrete foundations and would each have crane hard-standings for erection, servicing and dismantling of the turbines.

### **3.2 Associated Infrastructure**

The windfarm proposal also includes construction of ancillary development comprising transformers for each wind turbine, control buildings, four on-site substations, connecting cabling and permanent wind monitoring masts; creation of temporary construction compounds and borrow pits for the extraction of stone; inclusion of a viewing platform on one of the turbines and proposals for habitat management.

### **3.3 Grid Connection**

It is anticipated that connection to the grid network would involve the installation of approximately 72km of underground transmission voltage cabling running from the on-site substations to the grid substation located at Elvanfoot beside the A702, to the west of the central section of the site.

### 3.4 Road Access/Internal Roads

Access will be taken via a number of access points to facilitate construction. These access points are located in such a way that all parts of the application site are accessible from appropriate points. In total, internal access tracks connecting the turbines will be approximately 110km in length. This equates to an average track length of 650m per turbine. In addition to the construction of 81km of new track, the internal connecting tracks utilise approximately 29km of existing forest and farm tracks. The existing tracks will require upgrading.

### 3.5 Forestry

To construct the windfarm, deforestation of approximately 1070 hectares of commercial forestry is proposed across 10 forest properties. The majority of the proposed deforestation area comprises Sitka spruce, the dominant species in UK commercial forestry. The trees require to be felled as their presence would reduce the yield of the windfarm.

## 4 **Construction Details**

4.1 Construction is proposed to be undertaken on a phased basis over three years. Following pre-construction site clearance works, the construction period for each year would last for approximately ten months. Subject to the granting of consent, construction is expected to start in Spring 2006 and would involve:

- ◆ felling of selected areas of forestry;
- ◆ extraction of stone from approximately 46 borrow pits (estimated 10,500m<sup>3</sup> per pit; 480,000m<sup>3</sup> in total) for track and turbine base construction;
- ◆ upgrading of existing tracks to the site;
- ◆ construction of internal access tracks and passing places;
- ◆ construction of temporary hard standing and temporary site office facilities;
- ◆ construction of turbine foundations and transformer bases;
- ◆ construction of on-site substations;
- ◆ excavation of trenches and cable laying adjacent to site tracks;
- ◆ connection of distribution and signal cables;
- ◆ movement onto site and erection of wind turbines.
- ◆ commissioning of site equipment; and
- ◆ site restoration.

4.2 It is anticipated that the central area of the site (turbines 41 to 117) will be constructed in the first year, the area south of the M74 (turbines 118 to 169) in the second year and the northernmost area of the site (turbines 1 to 40) in the final year. On this basis, the lower wind speeds in the summer months of 2006, 2007 and 2008 will be used for the erection of the turbines. This will require three mobile road cranes, two of approximate capacity 1000 tonnes and one of 350 tonnes capacity. In addition, a 100 tonne crane is likely to be used. Crane hardstandings of approximate dimensions 25x50m will be constructed adjacent to each turbine base. Whilst these hardstandings will be retained during operation for maintenance purposes, some vegetation reinstatement will be possible around the edges as the maintenance cranes will be smaller.

## **5 Planning Background**

### **5.1 Relevant Government Advice/Policy**

5.1.1 National Planning Policy Guideline (NPPG) 6 (revised 2000): Renewable Energy Developments. This documents sets out the commitment of the Scottish Executive to support an increase in renewable energy development in Scotland and to increase the amount of renewable energy used in Scotland. It also states that consideration will be given to the protection of local and regional designations, including green belt. The Executive also recognize that landscape character, wild land and wider settings should be considered when assessing a windfarm proposal.

5.1.2 SPP1: The Planning System (2002) encourages sustainable development including encouraging prudent use of natural resources. Structure Plan policies should promote the protection and enhancement of the built and natural environment.

5.1.3 NPPG14: Natural Heritage (1999) states that a key role of the planning system is to ensure that society's land requirements in terms of housing, economic activity, transport infrastructure and recreation are met in ways which do not erode environmental capital. It further states that the protection of natural heritage may sometimes impose constraints on development.

5.1.4 NPPG11: Sport, Physical Recreation and Open Space (1996) states under Sustainable Development that a sustainable framework should be in place that contributes to the health, wellbeing and quality of life of those taking part in leisure activities without destroying the natural resources upon which leisure depends, and ensure that leisure activities are a major means of creating awareness of, and appreciation for, the environment.

5.1.5 Planning Advice Note 45: Renewable Energy Technologies (revised 2002) recognizes the Government's aim to stimulate further the development of the UK renewable energy industry. The objective is that by 2010, 10% of UK electricity requirements will be met from renewable sources.

### **5.2 Structure Plan Status**

The approved Glasgow and Clyde Valley Joint Structure Plan provides the strategic land use planning framework for assessment of the proposal. It should be noted that a Consultative Draft amendment to the Structure Plan has recently been published.

5.2.1 Strategic Policy 1 of the Structure Plan identifies the site as falling within the Rural Investment Area (RIA).

5.2.2 Strategic Policy 7 sets out the strategic environmental resources that require safeguarding and management. The policy lists specific locational resources of international, national and strategic significance, where there will be a presumption against any proposals which could have a significant adverse effect.

5.2.3 Strategic Policy 8 sets out the Structure Plan Policy for the sustainable development of resources.

5.2.4 Strategic Policy 9A relates to the need for development in terms of the relevant demand assessment. Strategic Policy 9B relates to the location of the development and its impact on strategic resources.

5.2.5 Strategic Policy 10 relates to Departures from the Structure Plan, which have to be justified against specified criteria.

5.3 Local Plan Policy

The site of the proposed windfarm falls within the area covered by the adopted Upper Clydesdale Local Plan. The relevant policies are Policy 73: Remoter Rural area, Policy 76: Scenic Area and Policy 107: Tourism Initiatives.

5.4 Planning Background

No significant history, however the site has been the subject of meteorological mast planning applications in the past, to gauge wind speed, related to the current application.

## 6 Consultations

6.1 As part of the procedures for applications under the Electricity Act 1989, consultations are carried out by the Scottish Executive with its own departments and various other consultees. Although the Council is one such consultee, the Council is required, prior to responding to the Scottish Executive, to carry out consultation of its own. Consultations received and my comments thereon can be summarised as follows:

6.2 **Dumfries & Galloway Council** – Unable to make comprehensive comment due to insufficient detailed illustrative material presenting cumulative visual impact of the proposed development with other windfarms. This information has since been forwarded to Dumfries & Galloway for their comment.

**Response:** Noted. The Executive are aware of Dumfries & Galloway's concerns.

6.3 **Scottish Borders Council** – Object to the proposal on landscape and visual impact grounds.

**Response:** Noted and agreed. The Assessment and Conclusions section will assess this issue in further detail.

6.4 **Autolink** – No objections subject to conditions.

**Response:** Noted. The Executive are aware of Autolink's concerns.

6.5 **Transco** – No objections, however there is high pressure apparatus within the application site, it is therefore essential that due care is taken when working in close proximity to this apparatus.

**Response:** Noted. These details have been passed to the Scottish Executive.

6.6 **Civil Aviation Authority** – The Ministry of Defence and National Air Traffic Services should be consulted.

**Response:** Noted. Both the MOD and NATS have been consulted.

6.7 **Scottish Water** – No comment.

**Response:** Noted.

6.8 **Scottish Executive Enterprise, Transport & Lifelong Learning Department** – No objections subject to conditions.

**Response:** Noted.

6.9 **West of Scotland Archaeology Service** – Object to the proposal, they have serious concerns regarding the quality of the archaeological assessment as originally submitted. The applicant has failed to supply the additional information requested by WOSAS.

**Response:** Noted. This response has been copied to the Executive.

6.10 **Scottish Wildlife Trust** – No objections subject to conditions.

**Response:** Noted. This response has been copied to the Executive.

6.11 **National Air Traffic Services** – No objection.

**Response:** Noted. This response has been copied to the Executive.

6.12 **RSPB** – Object to the proposal, however will reconsider if the following conditions are met:

- ◆ removal of turbines 95, 96, 97 and 98 from turbine layout;
- ◆ reassessment of the collision risk of turbines 47-61, 99, 100 and 104-108 following further survey work in 2005 and removal of further turbines if necessary;
- ◆ production of a habitat management plan before commencement is permitted to ensure adequate mitigation measures are in place to address negative impact on birds;
- ◆ establishment of a habitat management forum to oversee production of the plan; and
- ◆ production of a Section 75 Agreement formalizing landowner agreements and detailing management commitments.

It should also be noted that as the second point is dependent on the results of breeding season survey work, the RSPB will not be able to reconsider their objections until this autumn.

**Response:** Noted. This response has been copied to the Executive.

6.13 **Health & Safety Executive (HSE)** – No objections, however advise that Transco 2178 and Shell ethylene pipeline are within the southern area of the proposed development.

**Response:** Noted. This response has been copied to the Executive.

6.14 **Forestry Commission** – No objection, however note that there is no substantiated evidence that the 1070ha of conifer plantation to be felled to site 173 turbines is necessary to address windflow problems. More thought should be given to retaining areas of the forest unaffected by the construction of the windfarm infrastructure. They also claim that the proposed felling will leave a fragmented forest and that there will be a severe loss of red squirrel habitat.

**Response:** Noted. This response has been copied to the Executive.

6.15 **Glasgow & Clyde Valley Joint Structure Plan Committee** – Agree that Strategic Policies 1, 7, 8, 9 and 10 are relevant to this development. With reference to Policy 1: Strategic Development Locations, the application site falls within the Rural Investment Area for Douglas Valley. While some jobs will be created by this scheme, the actual numbers are small and it is unlikely that they will be drawn mainly from the local population. The proposal also fails Policy 7: Strategic Environmental Resources as the site falls within a variety of designations listed in this policy as requiring protection. With reference to Policy 8: Sustainable Development of Natural Resources, the Structure Plan has been reviewed and the 'draft' document

published. As part of this policy, a map showing potential areas for windfarm developments was produced. This site does not fall within a potential area, therefore conflicts with this policy. The development is also considered to conflict with Strategic Policy 9: Assessment of Development Proposals as it conflicts with section 9B9(iv) as it will have a negative impact on designations set out in Strategic Policy 7 and Schedule 7. Therefore the application has to be assessed against Strategic Policy 10. The application should also be assessed against part A of the policy. In determining the actual need for this application, there needs to be an assessment against the guidance available and the targets that have been set for the provision of renewable energy. As no national or regional guidance exists on demand or targets (beyond the setting of a 40% national renewables target), it is not possible to ascertain whether there is an actual need for this development. The only option is to assess the proposal within the frameworks that do actually exist, ie. the sustainable framework of the approved Structure Plan, National Planning framework and other environmental policy. The Structure Plan aims to promote renewable energy but only within its agreed sustainable framework. As a result, due to the negative impacts on the landscape and communities in the area and the lack of evidence of overriding need, the proposal has not been justified in terms of Strategic Policy 10A. In relation to strategic Policy 10B, the development does not create net additional jobs which would not otherwise be provided by focusing windfarm development in the preferred or potential areas. There may be some social benefits arising from the provision of a community fund but the provision of such a fund should be seen as separate to the assessment of the planning merits of the scheme and not be seen as a method of buying off otherwise unreasonable environmental impacts. Neither the economic or social benefits outweigh the environmental damage that would be inflicted on the landscape and the quality of life of the local communities. Therefore, it is agreed that the application is in conflict with Strategic Policy 10. In conclusion, the application is outwith the preferred areas in the adopted Structure Plan, and the potential areas in the revised draft Structure Plan. Also, it cannot be justified on its own merits due to its significant environmental impacts.

**Response:** Noted and agreed. The Assessment and Conclusions section of the report will consider these issues further.

- 6.16 **Scottish Natural Heritage** – No objection in principle. However, they do recognize that there are important natural heritage interests that should be taken account of. They also recognize that recent survey work indicates that it may be necessary to review the turbine layout at some locations in order to ensure that important bird species are adequately protected. There are also a number of mitigation proposals that will need to be implemented to ensure that habitat which supports important species is created to ensure that any displacement of breeding and feeding areas is addressed. SNH further state that they will object to the proposal, unless consent is made subject to a number of conditions that will ensure that significant impacts on nationally and internationally important habitats and species are avoided or minimised. SNH further state that the landscape, visual and nature conservation impacts associated with this proposal are potentially significant, due particularly to:

- ◆ the scale of the development, both in terms of turbine height and number;
- ◆ the development area and spread, particularly given the location of the site on upland areas along the main route north-south between England and Scotland;
- ◆ the distribution of the turbines, which have been arranged in distinct groups within important habitat areas; and
- ◆ the changes in landscape character, which are likely to result following construction of the development.



When viewed from the M74, the Clyde Windfarm will limit the capacity of the Southern Uplands corridor to accommodate further future windfarm developments due to the cumulative effect this will have, and this should be carefully considered prior to granting consent for such a large-scale proposal at this location.

Detailed conditions are recommended in respect of:

- ◆ Details of site working area to be identified on a suitable plan
- ◆ Comprehensive study of peat depth
- ◆ Availability of Ecological Clerk of Works
- ◆ Submission of a Habitat Management Plan (HMP)
- ◆ Implementation of HMP via a legal agreement
- ◆ HMP implemented in full and monitored at least every 5 years
- ◆ Continuous assessment of breeding birds during operation of windfarm
- ◆ Restoration Bond in place
- ◆ Method statement in place to detail all on-site works
- ◆ Best Practice forestry work adhered to at all times
- ◆ Badger and otter surveys
- ◆ Mitigation measures for protection of red squirrels
- ◆ Details of the locations and methodology for the removal and treatment of brash following forestry clearance operations
- ◆ Details of borrow pits and temporary compound
- ◆ Reinstatement operations
- ◆ Building styles, locations of sub-stations and other ancillary buildings.

**Response:** I do not agree with SNH's main conclusions in respect of the landscape impact of this proposal; this issue will be considered in the Assessment and Conclusion section.

- 6.17 **Environmental Services** – In terms of environmental protection, Environmental Services have recommended some 93 conditions. These conditions include hours of construction, specific noise-related conditions including noise limit, dust conditions, drainage and groundwater, restoration and aftercare, television interference and that an annual environmental audit is carried out each year until completion of the aftercare period.

**Response:** Noted.

- 6.18 **Architecture and Design Scotland (ADS – formerly Royal Fine Arts Commission)** - Object to the proposal as it would have a major visual impact on five Regional Scenic Areas within the study area, including South Clydesdale Regional Scenic Area which the site is located in. It would also be visible from the adjoining Tweedsmuir Area of Great Landscape Value and from Upper Tweeddale National Scenic area. These areas are protected from inappropriate development by the statutory planning system because of their important and unique scenic and landscape qualities. A windfarm development which would have an adverse impact on National and Regional Scenic Areas and Areas of Great Landscape Value, however minor, should be regarded as inappropriate unless there is a reassured justification to demonstrate otherwise. In the absence of statutory national locational strategy and local guidance on the location of windfarms, which may be able to provide such justification, it is unclear to ADS on what basis the Scottish Executive can be expected to grant permission for such a large-scale proposal which would have a strong visual impact far beyond its own boundaries.

**Response:** Noted and agreed. This response has been forwarded to the Executive.

- 6.19 **Roads & Transportation Services** – No objection, however have concerns that existing street furniture will require to be removed to allow abnormal loads to pass. They are also concerned that increased HGV traffic will be inevitable if appropriate road stone cannot be sourced within the site. Due to the massive demand for concrete for the turbine foundation, it may be more appropriate to set up a 'batching plant' on site. This would reduce the number of concrete lorries from visiting the site during construction work. It is estimated that approximately 58 lorries are required for each turbine, resulting in 10,086 concrete deliveries over the construction period.

**Response:** Noted. This response has been forwarded to the Executive.

- 6.20 **Duneaton Community Council** – Object to the proposal on numerous grounds. Firstly, they claim that there are serious deficiencies in the Environmental Assessment methodology that undermines the credibility of its conclusions and the validity of information presented to the community in support of the application. The development is contrary to the adopted local plan, therefore a Public Inquiry should be sought in order to allow the application to be fully scrutinized in a public forum.

**Response:** Noted. This response has been copied to the Executive in its entirety.

- 6.21 **Crawford Community Council** – Object to the proposal due to the development's long-term adverse impact on the local area. A recent survey in the area shows that only 16% of the community are in favour of the development. The community object to the proposal on many grounds, namely landscape and visual impacts, effect on water quality, noise and vibration, traffic and transport, effect on TV reception, air quality, ie. dust issues, property values, tourism, effectiveness of wind energy as a renewable, no financial benefit to the local area as the company are from Ireland and the turbines from Denmark.

**Response:** Noted. This response has been copied to the Executive.

- 6.22 **Ministry of Defence** – Objected initially, however the removal of 4 turbines enable MOD to withdraw their objection.

**Response:** Noted.

## **7 Representations**

- 7.1 The advertisement of the application has been undertaken by the applicant, including newspaper adverts, direct mailing to affected parties and public exhibitions. A number of individuals have made representations to the Council in respect of this proposal. The majority of objections were from single households. Some households, however, sent more than one letter of objection. ACE (Abington, Crawford and Elvanfoot Environmental Watch Group) also submitted a number of letters. A total of 73 individual letters of representation were received in respect of the proposal. Two petitions, one with 36 signatures and the other with 81 were also submitted. The grounds for objection and my comments thereon can be summarised as follows:

### **(a) Visual impact:**

- ◆ windfarm site is too extensive and visible on practically every hill;
- ◆ if proposal is built, it will blight the landscape for generations to come;
- ◆ visible and audible intrusion into family life;
- ◆ detrimental affect on visual amenity;
- ◆ problem with light pollution as turbines to be constructed cuts aircraft warning navigation lights flashing intermittently;

- ♦ proposal is on one of the most picturesque landscapes in Britain known as the Clyde Valley Tourist Route;
- ♦ many walkers walk the area for its unspoilt scenery. Southern Upland Way is only 1km away from nearest turbines. The whole windfarm is within a Regional Scenic Area; and
- ♦ a windfarm 25% of the current scale proposal would be more appropriate and meet less resistance.

**Response:** I agree that the proposal will have a significant adverse impact on the Regional Scenic area and beyond. This issue is considered in more detail in the Assessment and Conclusions section.

(b) **Noise impact:**

- ♦ noise of up to 108db is unacceptable;
- ♦ visible and audible intrusion into family life; and
- ♦ noise from construction activities, including traffic, deforestation, working in borrow pits for a 3-year period together with noise from turbines is unacceptable.

**Response:** The Council's Environmental Services recommend that, if granted, conditions are attached to any approval that will govern noise levels from the site. The operation would require to comply with these conditions.

(c) **Ecological Impact:**

- ♦ the massive concrete bases will be left in the ground once windfarm's life has ended
- ♦ adverse effect on birdlife and wildlife;
- ♦ tree felling not properly addressed;
- ♦ water sources likely to be detrimentally affected;
- ♦ insufficient bird data collected, eg. migratory route for swans and geese;
- ♦ air quality will suffer as a result of increased exhaust emissions during construction phase of the development; and
- ♦ long-term effect that windfarm will have on ecology of the area.

**Response:** I agree that these issues still require to be addressed satisfactorily. Should consent be granted by the Executive, suitable conditions to address these issues would be required.

(d) **Need for Windfarms:**

- ♦ wind power is not practical and not cost-effective;
- ♦ the windfarm will not limit the effects of climate change;
- ♦ the windfarm will cause an increase in carbon dioxide emissions due to deforestation;
- ♦ there is no mention of any power stations being closed down; and
- ♦ there will be no benefit to jobs in the area due to the proposal.

**Response:** The need for windfarms is clearly set out in national guidance. This consultation requests the Council's response in relation to the physical impacts of the proposal only. These are considered in the Assessment and Conclusions section.

(e) **Leisure/Tourism**

- ♦ damaging effect on tourism due to its proximity to main tourist route to Scotland;
- ♦ adverse impact on shooting and stalking activities; and

- ◆ **Bed & Breakfast establishments and other businesses in the area will suffer due to the proposal.**

**Response:** I agree that the proposed development is likely to have an impact on perceptions on this part of Scotland as a tourist and countryside activities destination.

(f) **Other Impacts:**

- ◆ **devaluation of houses will occur;**
- ◆ **potential television reception problems;**
- ◆ **public safety issue due to potential for turbine shedding parts; and**
- ◆ **affect on local road network should be adequately addressed.**

**Response:** Devaluation of dwellings is not a valid planning concern. The turbines malfunctioning and shedding parts is a Health & Safety issue. With regard to television reception being problematic, I can confirm that should consent be granted, a condition would be in place to monitor this potential issue.

These letters have been copied and are available for inspection in the usual manner.

## **8 Assessment and Conclusions**

- 8.1 The principal determining issues in assessing the acceptability of this proposal relate to conformity with structure and local plan policy and landscape and visual impact.

### Structure Plan Policy

- 8.2 The application requires to be assessed against Strategic Policies 1,7,8,9 and 10 of the approved Glasgow and Clyde Valley Structure Plan 2000.
- 8.3 Strategic Policy 1 sets out the Structure Plan's development framework in terms of strategic development locations and policies for the greenbelt and wider countryside. Of relevance to this application is identification of Rural Investment Areas to address the problem of the more disadvantaged rural communities in the Structure Plan area. The application lies within the Douglas Valley/South Clydesdale RIA. Creation of local employment opportunities in the RIA's through the development of natural resource based industries including renewable energy is supported by the Structure Plan which seeks the identification of preferred areas for forestry and renewable energy.
- 8.4 Strategic Policy 7 sets out the strategic environmental resources that require safeguarding and management. The policy lists specific locational resources of international, national and strategic significance, where there will be a presumption against any proposals which could have a significant adverse effect. The policy goes on to state that protection and enhancement of the environmental resources listed in Schedule 7 is also required. The Southern Uplands is identified in the policy as a national resource due to its designation as an Environmentally Sensitive Area. Schedule 7 identifies Regional Scenic Areas as a strategic environmental resource. Other strategic environmental resources listed in Schedule 7 that would potentially be affected by the application include species and habitats protected by national and international legislation, archaeological sites, long distance walkways and cycling routes.

- 8.5 Strategic Policy 8 sets out the Structure Plan policy for the sustainable development of natural resources. 8b) gives specific support to windfarm developments in the preferred areas indicated on Key Diagram Insert G. The supporting text recognises that policy needs to be updated to take account of the requirements of NPPG6. The Scottish Minister's modifications to the Structure Plan required the potential for wind energy developments in the eastern and southern areas of the Structure Plan area to be investigated. In the interim, the Structure Plan states that wind energy developments outwith the preferred areas shall accord with the Structure Plan where they are consistent with Strategic Policies 7 and 9 and can be accommodated in a manner consistent with the amenity of nearby communities.
- 8.6 Strategic policy 9A relates to the need for development in terms of the relevant demand assessment. Strategic policy 9B relates to the location of the development and its impact on strategic resources.
- 8.7 Strategic Policy 10 relates to departures from the Structure Plan, which have to be justified against its criteria.

#### Assessment of Proposal Against the Structure Plan

- 8.8 As noted above, the Approved Structure Plan recognises that a review of its renewable energy policy is required. This will be incorporated in the Structure Plan Alteration 2005. Considerable technical work has been undertaken by the Structure Plan Team and its constituent authorities to update the policy base for renewable energy. An issues paper was produced in September 2003 and was subject to consultation. A technical methodology was approved by the Structure Plan Joint Committee, and this desk based exercise resulted in the identification of a number of potential search areas for large scale wind farm developments. These included extensive areas within South Lanarkshire which were covered by Regional Scenic Area designations or which lay within 3KM of communities. The Structure Plan study required further work to be undertaken at the local level to assess the sensitivity and capacity of these areas to accommodate large scale windfarm development. Accordingly, South Lanarkshire Council appointed consultants to carry out a 2 stage landscape sensitivity and capacity study of its area. Stage 1 concentrated on the search areas identified in the initial Structure Plan study while Stage 2 was a broad brush assessment of the remainder of South Lanarkshire. The Southern Uplands, including the application site, was covered by Stage 1 of the study.
- 8.9 The consultancy study was completed in January 2005. The study has identified a number of potential areas where it is considered that there is scope in terms of landscape character to accommodate large scale windfarms. These areas are located in the west and north east of the council area. The assessment of the 2 potential search areas covering the Southern Uplands concluded that this landscape type is of high scenic value, justifying its designation as a Regional Scenic Area. It was considered that windfarm development would have a significant impact both on the landscape resource itself and in terms of visual impact from surrounding areas. The Southern Uplands was therefore not included as one of the 'potential' areas for windfarm development emerging from the study. It should be noted, however, that the study conclusions have not been reported to committee by South Lanarkshire Council, rather they will be incorporated into the emerging Structure and Local Plan consultative drafts and will then be subject to public consultation. I conclude, however, that the Clyde Windfarm application does not conform to Strategic Policy 8. It is not within an existing preferred area, and does not emerge as a potential area in the current review of the renewable energy policy in the Structure Plan.

8.10 Until the new policy for potential areas is approved, the requirements with regard to Strategic Policy 8 remain in place i.e that windfarm developments outwith the 'preferred' areas will only accord with the Structure Plan when they are consistent with Strategic Policies 7 and 9 and can be accommodated in a manner consistent with the amenity of nearby communities. With regard to Strategic Policy 7, the application raises a number of issues with regard to the need to safeguard and enhance strategic environmental resources:

- ◆ Species and Habitats – the RSPB do not consider the EA's assessment of the impact on bird species to be adequate, and more survey work is required in this respect.
- ◆ Archaeology – WOSAS have raised concerns about the impact of the proposals on archaeological resources.
- ◆ Landscape – The EA accepts that the development will have a major impact on the character of the designated RSA, however, it concludes that the benefit arising from the scheme outweigh this.

8.11 The South Lanarkshire Council consultancy study on landscape sensitivity and capacity for windfarms has confirmed the landscape significance of the Regional Scenic Area and demonstrated its particular sensitivity with regard to windfarm developments. It is considered that the current application would have a significant adverse impact on this designation and it is therefore concluded that the development is contrary to strategic policy 7.

8.12 Strategic Policy 9 sets out criteria for assessing development proposals in terms of their compliance with the Structure Plan. Most of these criteria relate to built developments in the urban area; however a few are relevant to this large scale windfarm proposal. Strategic policy 9 Bi) requires that the location of the development is appropriate in terms of the need to safeguard the development locations identified in strategic policies 1, 5, 6 and 8. As discussed above, the application is considered to be contrary to strategic policy 8 as it involves large scale wind farm development outwith a preferred or potential area. Strategic policy 1 identifies rural investment areas as discussed in para 8.3 above. The requirement to identify preferred areas for windfarm developments within the RIAs is being addressed through the Structure Plan Alteration and as discussed previously, areas in the west and north east of the Council area are emerging from this process. It is therefore concluded that the current application is not required to meet the needs identified for renewable energy developments in the RIA. Strategic Policy 9B iv) requires the safeguarding of the environmental resources listed in schedule 7 or identified in the local plans. The implication of this application for these resources are discussed later in further detail. On the basis of its significant adverse impact on the Regional Scenic Area it is concluded that the application is contrary to strategic policy 9B iv). On the basis of the above, the application fails to meet specific criteria in Strategic Policy 9, and is therefore regarded as a development plan departure.

- 8.13 Development Plan departures require to be justified with regard to the criteria in Strategic Policy 10.

*Criteria 10 B i) Economic Benefit*

The development will generate between 200-500 jobs during the construction period. This however is not considered to meet the criteria of a significant number of net additional permanent jobs to the Structure Plan Area.

*Criteria 10 B ii) Social Benefit*

With regard to criteria a and b, the development has the potential to assist rural regeneration within the RIA and to support or enhance community facilities through contributing to a Community Fund. However, the proposal does not meet criteria c, which relates to the capacity of the settlement and surrounding area to absorb further development. The EA accepts that the development will have major visual impacts for the communities of Abington, Crawford and Elvanfoot.

*Criteria 10 B iii) Environmental Impact*

I conclude that the development would have significant adverse impact on the landscape character of the Regional Scenic Area. There are also unresolved implications for protected species and impacts on archaeological resources. It is not therefore accepted that the development meets criteria 10 B iii).

- 8.14 It has therefore been demonstrated that the application raises significant issues with regard to strategic policies 7 and 9. Strategic Policy 8 also requires that windfarm developments outwith the preferred areas would only be acceptable if they can be accommodated in a manner consistent with the amenity of nearby communities. As discussed above, the EA accepts that there will be a major visual impact for the communities of Abington, Crawford and Elvanfoot. It is therefore concluded that the proposal fails to meet the Structure Plan requirements.

Upper Clydesdale Local Plan

- 8.15 The essence of the overarching policy strategy of the Upper Clydesdale Local Plan is to balance the need for development essential for the well-being of the people of the area, against the need to conserve those elements unique to Upper Clydesdale, or which contribute to the character of the area. The plan recognises that the scenic quality of Upper Clydesdale as typified by the Upper Clyde Valley, is one of the area's principal natural assets essential to the promotion of the plan's tourism policies.
- 8.16 The scenic area policy (Policy 76) seeks to safeguard the landscape, especially those elements which contribute positively to the identity of the district, from adverse or irreversible change. Insofar as the proposal would materially and adversely alter the identity of this part of the Southern Uplands, the proposal is contrary to Policy 76 of the adopted Upper Clydesdale Local Plan.
- 8.17 Policy 107 (Tourism Initiatives) prioritises the need to preserve and enhance the quality and integrity of the Clyde Valley Tourist Route. The proposal is also in conflict with this policy.

8.18 It is therefore concluded that the application is contrary to both the Structure Plan and the adopted Local Plan and should be considered a Development Plan Departure on the following grounds:

- ◆ It is contrary to strategic policy 8 as it does not lie within a current preferred area or a proposed potential area for large scale windfarm development.
- ◆ It is contrary to Strategic policy 7 as it has a significant impact on the landscape character of the Regional Scenic Area.
- ◆ It is potentially contrary to Strategic Policy 7 as there are unresolved issues relating to impact on protected bird species and archaeological resources.
- ◆ It does not support strategic policy 1 as the requirement to identify windfarm search areas in the Rural Investment Area has been met elsewhere in the RIA in a more appropriate location.
- ◆ It would not be justified as an exception to Strategic Policy 8 as it is not consistent with strategic policies 7 and 9, and has significant adverse effects on nearby communities.
- ◆ It does not meet specific criteria in strategic policy 9 (in particular 9 B iv)
- ◆ The justification in relation to the criteria of economic, social and environmental benefit in Strategic Policy 10 and is not considered sufficient.
- ◆ The scale of landscape and visual impact on the Regional Scenic Area is contrary to Policies 76 and 107 of the Upper Clydesdale Local Plan.

#### Landscape and Visual Impact

8.19 In terms of landscape and visual context, reference requires to be made to the Glasgow and Clyde Valley Landscape Assessment (SNH Review No 116), prepared by Land Use Consultants for Scottish Natural Heritage. This document refers to 'the need for careful guidance and detailed assessment when contemplating wind farm development within the type/area' and recommends that areas within the type most suited to development should be the blander landforms remote from settlements, main communication routes and popular recreation areas. They note ideals which include avoidance of the breaking of skylines from key viewpoints.

8.20 In relation to the Upland Glen landscape type LUC note that wind farms may compound visual impacts associated with existing tall infrastructure. It is a concern which they formalise under one of their key planning and management guidelines for the type, namely that wind power development which would result in more than one wind farm being visible from within a particular glen should be discouraged. This is an issue which I consider the applicant has attempted to overcome by combining a number of discrete developments under the umbrella of the Clyde proposal. This superficially avoids the implications of what would in reality be cumulative impacts, ignoring relationships with existing or proposed developments beyond the three constituting this application. There is also no doubt that considerable effort has been put into a design led approach with the intention of trying to minimise the types of impact which the LUC guidelines are clear should be avoided. The problem would appear to be that notwithstanding the work with the RFACS to this end, the combined windfarms would be perceived as a major large-scale development which is fundamentally at odds with the guidelines. It is notable that RFACS have concluded that the development is inappropriate in this important landscape.



- 8.21 The applicant's assessment of the anticipated impacts on the Southern Upland Type within the study area concludes that the introduction of 174, 125m- high structures in the Southern Uplands within South Lanarkshire distributed over an area extending 18km by some 7-8km would result in minor impact on the landscape type. It is then suggested that it would be reasonable to create a new subset of the type named Southern Uplands with windfarms. The need to redefine parts of the landscape type itself confirms the significant impact of the proposal on the original type. The definitions of the significance criteria used by the assessors indicate that their finding of minor impact would involve slight change in character. I conclude, to the contrary, that the correct assessment would be that the impact would be major and significant.
- 8.22 There is sufficient evidence in the form of the photomontages included with the assessment that the character of the hills will be fundamentally changed. Reference to photomontages for viewpoints 2,3,4,12,13,15,17,18,20,22,27,28 and 31 and the supplementary montage for viewpoint 19 demonstrate how fundamentally the experience within the Southern Uplands and the perception of the character of the hills from neighbouring areas would change.
- 8.23 The assessment of the impact on the Upland Glen type recognises that the turbines would be 'perceived as present' from many parts of the upland glens that combine with the Southern upland type to frame the Southern Uplands as a geographic area within this part of South Lanarkshire. Photomontages 12 &13 show that they would constitute a new and distinct element in the landscape whilst reference to Figure 6.4a demonstrates that the turbines would potentially be evident throughout the substantial part of the landscape type within South Lanarkshire. The assessment concludes that because there are other discreet areas of the type within the study area and even more elsewhere that the impact on the extensive area of the type within the Regional Scenic Area can be considered minor. The definitions of the significance criteria used by the assessors indicate that their finding of minor impact would involve slight change in character. I am concerned that this justification is at best superficial and has inevitably lead to an unsound conclusion.
- 8.24 The assessment concludes that the impact on the Foothills type would be negligible notwithstanding the evidence presented in photomontage 31. The image clearly demonstrates that the impact on Tinto Hill, the most significant and prominent example of the type would not only relate to implications of direct visual impact from the viewpoint but would reflect on the character of the area as one in which the immediate hills and more distant Southern Uplands are an integral part of the area's perceived character. I conclude that the assessment once again fails to correctly represent the implications of the proposal on this landscape character type.
- 8.25 The visual impact assessment has been undertaken in accordance with recognised practice, with the adoption of agreed viewpoints providing an indication of the potential impacts on a representative range of receptors. Whilst they do represent the major significance of the visual impacts as reported in the ES, they do not fully reflect the magnitude of the visual implications of the proposed windfarm. I have no doubt that the proposal would result in serious and significant impacts which I consider unacceptable in the context of the Regional Scenic Area.

- 8.26 Notwithstanding the ES conclusion that impacts on settlements would be minor or negligible, the document identifies that there would be major impact from community facilities in Crawford, a situation likely to occur elsewhere at the settlement. I am not, therefore, confident that the assertion of minor to negligible impact related to settlements is tenable.
- 8.27 The assessment also concludes that visual impacts associated with the M74 would be moderate for the proposal as a freestanding entity but major in the context of cumulative impacts. The assessment indicates that the cumulative impact is based on the additional impact of the Clyde proposal assuming other developments are all in place. It would seem more appropriate to conclude that the windfarm alone would also have a major impact. In either instance the impact on the principal route through the area and into Scotland would be significant and would have consequential and serious implications for important visitor and tourist perceptions.
- 8.28 I am also of the view that, in common with the assessment for landscape character, the assessment of cumulative impacts on landscape character significantly under represents the likely impacts.
- 8.29 The Environmental Statement qualifies the impacts associated with the windfarm by making reference to government targets. I do not suggest that the targets are inappropriate. The question is whether this site is an appropriate location which should form part of the overall contribution compared to many others proposed at present or in the future. There are locations which have been identified within the Council area and which are supported by the Council. The Southern Uplands is not one of those areas. It is undoubtedly the largest and single-most 'natural landscape' within the Council area.
- 8.30 The wider Uplands (taking in those parts within Borders and Ayrshire) are a valued and important gateway to travelers and visitors to Scotland. It would be difficult to find a location more suited to ensure that the impression of the Southern Uplands and Scotland experienced by the large majority of visitors to the region and country is that the environment has been abandoned in the interests of expediency. A more studied approach is advocated and has been pursued by the Council in the form of potential areas for large-scale development.

#### Other Issues

- 8.31 As detailed in the consultation section, West of Scotland Archaeology Service object to the proposal on the basis that the cultural heritage assessment in the Environmental Assessment (EA) is inadequate. It has failed to demonstrate that the proposal will have no, or a negligible, impact on cultural heritage as claimed in the EA.
- 8.32 The RSPB have concerns regarding the development as highlighted in paragraph 6.12. Until further information is provided relating to bird data collected over the incoming summer months, they are not in a position to state categorically that they accept the proposal in its entirety. At this moment, the RSPB consultation response must be regarded as an objection.

- 8.33 Whilst Scottish Natural Heritage (SNH) do not object to the principle of a windfarm development in the area, they have expressed concerns regarding a number of issues (paragraph 6.16). These include potential effect on habitats and the scale of the development. They have recommended a number of conditions, which by their very nature suggest that significant work is needed prior to works commencing on the site.

National Policy

- 8.34 In terms of relevant Government policy, NPPG 6 (revised 2000): Renewable Energy Developments sets out the commitment of the Scottish Executive to support an increase in renewable energy development. However, it also states that consideration will be given to the protection of local and regional designations. It further states that landscape character should be considered when assessing a windfarm proposal. It is considered that the proposal, by virtue of its detrimental impact on the landscape, fails to accord with the terms of NPPG 6.
- 8.35 SPP1: The Planning System (2002) encourages sustainable development including encouraging prudent use of natural resources. It further states that Structure Plan policies should promote the protection and enhancement of the built and natural environment. It is considered that the proposal fails to act in accordance with Government guidance in that the applicant has failed to address RSPB issues, Archaeology issues and that it will have a detrimental effect on the landscape.
- 8.36 NPPG 14: Natural Heritage (1999) states that a key role of the planning system is to ensure that society's land requirements in terms of housing, economic activity, transport infrastructure and recreation are met in ways which do not erode environmental capital. It further states that the protection of natural heritage may sometimes impose constraints on development. With regard to the current windfarm proposal, the very nature of the development, ie. construction of 169 wind turbines, will inevitably have an effect on walkers' enjoyment of the countryside whilst altering the historic landscape of the area. Natural heritage interests by way of archaeological sites in the area have not been adequately addressed. There is, therefore, a conflict with this guidance note.
- 8.37 NPPG 11: Sport, Physical Recreation and Open Space (1996) states under Sustainable Development that a sustainable framework should be in place that contributes to the health, wellbeing and quality of life of those taking part in leisure activities without destroying the natural resources upon which leisure depends and ensure that leisure activities are a major means of creating awareness of, and appreciation of the environment. It is considered that the proposed windfarm development will impact on the landscape character of the area, thereby eroding the area's most important resource, namely the scenic hills that bring so much enjoyment to walkers and visitors to the area.
- 8.38 In conclusion, I consider the proposal to be unacceptable and recommend that the Council objects to the application on the following grounds:
- (1) the proposal is contrary to policies 1, 7, 8, 9 and 10 of the approved Glasgow and the Clyde Valley Joint Structure Plan (2000) and to emerging Structure Plan policy;
  - (2) the proposal is contrary to policies 76 and 107 of the adopted Upper Clydesdale Local Plan;

- (3) landscape and visual impacts are not adequately addressed and have been under stated in the Environmental Statement;
- (4) archaeological issues have not been adequately addressed;
- (5) ornithological issues have not been adequately addressed; and
- (6) the proposal does not comply with Government advice, namely NPPG 6, SPP1, NPPG 14 and NPPG 11.

**Iain Urquhart**  
**Executive Director (Enterprise Resources)**

**31 May 2005**

**Previous References**

- ◆ None

**List of Background Papers**

- ▶ Consultation letter
- ▶ EIA documents and plans
- ▶ Consultations  
    Scottish Borders Council

17/12/2004