

Report

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

Application no.	P/19/0970
Planning proposal:	Installation of 13km underground electrical cable, erection of new substation and extension to existing substation with associated access, infrastructure and ancillary works (including temporary construction compounds)

1 Summary application information

Application type:	Detailed planning application
Applicant:	Brookfield Renewable UK Ltd
Location:	Kennoxhead Wind Farm Glentagart Road Glespin Lanark South Lanarkshire

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.

3 Other information

- ♦ Applicant's Agent: Kate Wigley
- ♦ 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

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage Systems

Supplementary Guidance 3: Development management, Placemaking and Design

Policy DM1 - Design

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 1 Spatial Strategy

Policy 2 Climate Change

Policy 5 Development Management and Placemaking

Policy 14 Natural and Historic Environment

Policy 16 Water Environment and Flooding

Policy 19 - Renewable Energy

Policy DM1 New Development

Policy SDCC2 Flood Risk

Policy SDCC3 Sustainable Drainage Systems

◆ **Representation(s):**

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

◆ **Consultation(s):**

SEPA

WOSAS

SNH

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 3.1km south-west of Glespin and 6.5km south-west of Douglas. The application boundary is approximately 13km in length and its eastern boundary starts from the existing Mid Rigg access off the B7078 and then heads west, following the route of an old opencast coal conveyor to join the Glentaggart public road. The boundary then follows the full extent of this public road as it goes west past Glentaggart Farm until its termination. At the end of the public road, the application boundary continues north-west and ends within a forestry plantation adjacent to Wedder Hill.
- 1.2 The land cover within the application boundary comprises part of the upland river valley and rolling moorland with mature commercial forestry plantation present to the north/north west of the application site. In the wider area land cover comprises rolling moorland and commercial forestry with the restored Glentaggart Opencast located to the north. The application site boundary is largely 106m (approximately) in width apart from the eastern edge where the boundary widens to encompass land adjacent to the Mid Rigg access.

2 Proposal(s)

- 2.1 Planning permission is sought for the installation of approximately 13km of underground cabling to allow the transmission of electricity generated from 2 permitted wind farms (Kennoxhead and Penbreck). This application is to transmit the electricity generated to a substation which would then allow it to be exported to the national grid. The application also seeks consent to erect a substation and this would be located on the eastern edge of the application boundary adjacent to the existing Mid Rigg Wind Farm substation building and compound.
- 2.2 Planning permission has been granted previously for an access road that mirrors the east to west application site boundary (Ref: P/18/1145). It is the intention that the majority of the proposed cabling would be installed under the verge of the access track.

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).

3.2 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. Policy 10 Onshore Energy requires proposals to accord with local development plans.

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

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

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

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

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

Volume 1

- Policy 1 Spatial Strategy

- Policy 2 Climate Change
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 16 Water Environment and Flooding

Volume 2

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

3.3 **Planning Background**

- 3.3.1 Planning permission for Penbreck windfarm was originally granted in June 2014 (Ref: CL/08/0727) for the erection of 9 wind turbines (with a maximum blade tip height of 125m) and associated infrastructure, including 4 borrow pits and new access track (hereon referred to as Penbreck WF). Planning permission was also granted (P/18/1145) for an access track to this wind farm following the same route as the proposed cabling associated with this planning application.
- 3.3.2 The Scottish Government Energy Consents Unit granted planning permission for a 19 turbine wind farm (hereon referred to as Kennoxhead WF) on neighbouring land to the east of Penbreck WF. This Government Consent included the same access track as referenced in 3.3.1 above that will serve Penbreck WF.
- 3.3.3 Whilst consented, neither wind farm has yet been constructed. The proposed cabling, the subject of this planning application, would be for the transmission of electricity generated from these wind farms.
- 3.3.4 Due to its size (being over 2 hectares), the current planning application falls 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 has carried out the statutory Pre-Application Consultation (PAC) with the local community. In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The applicant has, therefore, met the statutory, legislative requirements for pre-application consultation with the community.
- 3.3.5 The application, by nature of its scale and type, falls within the threshold of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. A request for an Environmental Impact Assessment (EIA) Screening Opinion was carried out for the proposals. Given the existing permission for the access track to serve Kennoxhead WF and Penbreck WF and as the proposed works mainly involve the installation of cable within the verge of that access track, it was considered that the proposals did not constitute an EIA development. As such an Environmental Report was not required as part of the planning submission. The planning submission does, however, include an Environmental Appraisal detailing the potential environmental effects of the proposals and proposed mitigation measures.

4 Consultation(s)

- 4.1 **SEPA** – have no objection to the proposals subject to the implementation of the mitigation measures detailed within the Environmental Appraisal that forms part of the planning application submission.

Response: Noted. All mitigation measures within the Environmental Appraisal form part of this recommendation and would be attached to any permission if granted.

- 4.2 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals. WOSAS notes that the route goes through areas where there is potential archaeological interest and, therefore, any works on fresh ground outwith the route of the existing approved access track may require archaeological works to be carried out. It is, therefore, recommended that a suitable archaeological condition is attached to any consent.

Response: Noted. The recommended archaeological condition forms part of this recommendation.

- 4.3 **Scottish Natural Heritage (SNH)** – no objection subject to the use of conditions requiring the mitigation methods set out within the environmental appraisal to be carried out in full.

Response: Noted. All mitigation measures within the Environmental Appraisal form part of this recommendation and would be attached to any permission, if granted.

5 Representation(s)

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours in the Lanark Gazette on 24 July 2019. No representations have been made in relation to this application.

6 Assessment and Conclusions

- 6.1 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 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

- 6.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. For the purposes of this report, SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.

- 6.3 National Planning Framework 3 (NPF3) 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”. 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 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). It is considered that, given the proposals are to enable 2 wind farms to transmit the electricity they will generate, the proposals accord with National Policy.
- 6.4 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. It is again noted that proposals are to allow for the transmission of electricity generated by 2 wind farms and, 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 In terms of the adopted South Lanarkshire Local Development Plan, the site is located within the rural area where SLLDP Policy 3 ‘Green Belt and Rural Area’ states that support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location. Policy 3 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. In this case, the proposals have

previously been deemed to be acceptable in principle as a result of both the Kennoxhead WF and Penbreck WF decisions. It is, therefore, considered the proposals can demonstrate a required need at this specific location.

- 6.6 Policy 2 'Climate Change' of the SLLDP states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. Given the proposed development is ancillary development for the electricity generated from 2 wind farms and, therefore, benefits carbon reduction, the proposed development is considered to be in accordance with the aims of this Policy.
- 6.7 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The cabling is to be underground and, therefore, will have no impact upon the landscape. The substation building is to be located adjacent to an existing substation building (serving Middle Muir Wind Farm) and, therefore, its visual impact will be negated as it will be viewed in relation to this existing development rather than being a standalone development on the landscape.
- 6.8 Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected natural and historic designations. There are no natural or historic designations within the application site. The Muirkirk and North Lowther Uplands Special Protection Area (SPA) is within 2.4km of the application site. This SPA is designated for breeding and wintering birds. The planning application included an Environmental Appraisal as part of the documents submitted which assessed the impact of the proposals on habitats, protected species and the SPA and concluded the proposals would not have any significant impact on habitats or wildlife subject to appropriate mitigation measures being employed. SNH agree with the Environmental Appraisal subject to all proposed mitigation measures being carried out. SNH state that the Red Moss Special Area of Conservation (SAC), whilst not within the application site, is located adjacent to it and within the drainage path of the substation and works near the Mid Rigg access. SNH note that the Kennoxhead WF proposals were subject to a condition to implement a Construction Environment Management Plan that would mitigate any issues the proposal's drainage could potentially have on Red Moss SAC, an active raised bog. SNH, therefore, advise that a similar CEMP should form part of any new consent. A CEMP condition forms part of the recommendation, should planning permission be granted. It is, therefore, considered that, subject to a CEMP and all mitigation measures with the Environmental Appraisal being implemented the proposals accord with this policy.
- 6.9 Whilst there are no nationally designated sites within the application boundary, as stated above, the proposals are located in very close proximity to the Red Moss Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and the Muirkirk and North Lowther Uplands Special Protection Area (SPA). Therefore, under the Habitats Regulations 2010, the Council has a duty as the determining authority to carry out an appropriate assessment of the proposals with specific regard to the impact the development may have on the qualifying interests of these sites.

- 6.10 The qualifying interests of the Muirkirk and North Lowther Uplands SPA are breeding and wintering hen harriers and breeding populations of merlin, peregrine, short-eared owl and golden plover. The applicant has provided data on the likely impacts of the development on the qualifying interests of the SPA as part of the planning submission and SNH are content with the information provided on the assessment of this impact. It is considered that the cabling proposals would not affect the integrity or qualifying interests of this SPA. It is, therefore, considered that the Council has carried out an appropriate assessment of the proposals in relation to the qualifying interests of the SPA. Red Moss SAC and SSSI is an active raised bog habitat and, therefore, an appropriate assessment is also required to be carried out where a development may have hydrological impacts on this active bog. The proposed substation and works near the Mid Rigg access shares drainage connectivity with Red Moss and the planning submission contains mitigation measures to ensure that the proposals do not impact upon the bog land. SNH are content with the proposed mitigation in relation to the Habitats Regulations. It is considered that the proposals would not affect the integrity or qualifying interests of this SAC if all the proposed mitigation within the planning submission is implemented. It is, therefore, considered that the Council has carried out an appropriate assessment of the proposals in relation to the qualifying interests of the SAC and SPA and that, subject to the implementation of a CEMP and all the mitigation measures contained within the planning submission, the proposals comply with the relevant criteria of the development plan in this instance.
- 6.11 Policy 17 'Water Environment and Flooding' states that on sites where flooding or surface water may be an issue, development shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 – Flood Risk and SDCC 3 – Sustainable Drainage Systems. SEPA have no objections to the proposals and are content with the detail of the mitigation measures within the Environmental Appraisal. It is, therefore, considered that, subject to conditions requiring the mitigation measures within the Environmental Appraisal being carried out fully, the proposals comply with the relevant criteria of the Development Plan in this respect.
- 6.12 Policy 19: Renewable Energy states that 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 proposals are required to facilitate large scale renewable energy development (Penbreck WF and Kennoxhead WF) and are in line with the aims of Policy 19. The proposals are solely for the installation of cabling along an already approved access route and do not include any wind turbines. It is, therefore, considered there is no further need for the proposals to be assessed against the specific wind turbine criteria within this policy. The previous permission for the route also negates the need for any other assessment under the Policy 19 criteria.

- 6.13 Finally, the proposed development has also been considered against the relevant policies in the proposed South Lanarkshire Local Development Plan 2 and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. It is considered that the proposal also accords with the policies of the proposed plan.
- 6.14 In conclusion, the proposed development is considered acceptable and would not be detrimental to the environment. The route the cabling will follow is that for an existing consent for an access track to windfarms previously approved and its installation will ensure transmission of the electricity generated from these windfarms. It is, therefore, recommended that planning permission is granted subject to the imposition of the attached planning conditions.

7 Reasons for Decision

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment subject to the attached conditions. It complies with Policies 2, 3, 4, 15, 17 and 19 of the adopted South Lanarkshire Local Development Plan 2015 and Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design and Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 17 September 2019

Previous references

- ◆ CL/13/0042
- ◆ P/18/0072
- ◆ P/18/1145

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert dated 24.07.2019

- ▶ Consultations

SEPA West Region	21.08.2019
WOSAS	31.07.2019
SNH	15.08.2019

Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton,
ML3 6LB

Phone: 01698 455903

Email: james.wright@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/19/0970

Conditions and reasons

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Appraisal (June 2019), including all mitigation and monitoring measures contained within, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

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

02. Construction Works

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

Monday to Friday 7.00am to 7.00pm,

Saturday 7.00am to 1.00pm;

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

Reason: In the interests of controlling construction noise

03. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Peat Management Plan and Ground Water and Surface Water Management Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. For the avoidance of doubt the CEMP shall take account of all information, advice and mitigation measures provided within the approved Environmental Appraisal (June 2019), conditions attached to this permission and advice and actions contained within the consultation responses from SEPA (dated 21.8.2019) and SNH (dated 14.8.2019).

Reason: In the interests of protecting the environment

04. That no development hereby approved shall commence 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. For the avoidance of doubt the archaeological works are only in relation to breaking new ground through track widening or other requirements and the existing access tracks and roads would not be included in any programme.

Reason: In the interests of archaeology.

P/19/0970

Kennoxhead Wind Farm, Glentagart Road, Glespin



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Scale:
1:55,000
Date:
09/09/2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development