

Report

Report to:	Planning Committee
Date of Meeting:	5 September 2023
Report by:	Executive Director (Community and Enterprise Resources)

Reference no:	P/19/0097
Proposal:	Erection of 3 no. wind turbines with a blade tip height of 24.8m and a hub height of 18.3m
Site Address:	Land 210m West of O'Cathian House Hayhill Road Thorntonhall South Lanarkshire
Applicant:	Jackton Estates Limited
Agent:	Ica Architects Ltd
Ward:	09 East Kilbride West
Application Type:	Full Planning Permission
Advert Type:	Non-notification of neighbours: East Kilbride News 26 February 2019
Development Plan Compliance:	No
Departures:	N/A
Recommendation:	Refuse
Legal Agreement:	N/A
Direction to Scottish Ministers	N/A

1. Reason for Report

- 1.1. Members will recall that a decision on this application was deferred by Committee at the meeting on 9 May 2023 to allow the applicant more time to engage with the National Air Traffic Service and BAA Glasgow Airport.

2. Site Description

- 2.1. The application site is located on land to the west of O'Cathian House, Hayhill Road, Thorntonhall. The proposed turbines are located in an area of arable land and livestock pasture, and further new residential properties are being developed to the south.

3. Description of Proposed Development

- 3.1 Planning permission is sought for the erection of 3 no. wind turbines with a blade tip height of 24.8m and a hub height of 18.3m. The turbines would be twin blade lattice towers and linked by underground cabling to the distillery and the wider grid network.
- 3.2 The turbines would have a life of 25 years and the power would be used on site for the distillery with any excess exported to the grid. The site will be accessed via the existing distillery commercial access delivery road to the west of the distillery.

4. Relevant Planning History

- 4.1. Prior to the current planning application, a previous planning application (Reference EK/10/0354) for the erection of a single wind turbine of 24.8m in height was withdrawn following an unresolved objection by BAA Glasgow Airport on the grounds of air safety as it conflicts with safeguarding criteria.

5. Supporting Information

- 5.1. The applicant submitted a number of documents in support of the current application which included a Visual Impact and Development Document, Turbine Installation Manual, Preliminary Ecology Report and a Delivery Information Document.

6. Consultations

- 6.1 BAA Glasgow – objects to the proposed turbine development as the development has been examined from an aerodrome safeguarding perspective and the proposal conflicts with safeguarding criteria. It was noted that the proposed development may benefit from an approved mitigation technology (Terma). This could allow the objection to be removed, but is subject to:-

- ◆ specific technical and operational evaluation by Glasgow Airport
- ◆ formal agreement between Glasgow Airport and the applicant

Response: The applicant initiated a process of obtaining a commercial agreement with Glasgow Airport in respect of a Radar Mitigation Scheme. No confirmation has been provided by the applicant of an agreement in respect of a Radar Mitigation Scheme having been concluded and it is understood that no engagement has taken place with BAA Glasgow since the application was last reported to the Committee on 9 May 2023. This is despite written requests to the applicant/agent from the Planning Service.

- 6.2 Environmental Services – requested further information including a site and turbine specific Noise Impact Assessment and cumulative noise assessment. This information had not been requested as there are unresolved air safety objections.

Response: Noted.

- 6.3 Historic Environment Scotland – no comments in respect of the proposed development.
Response – Noted.
- 6.4 Ministry of Defence (MoD) (Wind Farms) – no objections subject to a condition in respect of notification in writing to the MoD at least 14 days prior to commencement of works.
Response: Noted. Should planning permission be approved, appropriate conditions can be attached.
- 6.5 National Air Traffic Systems Ltd (NATS) – object on the grounds of aviation safety in regard the turbines impacting upon the aviation PSR RADAR system at Glasgow and en-route Prestwick air traffic control (ATC).
Response: Noted. It is understood that no engagement has taken place with NATS since the application was last reported to the Committee on 9 May 2023, following requests to the applicant/agent from the Planning Service.
- 6.6 Nature Scot – no comments in respect of the proposed development.
Response – Noted.
- 6.7 Prestwick Airport (Windfarms and Metmasts) – no objections to the proposed development as the development is terrain shielded from Prestwick Airport primary radar, and thus does not pose an aviation safety concern to Prestwick Airport operational airspace.
Response: Noted.
- 6.8 Roads and Transportation Services (Development Management) – raised no objections to the proposed development subject to conditions in respect of turbine delivery vehicle access and turning areas.
Response: Noted. Should planning permission be approved appropriate conditions could be attached to any decision issued.
- 6.9 RSPB Scotland – no response to date.
- 6.10 Scottish Water – no objections to the proposed development.
Response – Noted
- 6.11 SEPA – provided standing advice in respect of the proposed development.
Response – Noted.
- 6.12 TRANSCO – no comments in respect of the proposed development.
Response – Noted.
- 6.13 West of Scotland Archaeology Service – no objections to the proposed development.
Response – Noted.

7. Representations

- 7.1. Following the statutory period of neighbour notification and advertisement, a total of 2 representations have been received (1 objection, 1 comment) as defined in the scheme of delegation. The issues raised are summarised as follows:-

- ◆ visual impact
- ◆ habitat and wildlife protection

The above issues will be considered in the assessment below and full copies are available on the planning portal.

8. Development Plan

8.1. 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 National Planning Framework 4 2023 (NPF4) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).

8.2 National Planning Framework 4

National Planning Framework 4 (NPF4) is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments, and national planning policy. NPF4 supports the planning and delivery of sustainable places, liveable places, and productive places.

National Planning Framework 4 Policies

- ◆ Policy 1 Tackling the Climate and Nature Crises
- ◆ Policy 2 Climate Mitigation and Adaptation
- ◆ Policy 8 Green Belts
- ◆ Policy 11 Energy
- ◆ Policy 23 Health and Safety

8.3. South Lanarkshire Local Development Plan 2(2021)

For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan 2 (SLLDP2). In this regard the application site and associated proposals are affected by the following policies contained in the SLLDP2:-

SLLDP2 Volume 1 Policies

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 4 Green Belt and Rural Area
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy 18 Renewable Energy

SLLDP2 Volume 2 Policies

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 4 Green Belt and Rural Area
- ◆ Policy 5 Development Management and Placemaking
- ◆ Policy 18 Renewable Energy
- ◆ Policy DM1 New Development Design
- ◆ Policy GBRA2 Business Proposals within Green Belt and Rural Area
- ◆ Policy RE1 Renewable Energy

South Lanarkshire Council (SLC) Supporting Planning Guidance

In addition, the Council has prepared Supporting Planning Guidance on Renewable Energy which provides further detailed advice and requirements for renewable energy developments.

9. Guidance

9.1. None

10. Assessment and Discussion

- 10.1 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 National Planning Framework 4 2023 (NPF4) and the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2).
- 10.2 Policies 18 and RE1 require renewable energy proposals to be assessed against the checklist and other relevant policies of SLLDP2. Following a detailed assessment of the proposed turbine development the key issues are set out below.
- 10.3 As noted earlier, there is an objection from National Air Traffic Systems Limited (NATS) in relation to the proposals having a detrimental impact upon the aviation PSR RADAR system at Glasgow and en-route Prestwick ATC and, therefore, aviation safety. In addition, Glasgow Airport objected to the proposed development having examined the proposal from an aerodrome safeguarding perspective as the proposal conflicts with safeguarding criteria.
- 10.4 It was noted that the proposed development may benefit from an approved mitigation technology (Terma). This could allow the objection to be removed, however, this would be subject to a specific technical and operational evaluation by Glasgow Airport and a formal agreement between Glasgow Airport and the applicant.
- 10.5 The applicant initiated a process of obtaining a commercial agreement with Glasgow Airport in respect of a Radar Mitigation Scheme. No confirmation has been provided by the applicant of an agreement in respect of a Radar Mitigation Scheme having been concluded. Given the outstanding objection from NATs and Glasgow Airport and there being no confirmation that a Radar Mitigation Scheme has been concluded, the proposal is considered to have unresolved air safety impacts. Following on from Planning Committee of 9 May 2023, no information has been submitted to suggest that the applicant has engaged with either NATS or BAA Glasgow.
- 10.6 A Visual Impact and Development Document was submitted as part of the application. This consisted of six photomontages, however, no Landscape and Visual Impact Assessment report or Zone of Theoretical Visibility map have been provided.
- 10.7 In terms of Landscape Impact the application site is located on the edge of Plateau Farmland and the Urban Fringe Farmland Character Type (LCT), as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). Given the medium scale of the turbine in the landscape, I am satisfied that the proposed turbines would not have a significant, detrimental impact upon the landscape character of these Landscape Character Types.
- 10.8 In terms of general visual impact, it is considered that the height of the turbines, at 24.8m to blade tip, and their location would result in visual impact occurring across the surrounding area. It is considered that the visual impact of the proposed turbines is significantly detrimental to the closest residential properties and that the turbines would be prominent in views from the A726 Glasgow Southern Orbital Road and from the southern edge of East Kilbride including the new residential developments north of Hayhill Road and Eaglesham Road and Thorntonhall.

- 10.9 Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker
The impact of the proposed development on communities and individual dwellings requires to be assessed. It is noted that a Residential Visual Amenity Study (RVAS) has not been carried out.
- 10.10 The Visual Impact and Development Document does, however, demonstrate that significant visual effects are predicted from the turbines at Viewpoints (VP) 2, 3, 4, 5 and 6 where the turbine would be prominent in views from residential areas of East Kilbride and Thorntonhall and would have a significantly detrimental effect on the residential visual amenity of the closest residential properties, recent developments to the south of Eaglesham Road and consented properties under construction to the south of Hayhill Road.
- 10.11 A noise assessment or shadow flicker assessment have not been submitted. Environmental Services requested further information including a site and turbine specific Noise Impact Assessment and cumulative noise assessment. This information had not been requested as there are unresolved air safety objections.
- 10.12 In conclusion, NPF4 supports renewable energy development in the right places provided the impacts of the proposed development can be mitigated. A full assessment of the proposals against the Development Plan has been carried out above. South Lanarkshire Council continues to support meeting renewable energy targets and has a suite of development plan and strategic documents to ensure the Council area continues to promote suitable renewable development.
- 10.13 However, in this instance, following the above assessment, it is considered that, due to the outstanding objections from NATs, Glasgow Airport and no confirmation having been provided by the applicant of an agreement in respect of a Radar Mitigation Scheme having been concluded, the proposal is considered to have unresolved air safety impacts as well as the proposed turbines having an unacceptable visual impact, therefore, on balance, the proposals do not comply with policy.
- 10.14 The detrimental impact of the proposal outweighs the renewable energy gain and therefore it is recommended that planning permission be refused.

11. Recommendation and reasons for refusal.

- 11.1 The Committee is asked to agree the following recommendation:-

Refuse planning permission for the reasons outlined below:-

01. The proposal would have an adverse impact on aviation safety and appropriate mitigation has not been proposed to address this matter. As a result, the proposals are contrary to Policy 11 of the National Planning Framework 4 (2023).
02. The proposal would result in an unacceptable impact on the visual amenity of the area. As such, the proposal is contrary to Policy 11 of the National Planning Framework 4 (2023).
03. The proposal would have an adverse impact on aviation safety and appropriate mitigation has not been proposed to address this matter. As a result, the proposals are contrary to Policy 18 of the adopted South Lanarkshire Local Development Plan 2 (2021).

04. The proposal would have an adverse impact on aviation safety and appropriate mitigation has not been proposed to address this matter. As such, the proposal is contrary to Policy RE1 and Criteria 15 the Assessment Checklist for Renewable Energy of the adopted South Lanarkshire Local Development Plan 2 (2021) and South Lanarkshire Local Development Plan 2 Supporting Planning Guidance Renewable Energy 2021.
05. The proposal would result in an unacceptable impact on the visual amenity of the area. As such, the proposal is contrary to Policy 18 of the South Lanarkshire Local Development Plan 2 (2021).
06. The proposal would result in an unacceptable impact on the visual amenity of the area. As such, the proposal is contrary to Policy RE1 and Criteria 3 the Assessment Checklist for Renewable Energy of the adopted South Lanarkshire Local Plan 2 (2021) and South Lanarkshire Local Development Plan 2 Supporting Planning Guidance for Renewable Energy 2021.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 28 August 2023

Background Papers

Further information relating to the application can be found online:

[P/19/0097 | Erection of 3 no. wind turbines with a blade tip height of 24.8m and a hub height of 18.3m. | Land 210M West Of Ocathian House Hayhill Road Thorntonhall Glasgow South Lanarkshire](#)

Corporate Considerations

The report raises no impacts or risks in terms of equalities or financial implications. Any implications in terms of climate change, sustainability or the environment will have been considered above in terms of the relevant national and local policies.

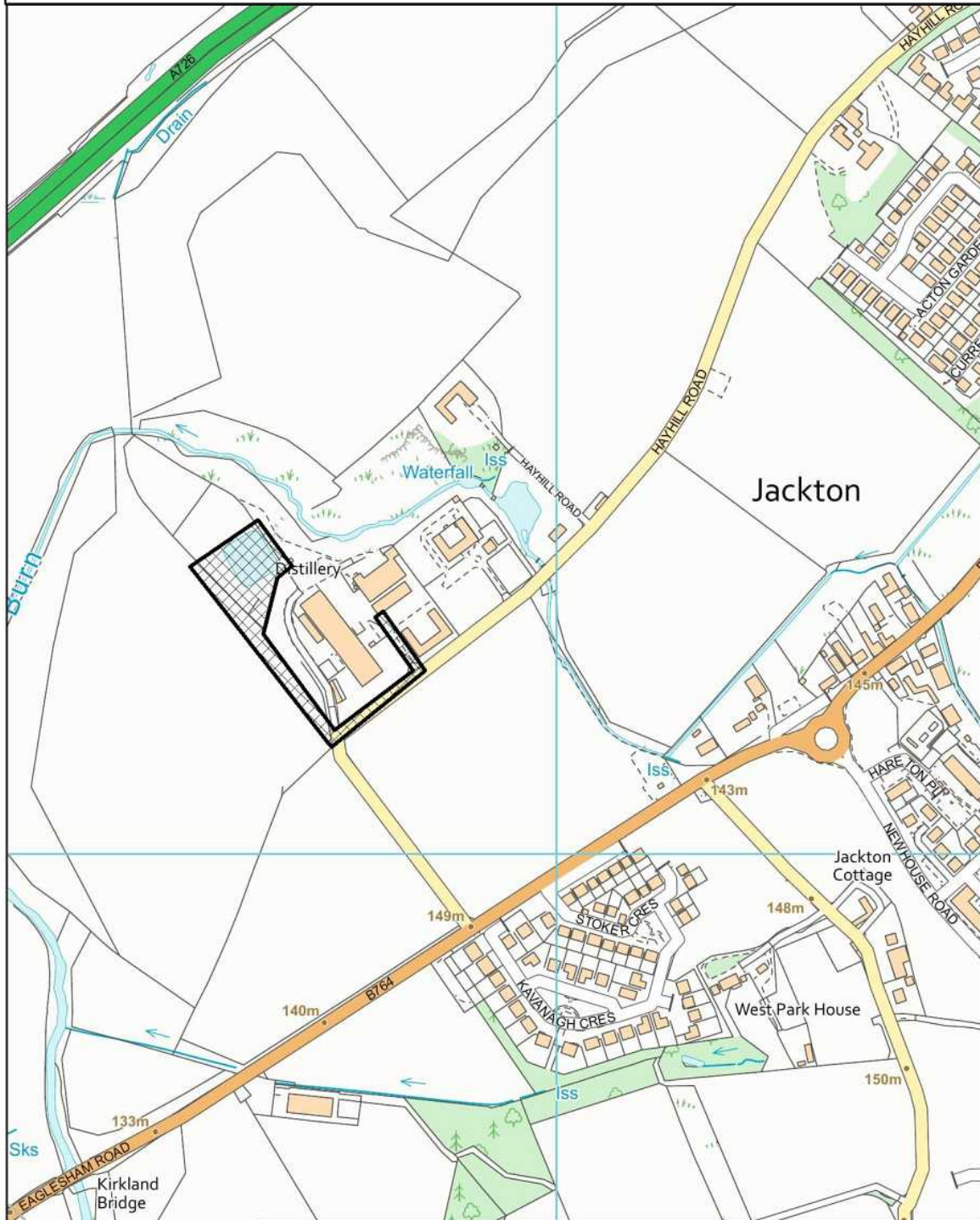
Contact for Further Information

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

Tel: 01698 454867

E-mail: planning@southlanarkshire.gov.uk

P/19/0097 Land 210m west of O'Cathian House, Hayhill Road, Jackton



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Scale:
1:5,000
Date:
09/08/2023



South Lanarkshire Council
Community and Enterprise Resources
Planning and Regulatory Services