

# Report

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

Application no.	P/19/0628
Planning proposal:	Section 36 consultation for the erection of 13 wind turbines (up to 200m in height) and associated infrastructure

## 1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	Douglas West Extension Ltd
Location:	Douglas West Wind Farm Middlemuir Road Coalburn Lanark South Lanarkshire

## 2 Recommendation(s)

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

- (1) That the Scottish Government is informed that South Lanarkshire Council has no objection to the proposed erection of 13 wind turbines (up to 200m in height) and associated infrastructure under Section 36 of the Electricity Act 1989
- (2) Authorise the Head of Planning and Economic Development to undertake any discussions in relation to further agreements of conditions and planning obligations if required, with the Scottish Government

### 2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Scottish Government is also advised that approval should be subject to the conclusion of a legal agreement(s) covering:
  - Community Contribution Payments
  - The funding of a Planning Monitoring Officer
  - Control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

The applicant will be responsible for meeting SLC's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

### 3 Other information

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

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

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

**Supplementary Guidance 3: Development Management, Placemaking and Design**

**Supplementary Guidance 9: Natural and Historic Environment**

**Supplementary Guidance 10: Renewable Energy**

**Proposed South Lanarkshire Local Development Plan 2 (2018)**

Policy 1 Spatial Strategy  
Policy 2 Climate Change  
Policy 5 Development Management and Placemaking  
Policy 13 Green network and greenspace  
Policy 14 Natural and Historic Environment  
Policy 15 Travel and Transport  
Policy 16 Water Environment and Flooding  
Policy 18 Renewable Energy

DM1 New Development  
SDCC2 Flood Risk  
SDCC3 Sustainable Drainage Systems

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

WOSAS

Countryside and Greenspace

Douglas Community Council

Coalburn CC

Lesmahagow Community Council

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is an approx. 372.6ha area of land mainly comprising the eastern edge of Cumberhead Forest, near Coalburn. The majority of the site comprises the forest with a thin ribbon extending east through the restored Poneil opencast coal mine, past the John Dewar complex to the public road that abuts the M74 motorway. A further thin strip runs south of the forest, following an existing timber haulage route that joins Station Road at Douglas West Farm.
- 1.2 The application site is located approximately 1.56km to the south of Coalburn and 2.68km to the north west of Douglas. The site is located on land designated as rural within the Adopted South Lanarkshire Local Development Plan (SLLDP) (2015). The application site is located within an area where there are several wind farms, either in operation, under construction or consented. To the south west are Hagshaw Hill (operational) and Hagshaw Hill Extension wind farms (both operational). To the west is Cumberhead Wind Farm (consented) and then Galawhistle Wind Farm (operational). To the north is the Dalquhandy Wind Farm (consented) and then Nutberry Wind Farm (operational) further north and west, then to the east is the Douglas West Wind Farm (consented). Due to Hagshaw Hill Wind Farm reaching the end of its operational lifespan there is also a 'repowering' application to replace the original turbines with modern turbines. This 'repowering' application is still pending consideration with the Scottish Government but the Planning Committee agreed to submit a consultation response of 'no objection' to the application at the August meeting (Planning Ref: P/18/1875). The application site is effectively a 'gap' site within this wind farm context.
- 1.3 Vehicular access to the site is proposed from an existing private access road which extends from the public road network at the roundabout at Junction 11 of the M74 and runs past the John Dewar bonded warehouse site and continues up into the existing wind farm and joining Station Road, Douglas West to the south of the site.

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

- 2.1 An application has been made to the Scottish Government under Section 36 of the Electricity Act 1989 for the erection of 13 wind turbines (up to 200m in height to blade tip) and associated infrastructure with a 30 year operating lifespan. The proposals comprise the following components:-
  - Thirteen, 200m tall (to blade tip) wind turbines and their foundations
  - Crane hardstanding areas adjacent to each turbine
  - On site access tracks between turbines
  - Substation
  - Welfare Facilities and Maintenance Room
  - On site energy/ battery storage facility (approx. capacity of 20MW)
- 2.2 The installed turbine generation capacity of the proposals would be 78MW with an additional potential on-site battery storage capacity of 20MW. It should be noted that battery technology has greatly increased over a very short period in recent times and is expected to continue to evolve rapidly. Whilst currently the average

achievable battery storage capacity is 5MW it is hoped that, given the long term nature (30 years) of these proposals, if successful, battery storage of 20MW is achievable.

- 2.3 As the proposals relate to a wind farm with an electrical generating capacity of over 50MW the application is made under Section 36 of the Electricity Act, 1989. Unlike an application for planning permission, the S36 application is made to the Scottish Government who are the Consenting Authority with South Lanarkshire Council being a Statutory Consultee as part of the assessment process.

### **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".

- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be "a presumption in favour of development that contributes to sustainable development" (page 9). At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

- 3.1.3 The Scottish Government's Onshore Wind Policy Statement (Dec 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges "the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts".

- 3.1.4 All national policy and advice is considered in detail in section 6 of this report.

#### **3.2 Development Plan Status**

- 3.2.1 The proposed development requires to be considered against the approved 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 on 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 13 Green network and greenspace
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

#### Volume 2

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

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

### 3.3 Planning Background

3.3.1 There is no relevant planning history on the site itself, but as stated previously in 1.8 above, there are several wind farms, either operational or consented surrounding the site. The following is a summary of these developments:

- Hagshaw Wind Farm (operational) 26 turbines at 55m to hub (although as noted in 1.2 there is a current 'repowering' application to replace these turbines with 14 turbines at 200m to tip height)
- Hagshaw Hill Extension (operational) 20 turbines at 80m to tip height
- Galawhistle Wind Farm (operational) 22 turbines, 18 at 110.2m to tip and 4 at 121.2m to tip
- Nutberry Wind Farm (operational) 6 turbines at 125m to tip height
- Cumberhead Wind Farm (consented) 11 turbines at 126.5m to tip height (there is currently a planning application pending consideration to increase the number of turbines to 14 at a height of 149.9m to tip height (12 turbines) and 180m to tip height (2 turbines))
- Dalquhandy Wind Farm (consented) 15 turbines at 126.5m to tip height (there is currently a permission to increase 11 of the turbines to 149.9m subject to the conclusion of a legal agreement)
- Douglas West (consented) 13 turbines at 149.9m to tip height

## 4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – no objection subject to conditions requiring a traffic management plan that includes, but is not limited to, a safety audit for the Abnormal Loads Route, onsite parking, travel plan, wheel wash facilities and construction route signage. Also require a Section 96 legal agreement to ensure all HGV traffic to the site shall use Junction 11 of the M74 as stated within the application submission and to provide an undertaking by the applicant to either repair any damage attributable to construction traffic or contribute towards the maintenance of the public road network involved in the construction route.

**Response:** Noted, any consultation response to the Scottish Government stating no objection would be predicated on the basis of conditions requiring the further approval of a traffic management plan and a S96 Legal Agreement.

4.2 **Roads and Transportation Services (Flood Prevention)** - no objections subject to design criteria certificates relating to drainage are being submitted.

**Response:** Noted and the relevant certificates form part of the CEMP condition requirements.

4.3 **Countryside and Greenspace** –Consider that a Habitat Management Group (HMG) would still be useful to enhance biodiversity throughout the site.

**Response:** Noted. It is considered that the setting up of an HMG should be recommended to the Scottish Government to try and maximise any habitat creation possible.

4.4 **West of Scotland Archaeology Service (WOSAS)** –Agree with the archaeological findings within the EIA Report subject to a walkover survey to identify the extent of damage to archaeological heritage that the commercial forestry plantation has done to inform whether further archaeological works are required.

**Response:** Noted, any consultation response to the Scottish Government stating no objection would be predicated on the basis of a condition requiring the further approval of archaeological works.

- 4.5 **Environmental Services** – have no objections to the proposals subject to noise limits being placed on the proposals to protect the amenity of residential properties in the area.

**Response:** Noted and the recommend noise levels form part of the recommendation to the Scottish Government.

- 4.6 The following consultees had no comments to make on the proposals

Coalburn Community Council  
Douglas Community Council  
Lesmahagow Community Council

## **5 Representation(s)**

- 5.1 Statutory advertisement of the application was undertaken by the applicant in May 2019.
- 5.2 No letters of representation have been received following this advertisement.

## **6 Assessment and Conclusions**

- 6.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it is development comprising a wind farm with a generating capacity of over 50MW. In this instance, South Lanarkshire Council is a Consultee to the application process and is not the Consenting Authority. 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 instance, the application is made under the Electricity Act 1989 and not the Planning Act and, therefore, the Development Plan does not have the primacy it normally would for planning decisions but it is still an important material consideration in this instance.
- 6.2 In terms of National Planning Policy and Guidance, NPF 3 notes in paragraph 3.8 that the Government seeks to meet at least 30% of overall energy demand from renewables by 2020.
- 6.3 The Scottish Government's Onshore Wind Policy Statement (Dec 2017) sets out the considered views of Scottish Ministers, following consultation, with regard onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges "the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts".
- 6.4 SPP Policy Principles (page 9) state that there will be "a presumption in favour of development that contributes to sustainable development." At paragraph 28 SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs



and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

- 6.5 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises distinct areas into groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes areas described as ‘community separation for consideration of visual impact’ and is relevant to this proposal. SPP indicates that this represents an area not exceeding 2km around settlements. This distance, however, is to be determined by the planning authority based on landform and other features which restrict views out from the settlement. Visual impact, including the impact on settlements, is assessed at paragraphs 6.45 to 6.47. Group 3, identifies ‘areas with potential for wind farm development’. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. These considerations are fully assessed below at sections 6.6 onwards of this report. Paragraph 170 of SPP states that “Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities.” Taking into account the above and for the reasons set out in sections 6.6 onwards, it is considered the proposed development accords with SPP.
- 6.6 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal, it is noted that the majority of the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development by its nature contributes to developing low carbon energy. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse

effect. Consequently, it is considered that the proposal accords with Policy 10 of Clydeplan.

- 6.7 In the Adopted South Lanarkshire Local Development Plan (SLLDP) 2015, the overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources and (vii) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks. Taking into account the proposed wind farm proposals would generate renewable energy and have a generating capacity of some 78MW and propose additional storage capacity through battery storage, in line with Governments targets on renewable energy generation, it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change.
- 6.8 Policy 3: Green Belt and Rural Area states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. The proposal is located within the rural area. SG 2: Green Belt and Rural Area lists in Appendix 2 renewable energy as an appropriate use within this area and refers to the SG Renewable Energy, and SG Sustainable Development and Climate Change for further guidance. It is considered that the principle of the development is deemed acceptable within the Rural Area given the proposals relate to renewable energy generation and therefore there are no further implications for the countryside strategy set out within the Development Plan.
- 6.9 Policy 4 Development Management and Placemaking states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The land immediately surrounding the application site contains various operational and consented wind farms and it is, therefore, considered that a wind farm development would still be in keeping with the context of the landscape and is therefore acceptable under this policy. The proposals' impact in terms of the local community, amenity, ecology and landscape and visual impact are assessed in detail and in relation to more specific policy criteria throughout the following assessment section below. It is, therefore, considered that the proposals comply with the broad principle of this policy subject to this further detailed assessment.
- 6.10 Policy 15: Natural and Historic Environment and the associated Supplementary Guidance provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features as listed in Table 6.1 of the SLLDP from adverse impacts resulting from development, including cumulative impacts. The policy categorises each of the natural and historic

environment designations within three distinct groups and are assessed in turn below.

- 6.11 Category 1 areas include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) where development will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. The application site is not located within any SPA or SACs with only the Coalburn Moss SAC being located within a 5km radius of the application site. This SAC is designated for its unique bog mass and vegetation and it is considered that the proposals would not have any effect on this designation. The nearest SPA to the site is the Muirkirk and North Lowther SPA which is located over 5km away. This SPA is designated for its population of hen harriers, merlin, peregrine, golden plover and short-eared owls. It is considered that this distance from the SPA means it is unlikely that the proposals would have a direct impact upon the SPA or habitats within the SPA. This is a view shared by SNH in their consultation response to the Scottish Government.
- 6.12 Policy 15 states that in Category 2 areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of further policy and guidance provided in the SG on the Natural and Historic Environment.
- 6.13 SG Natural and Historic Environment contains a number of policies on the historic environment covering category 2 national designations (Category A listed buildings and their setting fall within this designation) and includes:
- Policy NHE 2 Scheduled Monuments and their setting states that developments which have an adverse effect on scheduled monuments or their settings shall not be permitted unless there are exceptional circumstances.
  - Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and not diminish its interest.
  - Policy NHE 4 Gardens and designed landscapes aims to protect the quality and historic integrity of designed landscapes and avoid damage to their special character.
  - Policy NHE 5 Historic battlefields requires development to take cognisance of the battlefield and demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site.
- 6.14 There are no scheduled monuments, listed buildings or Inventory Gardens and Designed Landscapes (GDL) within the application site. There are two Scheduled Monuments within 5km of the proposed development site of the proposed development, namely St Brides Church, Douglas and Glenbuck Ironworks. There are also 2, category A listed buildings within the 5km radius, being the St Bride's Chapel, Douglas, and the Monument to James, Earl of Angus, Douglas. Historic Environment Scotland are also a consultee to this application and will be providing further detailed comments to the Scottish Government in relation to the proposals

impact in relation to national, historic assets. It is considered that the location of the turbines to the north of the landscape with rising land behind would only result in the turbines being viewed in the background of these assets and not lead to a view where they would be seen in the foreground and therefore have a direct visual impact on their setting. It is, therefore, considered that the proposals accord with the relevant policy criteria in this instance.

- 6.15 Other policies within SG Natural and Historic Environment that relate to category 2 national designations are Policies NHE 9, NHE 10 and NHE 11. Policy NHE 9 states that development which affects a Site of Special Scientific Interest (SSSI)/National Nature Reserve will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. There are 3 SSSIs within 5km of the application site. Coalburn Moss SSSI lies approximately 3.5km north east of the application site and is designated for its raised bog. Muirkirk Uplands SSSI which is designated for its geological features and upland habitats as well as for populations of hen harriers and short-eared owls and lies some 4km to the west of the site. Miller's Wood SSSI is located approximately 2.7km to the south west of the site and is designated due to its upland birch woodland. It is considered that the proposed 13 turbines even at a height of 200m (to tip height) would have no impact upon the qualifying interests of these designations of these SSSIs. It is considered that the proposed development complies with SG Natural and Historic Environment policy NHE 9.
- 6.16 Policy NHE 10 requires the protection of prime agricultural land and also land of lesser quality that is locally important. The application site does not contain any prime agricultural land as identified in SLLDP Strategy Map, therefore Policy NHE 10 is not relevant. Policy NHE 11 states that development proposals that involve the loss or fragmentation of areas of ancient semi-natural woodland (categories 1a and 2a on SNH Ancient Woodlands Inventory) will only be supported where any significant adverse effects are clearly outweighed by social or economic benefits of national importance. The proposal will not result in loss or fragmentation of areas of ancient semi-natural woodland identified in the SLLDP Strategy Map, therefore Policy NHE11 is not applicable.
- 6.17 SG Natural and Historic Environment contains guidance on the water environment under category 2 national designations and refers to Policy 17 of the SLLDP. The impact of the proposed development on the water environment has been assessed in terms of Policy 17 at paragraphs 6.23 below. It is considered that the proposals would not significantly affect Category 2 designations.
- 6.18 In Category 3 areas, development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected. The Category 3 local designations are taken in turn below with further policy and guidance provided in the SG Natural and Historic Environment.

- 6.19 SG Natural and Historic Environment contains the following policies on the historic environment under category 3 local designations. (Category B and C listed buildings and their setting fall within this designation):
- Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and ensure that proposals will not diminish its interest.
  - Policy NHE 6 Non-scheduled archaeological sites and monuments requires these assets to be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.
  - Policy NHE 7 Conservations areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.
- 6.20 As noted in 6.12 above, there are no listed buildings within the application site. Whilst not in the application site, there are 15 Category B and 18 Category C Listed buildings within the 5km radius of the site. The Douglas Conservation Area is also within 5km of the site. It is considered that the Conservation Area and the majority of the listed buildings are located within the urban area of Douglas and will therefore be shielded from view of the turbines. With regard to the remaining listed buildings, it is considered that they, like the category A listed buildings, are located in front of the proposals in terms of primary views and, therefore, this and their distance from the turbines would limit any potential impact upon their setting. In relation to unscheduled archaeological sites, the cultural heritage assessment states that due to the commercial forestry operations onsite it is unlikely that any areas of archaeological interest would remain. WOSAS acknowledge the findings of the cultural heritage assessment and agree that the commercial forestry that has been planted is likely to have removed most archaeological potential from the site. They do, however, state that they feel there are areas of the site which may still yield potential archaeological interest and therefore request that an archaeological walkover survey of the site should be a condition of any consent if issued. This would allow opportunities for archaeological investigation on the site and at worst would at least provide an archaeological record of the loss of archaeological potential of the site through the foresting. WOSAS, therefore, have no objections to the proposals subject to the use of this condition prior to any development commencing on site. Subject to the Scottish Government attaching a suitable archaeological condition, it is considered that the proposals comply with SG Natural and Historic Environment policies NHE 3, NHE 6 and NHE 7.
- 6.21 Special Landscape Areas (SLA) are included within category 3 local designations under Policy 15 of the SLLDP; and the SG Natural and Historic Environment contains further guidance on SLAs and the wider landscape. There are 4 SLAs within 10km of the application site. The Douglas Valley SLA is the nearest and the application site boundary falls along the northern edge of this SLA. Further afield are the Middle Clyde Valley SLA, the Upper Clyde Valley and Tinto SLA and the Leadhills and Lowther Hills SLA all located between 5 and 10km from the application site. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the EIA Report. The SLAs have been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. Of the four SLAs, three are considered not to experience significant effects due to a combination of

distance, limited opportunities to view the proposed development from the area as a whole, as well as the existence of existing wind farms and wind turbines in closer proximity to these SLAs. In regard to the remaining SLA (Douglas Valley SLA), it is considered that this SLA's designation relates to the broad, open valley floor whilst the proposals are located on the northern edge of the valley and in the rising slopes and hills of the northern side of the valley. It is, therefore, considered that the integrity of the SLA's character is not compromised by the wind farm developments and the special nature of the valley is maintained. Further landscape and visual impact assessment is carried out in further detail below.

- 6.22 Policy NHE 15 in the SG Natural and Historic Environment (category 3 local designations) states that development on undesignated peatland will only be supported where any significant adverse effects are clearly outweighed by significant social or economic benefits. It adds that renewable energy development will be assessed on the basis of the specific guidance on peat contained in the Renewable Energy Supplementary Guidance. The site is not considered to have any large peat deposits. It should be noted that both SEPA and SNH are separate consultees to this Section 36 application and as part of their responses to the Scottish Government, peat management would be included. It is, therefore, considered that in this instance, solely as a consultee, the Council shall defer to both these bodies in relation to peat management.
- 6.23 Policy 17: Water Environment and Flooding states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. The SG on Sustainable Development and Climate Change contains guidance on the water environment, and the water environment falls under category 2 national designations within Policy 15 of the SLLDP. The EIA Report contains a chapter on hydrology, hydrogeology and geology that concludes that the proposals will have a minimal impact upon the water environment. Mitigation measures are proposed to further minimise the development's impact and this includes following a construction environmental management plan (CEMP) to ensure no oils or other potential pollutants during the construction phase are spilled and enter watercourses. Other mitigation includes surface draining for the areas of hardstanding to direct surface water into the surrounding water table. The application area is not identified as being at the risk of flooding. It is considered that the proposals will have a limited impact upon the water environment and that the mitigation measures proposed are suitable. It should also be noted that SEPA will, separately be providing further detailed advice on the water environment.
- 6.24 Policy 19: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular the considerations set out at paragraph 169 and additionally for onshore wind developments the terms of Table 1: Spatial Frameworks. The policy also requires the Council to produce statutory supplementary guidance which accords with SPP. The Council has now published its approved SG on Renewable Energy (SG10). The proposed development will be assessed against Table 7.1 Assessment checklist for wind energy proposals of SG10, which includes the Spatial Framework and the principles set out in paragraph 169 of SPP. Each is taken in turn below.

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

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

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

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

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

6.26 National and international designations have been previously assessed at paragraphs 6.12 to 6.21 and it is considered that, subject to conditions, there are no adverse effects on national and international designations. Other nationally important mapped environmental interests include areas of wild land as shown on the 2014 SNH map of wild land areas and carbon rich soils, deep peat and priority peatland habitat. There are no areas of designated wild land within South Lanarkshire. SNH has prepared a consolidated spatial dataset of carbon-rich soil, deep peat and priority peatland habitats in Scotland derived from existing soil and vegetation data. There are no areas of carbon rich soils/peatland within the site boundary of the proposed development. The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact on local settlements. This is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area. There is one settlement within 2km of the application site, which is Coalburn and the impact of the proposals on Coalburn are assessed further below. The ES contains a Landscape and Visual Impact Assessment (LVIA) at Section 6. The visual impact of the proposal is assessed at paragraphs 6.45 to 6.47 below.

6.27 Group 3 Areas with potential for wind farm development: SPP and SG Renewable Energy (SG10) states that beyond groups 1 and 2, wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria. Table 7.1 of SG10 sets out a series of considerations which are to be taken into account when assessing renewable energy proposals and these are in line with the considerations set out at section 169 of SPP.

- 6.28 Policy RE2 Renewable Energy Development replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Therefore, the development proposals are collectively assessed against the criteria of both policies at paragraphs 6.29 to 6.66 below. On the basis of the assessment below, it is considered that, subject to conditions and mitigation measures being implemented, the proposals comply with Policies RE1, RE2 and Group 3 of the Spatial Framework as set out in SPP. As previously stated, as a consultee to the application not all the criteria are relevant to be assessed against as part of this response and, therefore, only the relevant criteria is assessed. Other criteria that relate to the remit of other consultees such as the Civil Aviation Authority, Ministry of Defence etc, therefore, do not form part of this assessment as they will be providing their own responses to the Scottish Government.
- 6.29 The relevant Table 7.1 criteria is taken in turn as follows;
- 6.30 Impact on international and national designations.  
National and international designations have been previously assessed at paragraphs 6.12 to 6.21 and it is considered that there are no adverse effects on national and international designations.
- 6.31 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).  
This has previously been assessed in paragraphs 6.22 and 6.26.
- 6.32 Community separation for consideration of visual impact.  
This is examined in detail in paragraphs 6.45 to 6.47 below.
- 6.33 Economic benefits.  
This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Section 13 of the EIA Report presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development represents a major investment in South Lanarkshire and has the opportunity to deliver a range of positive economic impacts through construction and operation including community benefit payments which are based on electricity generated if the wind farm becomes operational.
- 6.34 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.  
It is considered that the generating capacity of the proposed wind farm (78MW) with a potential additional battery storage of 20MW represents a significant renewable energy project which would contribute to Scotland's renewable energy targets.
- 6.35 Effect on the natural heritage, including birds - Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats.  
This criterion, in line with Policy NHE19 in the SG Natural and Historic Environment states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. Protected species surveys have been carried out on the site



and are contained within Chapters 7 and 8 of the EIA Report. The EIA Report states that the development would not have a significant impact upon protected species and habitats. The majority of the habitat is commercial forestry and is, therefore, considered to be of low conservation value. It is considered that whilst the habitat within the application site is relatively poor in ecological terms, there are always potential habitat enhancement measures that can be implemented as part of the scheme. It is, therefore, considered that there should be further consideration given to habitat management and enhancement. It is, therefore, proposed that any response of no objection to the Scottish Government should recommend that a Habitat Management Plan (HMP) and Habitat Management Group (HMG) would be a requirement of any consent if issued.

6.36 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).

As noted above, it is considered appropriate to recommend the implementation of a HMP as part of any consent.

6.37 Landscape and visual impacts

It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. First, the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Landscape impact is in essence an assessment of whether a landscape and its character is susceptible to development or not. Secondly, the visual impact is assessed followed by the impact on visual residential amenity. Visual impact is therefore, in essence, a development's impact in relation to how it impacts upon receptors. The landscape and visual assessment takes into account cumulative impacts. SPP makes reference to wild land which is a consideration when assessing landscape impacts. There are no areas of designated wild land within South Lanarkshire and there will be no impact on areas of wild land outwith South Lanarkshire from the proposed development.

6.38 The application site is located within the Rolling Moorland Landscape Character Type (LCT) and Rolling Moorland with Forestry, LCT subtype, as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). All the turbines are wholly located within the Rolling Moorland with Forestry LCT subtype with only the access tracks falling within the Rolling Moorland Landscape. The key characteristics of the Rolling Moorland LCT are its distinctive upland character created by elevation and the rolling or undulating landform, the predominant lack of modern development, as well as a sense of apparent wildness and remoteness that separates the LCT from the lower lying farmed and settled lowlands. The Rolling Moorland with Forestry subtype's key characteristic in relation to its distinction from Rolling Moorland is that it is a landscape influenced by the presence of forestry. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands.

6.39 With regard the access tracks it is considered that the one leading from Station Road follows an existing timber route and, therefore, would have no further significant landscape or visual impact. The other access track in part follows the

former Poneil/Dalquhandy coal haulage route that is still in place on the landscape. Several of the surrounding wind farms have permission to utilise this track for their construction and, therefore, it is considered that these proposals would not have any additional landscape or visual impact. It is further considered that the large, rolling and undulating landscape is of a scale that the 2 access tracks would not physically change its nature or cause a detrimental visual impact. With regard the infrastructure associated with the turbines (sub-station, battery storage building etc.), it is again considered that their small scale in relation to the large scale of the landscape would minimise their impact and due to their location they would also be screened from most views by the existing forestry. It is therefore considered that no further assessment of these tracks and the associated infrastructure is required and, therefore, the remaining assessment relates solely to the wind turbines.

- 6.40 As noted previously, the immediate landscape surrounding the application site has several operational and consented wind farms. The landscape and visual impact assessment, therefore does not concentrate solely on the proposals impact upon the landscape but also its cumulative impact in relation to other existing and consented wind farms.
- 6.41 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the EIA Report (Chapter 6 Landscape and Visual). The LVIA concludes that, as with any commercial scale wind farm, the proposals would result in a series of landscape and visual effects but that the landscape has the capacity to accommodate the effects identified, especially taking into account the proposed wind farm in the context of similar and consented proposals in the immediate area that are due to be built on similar timescales as these proposals. The consented but as yet unbuilt wind farms (including sizes) referred to are:-
- Douglas West Wind Farm – 13 turbines at 149.9m to tip
  - Cumberhead Wind Farm - 11 turbines at 126.5 to tip
  - Dalquhandy Wind Farm – 15 turbines 11 at 131m to tip
- 6.42 It should be noted that both the Cumberhead and Dalquhandy proposals have live planning applications to amend the height of their turbines. Cumberhead proposes to increase the number of turbines from 11 to 14 and increase the height to 149.9m for 12 turbines and 180m for 2 turbines. These proposals are currently pending consideration. Dalquhandy has applied to increase 11 of their 15 turbines to 149.9m and Committee approval was given in May to grant consent subject to the completion of a legal agreement. There is also a proposal of 14 turbines at 200m to tip height to replace the original Hagshaw Hill Wind Farm. South Lanarkshire Council has submitted a response of no objection to the Scottish Government in relation to these proposals. It should also be noted that SNH have also not objected to these proposals.
- 6.43 The application site is located within an area that is identified as having medium capacity for wind turbines at a scale of 150m to 200m within the finalised Tall Turbine Addendum, 2017 to the South Lanarkshire Landscape Capacity Study 2016 (hereon referred to as the Addendum). This Addendum seeks to inform developers of areas within South Lanarkshire where turbines over 150m may be appropriate. It identifies areas into 4 categories of capacity, High, Medium, Low and None. It should be noted that the majority of South Lanarkshire is identified as None in relation to capacity. The capacity study is a high level, strategic document

and whilst trying to inform developers of the more suitable locations, each site's context and the nature of the proposals have to be fully taken into account when making assessments. The Addendum also contains further more LCT specific advice to again help inform developers in relation to siting tall turbines. The Addendum provides guidance for siting turbines of 150 to 200m in rolling moorland. It states that due to the modest scale of landforms in this LCT taller turbines might have adverse visual or adverse scale effects if not carefully sited. It does note that most of the areas where turbines could be most comfortably sited already have wind farm development leaving little capacity for further development in this LCT. It continues to note that with turbine heights varying from 55m to 149.9m in height, the addition of larger turbines could, therefore, be perceived as an extension to an operational or consented wind farm.

- 6.44 In terms of the landscape capacity of the area, as previously noted, the application site is effectively a gap within an area characterised by wind farm development. The rolling nature of the landscape also provides a background and backcloth in which to frame turbines within the application site. In landscape terms, in a landscape of this scale and taking account of the heights and topography of the surrounding wind farms, the erection of 13 turbines at 200m to tip height would not appear incongruous within this landscape which is characterised by wind farms as they are within the centre of this landscape rather than being outliers and would be read as part of a larger wind farm in the context of the surrounding existing development. It is also considered that the turbines would rise out of the existing forestry which would initially soften their appearance on the landscape. Whilst the current forestry is not permanent as it will mature and be felled, it is unlikely that there would ever be a different use for the land except as forestry and, therefore, another cycle of trees would be planted which would again start to provide this softening effect over the long term.
- 6.45 In terms of the required aviation lighting, this lighting is required to identify the turbines from the air and the lights are therefore directed upwards which helps minimise their impact upon the surrounding landscape at night. An assessment of the lighting has been carried out as part of the application submission which notes that whilst visible within the landscape it is not considered to have a significantly adverse effect on the landscape or any communities or single, residential properties. Environmental Services are content with the proposed lighting and do not have any issues with it in relation to residential amenity. Whilst the lights will be visible, they will only be seen when dark by residential receptors and primarily from external areas such as gardens, which tend not to be used when dark which again limits the potential to have a detrimental visual impact. The landscape is not designated as being a 'dark sky' and the John Dewar complex has night time lighting that is visible within the wider area and therefore this, together with the lighting required by other turbines results in a night time sky that has existing illumination in the area. It is considered that the proposed aviation lighting will have a negligible effect on the surrounding landscape. Therefore, on balance, the overriding safety requirement for the lighting is greater than the negligible effect the lighting would have on the night time landscape.
- 6.46 In terms of other cumulative visual impacts, it is considered that the design of the proposals and the scale of the turbines would minimise them looking out of place in relation to the other turbine proposals in the area and, again it's considered that they would be read as part of a larger scheme on the landscape.

6.47 The visual impact including cumulative visual impact of the proposals is also assessed in the LVIA which also contains a Residential Visual Amenity Study (RVAS). The RVAS identified 4 individual properties within 2km of the application site and 8 groups of properties within 2km of the boundary. The nearest individual property to the site is Station House being 1.38km from the site. The groups of properties were located in the communities of Braehead, West Toun and Coalburn. The nearest of these properties is Middlemuir Place/ Belvedere Place in Coalburn. The RVAS was carried out at all 4 individual properties and the 8 groups of properties and it was concluded that whilst there would be visual impact, it was not of the significance to render any property to be considered 'an unattractive place to live' but instead noted that their outlook would change by the addition of turbines. It is considered that the distance from the turbines to the properties, whilst not being 2km still helps minimise the visual impact of the turbines as does the rolling topography and forestry that softens the turbines impact on the landscape. The turbines would be located within other wind farm development and would therefore not involve the introduction of this form of development on the visual landscape. The spacing of the turbines also ensures that they do not form a visual barrier together which does not result in a closed, almost barrier visual form. It is, therefore, considered that the distance between communities is acceptable in this instance and that whilst the turbines would have a visual impact it is one that is not of a significance to be considered detrimental to the visual amenity of the area.

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

6.49 Impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker.

The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of Table 7 of SG. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraph 6.45 to 6.47 above.

6.50 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the EIA Report. The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and recommend that an appropriate condition can be attached which require the noise limits to be validated, if consent is granted to ensure the required levels are met. In addition, Environmental Services recommend as part of this condition a requirement of a procedure in the event of there being a noise complaint from the proposed development that requires addressing. Shadow flicker is assessed at section 15 of the EIA Report. The shadow flicker analysis within this Chapter of the EIA report modelled potential shadow flicker based on 10 rotor diameters from each of the proposed turbines and within 130 degrees either side of north. The results of the flicker analysis showed there was potential for one receptor to encounter shadow flicker (Station House) of approximately 3 hours in any one year which is well below any threshold for concerns relating to shadow flicker. This receptor is a property owned by the applicant and they have stated that it will remain unoccupied for the lifetime of the wind farm, if consented.

It is, therefore, considered that there are no receptors affected to a detrimental degree by potential shadow flicker from the proposals.

6.51 Impacts on carbon rich soils and peat, using the carbon calculator.

This consideration set out in criteria 2 of Table 7 of SG Renewable Energy and SPP has previously been assessed in paragraphs 6.22 and 6.26.

6.52 Impact on Public Access.

This consideration set out at criteria 12 of Table 7 of the SG Renewable Energy aligns with Policy 15 Natural and Historic Environment of SLLDP and Policy NHE 18 in the SG Natural and Historic Environment which contains guidance on core paths and rights of way. The EIA Report states that developing a public access strategy for the site to allow recreational access through the site is one of the environmental commitments of the scheme. The proposals do not affect any core paths or right of ways during construction or operation. It is, therefore, considered that the proposals are acceptable in relation to public access.

6.53 Impacts on the historic environment.

This consideration set out at criteria 13 of Table 7 of the SG Renewable Energy has previously been assessed under Policy 15 Natural and Historic Environment of SLLDP at paragraphs 6.13 to 6.14 and 6.19 to 6.20. On the basis of the above assessment, it is considered that the proposed development accords with the consideration set out at criteria 13 of Table 7 of the SG Renewable Energy.

6.54 Impacts on tourism and recreation.

The EIA Report assesses the likely effects of the proposals on tourism and recreation in Chapter 13. The assessment in the EIA Report concludes the proposed development would not generate any significant adverse effect on any of the tourist and recreational assets. The New Lanark World Heritage Site and Falls of Clyde Visitor Centre and Wildlife Reserve are national and regional attractions located approximately 11km from the application site. It is considered that the overall effect of the proposals on these attractions would not be significant. There are a number of walking routes within the area however it is considered that due to the existing wind farms in the area that there is already a high expectancy for walkers or cyclists visiting the area to see a wind farm. Therefore, the proposals are not considered to be significant in this respect. Overall, the effects are considered not to be significant on tourism and recreation. Having taken account of and considered the above, it is concluded that overall the effects on tourism or recreation, would not be significant and subject to conditions the proposed development accords with the consideration set out at criteria 14 of Table 7 of the SG Renewable Energy.

6.55 Impact on road traffic and on trunk roads.

The EIA Report in Chapter 12 provides an analysis of the proposals with respect to the potential impact it may have on the road network. The proposed route for turbine delivery is to use the M74 motorway, exiting at junction 11, then exiting the Poniel interchange western roundabout on to the existing Dalquhandy private access road leading to the existing wind farm site. Roads and Transportation Services have no objections to the proposals subject to conditions requiring a traffic management plan that includes, but is not limited to, a safety audit for the Abnormal Loads Route, onsite parking, travel plan, wheel wash facilities and construction route signage. They also require a Section 96 legal agreement to

ensure all HGV traffic to the site shall use Junction 11 of the M74 as stated within the application submission and to provide an undertaking by the applicant to either repair any damage attributable to construction traffic or contribute towards the maintenance of the public road network involved in the construction route. On the basis of the above, it is considered the proposed development complies with criteria 17 of Table 7 of the SG Renewable Energy subject to the recommendation of these conditions and requirement of a legal agreement to the Scottish Government.

6.56 Impacts on hydrology, water environment and flood risk

This consideration covers criteria 18 of Table 7 of the SG Renewable Energy. The water environment and flooding under Policy 17 of SLLDP has been assessed at paragraph 6.23 above. On the basis of the above assessment, it is considered that the proposed development accords with the consideration of effects on hydrology, the water environment and flood risk.

6.57 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust, and any consent granted will require a decommissioning and restoration condition attached. The EIA Report sets out a brief summary of the decommissioning proposals which includes all components being removed from site and disposed of and/or recycled as appropriate, and in accordance with regulations in place at that time. If required, exposed parts of the concrete turbine foundations would be ground down to below sub-soil level with the remaining volume of the foundations left in situ. The turbine base area and crane pads would be returned to their original appearances unless further consents were granted. It is, therefore, considered as part of any response to the Scottish Government that, if consent is granted, conditions shall be attached requiring that a decommissioning and restoration plan and to secure a decommissioning bond that satisfies the Council's requirements. On the basis the above requirements can be secured through conditions if consent is granted, the proposed development complies with criteria 19 and 21 of Table 7 of the SG Renewable Energy.

6.58 Opportunities for energy storage.

The proposed development contains on site battery storage of up to 20MW as part of the scheme which would allow for energy generation by the wind farm even when the grid has no capacity.

6.59 Site decommissioning and restoration bond.

As noted at paragraph 6.57 above, the Council consider that it should be a requirement of any consent that decommissioning and a restoration bond or financial guarantee should be put in place to meet all the expected costs of the proposed decommissioning and restoration phase. The bond or guarantee will have to satisfy the Council's criteria.

6.60 Forestry and woodland removal.

Criteria 22 of Table 7 of SG Renewable Energy requires the effect proposals may have on forestry and woodland to be fully assessed. The majority of the site is a commercial forest that therefore has only a certain lifespan until being felled. To accommodate the turbines and their bases approximately 32.25ha of forestry will require to be felled prematurely but compensatory planting of 35.08ha is proposed

as part of the scheme. It is considered that the nature of the forestry being commercial, aligned with the proposed compensatory planting, the proposals are acceptable in this instance.

6.61 Impact on Prime Agricultural Land.

As noted in paragraph 6.16 there is no Prime Agricultural Land within the application site.

6.62 Borrow pits.

Criteria 24 of Table 7 of SG Renewable Energy requires borrow pits associated with windfarms to comply with the requirements in paragraph 243 of SPP. Paragraph 243 of SPP states that borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries and that if they are acceptable they should be restored following the construction period of the wind farm. Borrow pits are proposed for the construction of the wind farm. In this instance, the remoteness of the application site does add an economic and environmental cost to the project in terms of lorry distances. It is, therefore, considered that borrow pits would be acceptable in this instance. A condition requiring a restoration plan for any borrow pit would form part of any response to the Scottish Government.

6.63 Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licences under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. As noted in para 23 above, SEPA will be providing a detailed consultation response to the Scottish Government including comments on Environmental Protection. The Council will, however, be responding requesting that a condition requiring the submission and approval by the Planning Authority in consultation with SEPA and SNH of a Construction Environmental Management Plan (CEMP) which includes a site specific Construction Method Statement, Site Waste Management Plan (SWMP), Pollution Prevention Plan and surface water management plan be attached to the consent, if granted.

6.64 Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report, the application was submitted with a robust EIA Report containing appropriate mitigation measures (Chapter 17). The response to the Scottish Government will recommend the implementation of all the mitigation measures as outlined within Chapter 18 'Schedule of Environmental Commitments' of the EIA Report that was submitted as part of the application.

6.65 Legal agreement

Criteria 28 of Table 7 of SG Renewable Energy requires, where appropriate, the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance, a legal agreement to secure a community benefit payment (as discussed in paragraph 6.67 below), a Planning Monitoring Officer and for control over turbine transportation, and the repair of any damage to roads and other infrastructure arising from extraordinary wear and tear

associated with the development and associated indemnity insurance requirements will be required to be entered into if planning permission is granted.

**6.66 Environmental Impact Assessment (EIA)**

Criteria 29 of Table 7 of SG Renewable Energy requires all applications for all renewable energy developments which fall within the scope of the Environmental Assessment Legislation to be accompanied by an Environmental Statement. As noted throughout Section 6 of this report, an Environmental Impact Assessment Report accompanied the Section 36 application submission.

**6.67 Other considerations.**

The considerations set out at Table 7 of SG Renewable Energy and SPP at paragraph 169 are assessed above at paragraphs 6.29 to 6.66. In addition to this, another principle set out in the SG Renewable Energy at paragraph 2.10 and at SPP at paragraph 173 relates to community benefit. SPP states that, where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit. The applicant has confirmed that, should consent for the proposed development be granted and implemented, the applicant will provide a package of community benefit, equivalent to £5,000 per MW per annum for the lifetime of the development. This equates to approximately £11 million over the course of the lifetime of the windfarm development if approved. The level of contribution is not a material consideration in the assessment of the application.

**6.68 Conclusion**

6.69 The proposals are for the erection of thirteen wind turbines at a height of 200m to tip and associated infrastructure including battery storage. The proposals have an electricity generating capacity of over 50MW and therefore the application has been made to the Scottish Government under Section 36 of the Electricity Act 1989. South Lanarkshire Council is a statutory consultee as part of a Section 36 application.

6.70 Due to the surrounding wind farm developments, either operational or consented, within the immediate area the application site is effectively a 'gap' site within a larger wind farm area. The proposed turbines are considered suitable in terms of scale and siting and that if constructed they would be read as part of a larger wind farm group on the landscape. The design and layout of the turbines and the separation distance and scale of the landscape minimise the visual impact the proposals may have on surrounding settlements and individual receptors. The proposed mitigation measures are considered appropriate subject to being conditioned to any permission.

**7 Reasons for Decision**

7.1 The proposed 13, two hundred metres to tip height turbines and associated infrastructure are considered acceptable; are not considered to have any significant, adverse impact within the surrounding area; and accord with National Policy and the relevant provisions of the Development Plan and allow a consultation response of no objection being made to the Scottish Government



subject to the imposition of the attached, recommended environmental and transportation conditions.

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

Date: 19 September 2019

**Previous references**

- ◆ None

**List of background papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated
  
- ▶ Consultations
  - Roads Development Management Team 04.06.2019
  - Environmental Services 16.09.2019
  - Roads Flood Risk Management 06.06.2019
  - WOSAS 24.06.2019
  - Countryside and Greenspace 02.07.2019

**Contact for further information**

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

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## Detailed planning application

Paper apart – Application number: P/19/0628

### Conditions and reasons

01. Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the application and the accompanying Environmental Impact Assessment (EIA) Report including all Appendices, date April 2019, including all mitigation and monitoring measures stated in it, and other documentation lodged in support of the application.

Reason: to ensure that the Development is carried out in accordance with the approved details.

02. No development shall commence unless and until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The wind turbines shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. All wind turbine blades shall rotate in the same direction.

Reason: To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.

03. No wind turbine, anemometer, power performance mast, switching station, transformer building or enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the Planning Authority.

Reason: in the interests of the visual amenity of the area.

04. Prior to the commencement of works in respect of each or any of;
- control building;
  - substation;
  - battery storage building;
  - associated compounds;
  - any construction compound boundary fencing;
  - external lighting; and
  - parking areas.

Final details of the external appearance, dimensions, and surface materials of the relevant element shall be submitted to and approved in writing by the Planning Authority. The substation building, associated compounds, fencing, external lighting and parking areas approved shall be constructed in accordance with the approved details and maintained as such for the lifetime of the development,

hereby approved, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure that the environmental impacts of the sub-station and ancillary development forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.

05. Each turbine, buildings, compounds, areas of hardstanding, tracks and watercourse crossings shall be erected in the position indicated upon Figure 1.3 (Site Layout Plan) within the Environmental Impact Assessment Report, dated April 2019. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis:
- (a) if the micro-sited position is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service
  - (b) if the micro-sited position is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. Unless otherwise agreed in writing by the Council, as Planning Authority the said provisions relating to micro-sited position shall not have the effect such that any micro-sited position will:
    - bring a turbine any closer to an uninvolved property than is already approved
    - bring a turbine outwith the planning application boundary
    - breach the 50m water buffer zones
    - take place within areas of peat of greater depth than the original location.

Reason: to control environmental impacts while taking account of local ground conditions.

06. Within 3 months of commissioning the approved wind farm the applicant shall submit to the Planning Authority an "as built plan" at an appropriate scale indicating the location of any track, turbine, crane pad and restored borrow pit within the development.

Reason: In order to retain effective planning control

07. No development shall commence unless and until a scheme for the working and restoration of each borrow pit has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
- (a) a detailed working method statement based on site survey information and ground investigations;
  - (b) details of the handling of any overburden (including peat, soil and rock);
  - (c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;
  - (d) a programme of implementation of the works described in the scheme; and

- (e) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall be implemented in full.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period.

08. No blasting shall take place until such time as a blasting method statement has been submitted to and approved in writing by the Planning Authority.

The method statement shall include details of measures required to minimise the impact of blasting on residential and other noise-sensitive properties in the vicinity of the site. It shall also include the following measures:

- Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;
- Blasting techniques and instantaneous charge levels shall be employed such that the predicted peak particle velocity shall not exceed 6 mm/s in any plane in 95% of all blasts in any one month period, and no individual blast shall exceed a peak particle velocity of 12 mm/s as would be measured on the ground adjacent to any vibration-sensitive building;
- Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;
- Within the constraints of safe practice, blasting shall be avoided under weather conditions which are likely to direct or focus the blast air overpressure towards neighbouring noise sensitive properties; and
- Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

No blasting shall take place except between the following times:-

- 10.00 - 12.00 and 14.00 - 16.00-Mondays to Fridays and;
- 10.00- 12.00 Saturdays.

For the avoidance of doubt, in any instance where a charge is set and it is expedient under HSE regulations to carry out the blast outwith these times the Council shall be alerted via email or telephone no later than 2 hours after the blast.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

09. No development shall commence unless and until the terms of appointment by the Company of an independent and suitably qualified environmental consultant as

Planning Monitoring Officer ("PMO") have been submitted to, and approved in writing by, the Planning Authority. The terms of appointment shall:

- (a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;
- (b) require to set out the frequency of PMO visits to site;
- (c) require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- (d) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity.

The PMO shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

Reason: To enable the development to be suitably monitored to ensure compliance with the planning permission and the conditions attached to it.

10. No development shall commence unless and until the terms of appointment of an independent Ecological Clerk of Works ("ECoW") by the Company have been submitted to, and approved in writing by the Planning Authority (in consultation with SNH and SEPA). The terms of appointment shall:

- (a) impose a duty to monitor compliance with the ecological and hydrological commitments and mitigations measures provided in the EIA Report and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved;
- (b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
- (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
- (e) Advising the Company on adequate protection of nature conservation interests on the site; and
- (f) Directing the micro-siting and placement of the turbines and infrastructure.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction and restoration phases.

11. No later than eighteen months prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority in consultation with SNH and SEPA.

The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the decommissioning, restoration and aftercare phases.

12. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Peat Management Plan and Ground Water and Surface Water Monitoring Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The CEMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the EIA Report and Appendices dated December 2018. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The method statement shall include the following:
- a) A plan of the construction operations at an appropriate scale;
  - b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
  - c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
  - d) Track design approach
  - e) Maps of tracks indicating double and single tracks and position of passing places.
  - f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
  - g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
  - h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
  - i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and SNH and SEPA guidance.
  - j) A management plan for minimising the emission of dust from the construction and operation of the development.
  - k) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
  - l) Compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
  - m) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the

future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.

- n) Peat Management Plan (PMP) - a PMP shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH and thereafter all work will be carried out in accordance with the plan within the required timescales.
- o) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
- p) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- q) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- r) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during high periods of high rainfall.
- s) Timing and extent of any necessary re-instatement.
- t) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
- u) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.
- v) Ground Water and Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by component qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc. shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- w) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc. shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- x) a site waste management plan

Reason: To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.

13. 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 local planning authority. The local planning authority shall be informed in writing of emergency works within three working days of occurrence.

Subject to condition 12, any noise solely attributable to construction noise (where borrow pits are not operational) should not exceed 65dB(A) LAeq to include both stationary and mobile plant as described within Annex F- Code of practice for noise and vibration control on construction and open sites - Part 1: Noise (BS 5228-1:2009)

Reason: In the interests of local amenity.

14. Prior to commencement of development works the Company shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads Authority, and thereafter adhere to and implement the TMP within the timescales set out. The TMP shall be produced in consultation with Roads & Transportation Services and include, but not be limited to, a safety audit for the Abnormal Loads Route, onsite parking, travel plan, wheel wash facilities and construction route signage. No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.

The approved TMP shall be implemented in full, unless and until otherwise agreed in advance in writing with the Planning Authority.

Reason: In the interests of road safety.

15. At least 3 months prior to the delivery of abnormal loads the Company will undertake an Abnormal Load Route Assessment (ALRA) which shall include a test run and submit a report describing the outcome of the ALRA together with any recommendations for the written approval of the Council as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads. Should the Abnormal Load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require to be submitted to



and approved by the Council as Roads Authority, and recommendations shall thereafter be implemented in accordance with the approved programme.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

16. Prior to commencement of development the developer shall submit a detailed Access Management Plan (AMP) for the written approval of the Planning Authority, and thereafter adhere to and implement the AMP within the timescales set out. The AMP shall be produced in consultation with the Council's Countryside and Greenspace Services and a programme of community consultation shall be undertaken on a draft AMP. Proposals shall incorporate and identify the Council's Core Path and Wider Network and provide signage where the network identifies links. No works shall commence on site until such times as the AMP has been approved in writing by the Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

17. No development shall commence unless and until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by the Planning Authority in consultation with SNH.  
The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat improvements and creation of new habitats to aid biodiversity on site.

The HMP shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved HMP shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with SNH.

The HMP shall set out details of the implementation of a Habitat Management Group.

Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full and within the timescales set out in the approved HMP.

Reason: In the interests of good land management and the protection of habitats.

18. A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council and SNH and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims, and notwithstanding the above,
- a) Site clearance activities and where possible, construction, will take place outwith the bird breeding season (March to July inclusive). If site clearance activities commence during this period ECoW supervision is required.

- b) The HMP will operate for the full lifespan of the wind farm, including decommissioning
- c) The agreed proposals identified in the HMP will be fully implemented
- d) Surveillance and monitoring results of species and habitat will be carried out in accordance with the approved plan and be submitted to the HMG in accordance with the timescales set out.

Reason: To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control.

19. No development shall commence unless and until a deer management statement has been submitted to, and approved in writing by, the Planning Authority in consultation with SNH. The deer management statement shall set out proposed long term management of deer using the site and shall provide for the monitoring of deer numbers on site from the period from Commencement of Development until the date of completion of restoration. The approved deer management statement (as amended from time to time) shall be implemented in full.

Reason: In the interests of deer management.

20. No development shall commence unless and until the Company has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation, including archaeological walkover survey which has been submitted by the applicant, agreed by West of Scotland Archaeology Service and approved by the Council, as 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 Council, as Planning Authority in agreement with the Wets of Scotland Archaeology Service. The approved programme of archaeological works shall be implemented in full.

Reason: To ensure the protection or recording of archaeological features on the site.

21. No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Details of alternative warning devices shall be submitted to and approved in writing by the Planning Authority prior to development starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

22. No development shall commence unless and until a method statement and monitoring plan has been submitted to, and approved in writing by, the Planning Authority. For the avoidance of doubt this shall:-
- detail all mitigation measures to be taken to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of the section 36 consent and which may be affected by the Development.
  - include water quality sampling methods and shall specify abstraction points.

- be implemented in full.

And monitoring results shall be submitted to the Planning Authority on a quarterly basis or on request during the approved programme of monitoring.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies this may be affected by the Development.

23. Unless otherwise agreed in writing by the Planning Authority, if one or more wind turbines fails to generate electricity for a continuous period of twelve months a scheme setting out how the relevant wind turbine(s) and associated infrastructure will be removed from the site and the ground restored shall be submitted for the written approval of the Planning Authority no later than one month after the date of expiry of the twelve month period.

The approved scheme shall be implemented within six months of the date of its approval, to the satisfaction of the Planning Authority.

Reason: To ensure that any redundant wind turbine(s) are removed from Site, in the interests of safety, amenity and environmental protection.

24. No development shall commence unless and until the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS have been provided with the following information, and evidence has been provided to the Planning Authority that this has been done:

- (a) the date of the expected commencement of each stage of construction;
- (b) the height above ground level of the tallest structure forming part of the Development;
- (c) the maximum extension height of any construction equipment; and
- (d) the position of the wind turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

25. No wind turbines shall be erected unless and until a scheme for aviation lighting for the Development has been submitted to, and approved by, the Planning Authority. The scheme shall include details of any aviation lighting required by Civil Aviation Authority and Ministry of Defence which is to be applied.

No lighting other than that described in the scheme shall be applied, other than that required for health and safety purposes, unless otherwise agreed in writing by the Planning Authority.

The required aviation lighting shall thereafter be maintained as approved for the lifetime of the Development.

The Development shall be operated in accordance with the approved scheme.

Reason: In the interests of aviation safety and visual amenity.

26. No development shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with SNH and SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration

and aftercare of the site, and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

27. The wind turbines shall be decommissioned and cease to generate electricity by no later than the date falling thirty years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Commissioning without the prior written approval of the Scottish Ministers in consultation with the Planning Authority.

No later than five years prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy (condition 28), shall be submitted for the written approval of the Planning Authority in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

- (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- (c) a dust management plan;
- (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- (f) details of measures for soil storage and management;
- (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (h) details of measures for sewage disposal and treatment;
- (i) temporary site illumination;
- (j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- (k) details of watercourse crossings; and
- (l) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.

The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan, unless and until otherwise agreed in writing in advance with the Planning Authority in consultation with SNH and SEPA.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

28. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-
- i. be granted in favour of the planning authority
  - ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
  - iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development
  - iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
  - v. come into effect on or before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.

No work shall begin at the site with the exception of Phase 1 felling until (1) written approval of the Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the planning authority.

In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

29. 1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within The Douglas West Wind Farm Extension, Environmental Impact Assessment Report, April 2019, the following noise limits shall be adhered to-

The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 40dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90 (10 min) or background LA90 (10 min) +5dB,

whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

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

## 2.0 Validation Testing

Prior to electricity being exported the wind farm operator shall submit to the Planning Authority for written approval a list of proposed independent consultants who shall undertake compliance and validation measurements to demonstrate compliance with condition 1.0 above. Amendments to the list of approved consultants shall be made only with written approval of the Planning Authority. The measurements shall be carried out in accordance with ETSU-R-97 (with respect to current best practice) and submitted to the Planning Authority for their approval. Any variation determined from the compliance and validation measurements shall be mitigated for in order to comply with condition 38 above subject to agreement with the Planning Authority.

## 3.0 Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in condition 38 shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97 (See Figure below). The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

## 4.0 Investigation of Complaints

At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97. The Planning Authority shall inform the wind farm operator whether the noise giving rise to the complaint contains or is likely to contain a tonal component or an amplitude modulation.

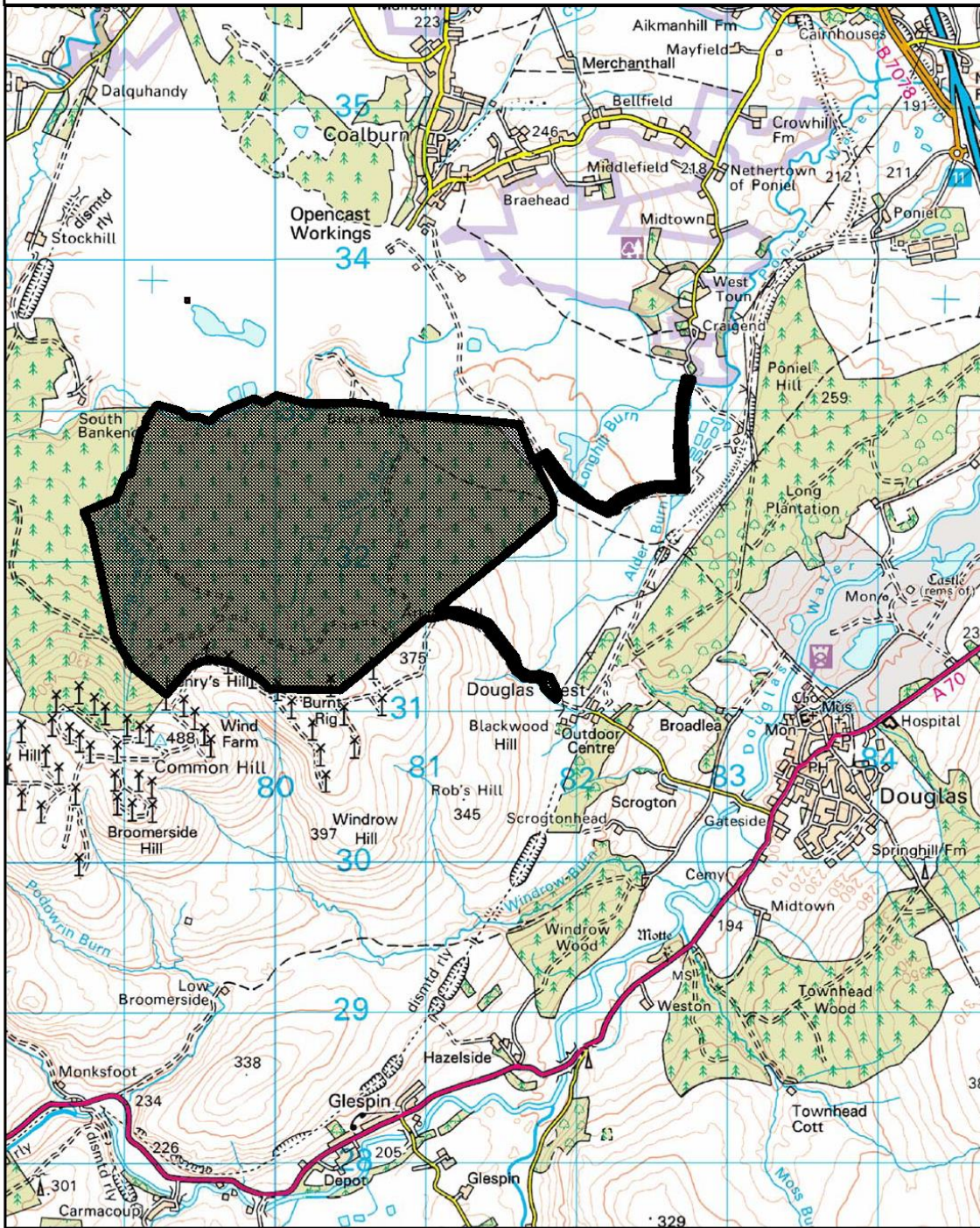
Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits the developer shall carry out mitigation measures to remediate the breach so caused. Details of

any such mitigation measures required are to be submitted to the Planning Authority for prior approval. In the event of amplitude modulation being established, the developer shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority.



P/19/0628

Douglas West Wind Farm, Middlemuir Road, Coalburn



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Date:  
11/09/2019



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**Community and Enterprise Resources**  
Planning and Economic Development