

Report

Report to:	Planning Committee
Date of Meeting:	23 June 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1712
Planning proposal:	Erection of three 100m wind turbine (height to blade tip) and associated crane pads, equipment housings and access track

1 Summary application information

Application type:	Detailed planning application
Applicant:	HBV 2 Ltd
Location:	Land 575M SSE Of Dykecroft B7086 From Boghead Kirkmuirhill To Deadwaters Bridge Boghead Lanark South Lanarkshire

2 Recommendation(s)

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

- (1) Refuse the application for the reasons attached

2.2 Other actions/notes

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

3 Other information

- ◆ Applicant's Agent: Adele Ellis
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
 - Policy 1 – Spatial Strategy
 - Policy 2 - Climate Change
 - Policy 3 - Green Belt and Rural Area
 - Policy 4 - Development Management and Placemaking
 - Policy 15 - Natural and Historic Environment

Policy 16 – Travel and Transport
Policy 17 - Water Environment and Flooding
Policy 19 - Renewable Energy

Supplementary Guidance 1: Sustainable Development and Climate Change

Policy SDCC2 – Flood Risk
Policy SDCC3 – Sustainable Drainage Systems

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design

Supplementary Guidance 10: Renewable Energy

Policy RE1 – Spatial Framework for wind energy
Policy RE2 – Renewable Energy Developments

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 1 - Spatial Strategy
Policy 2 - Climate Change
Policy 4 – Green Belt and Rural Area
Policy 5 - Development Management and Placemaking
Policy 14 - Natural and Historic Environment
Policy 15 – Travel and Transport
Policy 16 - Water Environment and Flooding
Policy 18 - Renewable Energy
Policy DM1 - New Development
Policy SDCC2 - Flood Risk
Policy SDCC3 - Sustainable Drainage Systems
Policy RE1 – Renewable Energy

♦ **Representation(s):**

▶	37	Objection Letters
▶	7	Support Letters
▶	0	Comment Letters

♦ **Consultation(s):**

WOSAS

Countryside and Greenspace

Roads Flood Risk Management

Roads Development Management Team

Environmental Services

BAA Glasgow

National Air Traffic Services Ltd

MoD (Windfarms)

Planning Application Report

1 Application Site

- 1.1 The application site is an area of predominantly agricultural grazing land some 0.6 hectares in size. The site is located some 450m to the west of the settlement of Boghead. To the south of the site is Dunduff Quarry, a hard rock quarry that has been in operation for decades. The Quarry operates a one way system with separate access and egress routes from the B7086 public road. The east and north of the site is bounded by open farmland with the woodland separating the site from boghead. The site sits within a large, open landscape sitting at approximately 240m above ordnance datum. The site, therefore, sits on one of the higher points of a relatively flat landscape.
- 1.2 The application site is on land designated as Rural within the approved South Lanarkshire Local Development Plan 2015 (SLLDP) and the surrounding landscape is described as having a landscape character type of Plateau Farmland.

2 Proposal(s)

- 2.1 Planning permission is sought for the installation of 3 No. wind turbines each with a maximum tip height of 100m with an associated substation and ancillary access track. It is proposed to access the site using the Dunduff Quarry haulage road described above.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”.
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

3.1.3 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 in 29 June 2015 and contains the following policies against which the proposal should be assessed:

- Policy 1: Spatial Strategy
- Policy 2: Climate Change
- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 15: Natural and historic environment
- Policy 16: Travel and Transport
- 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 for the site.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – noted that the Transportation Statement contained conflicting routes regarding the turbine transportation to the site from the M74 and that it was proposed to use the exit only haul road connected to Dunduff Quarry. An amended Transportation Statement correcting these errors has now been submitted with a clearly defined route to site that now also includes the entry only portion of the Dunduff Quarry access road. Roads note that the turbines that were delivered to Kype Muir Wind Farm utilised a route that passes the Dunduff Quarry entrance.

Response: Noted, given larger turbines were able to travel from the M74 to Kype Muir, it is considered that the transportation of turbines would not impact upon road safety in this instance. Conditions regarding Traffic Management and a legal agreement securing a financial guarantee in relation to wear and tear of the public road network would be required to be attached to any permission if granted.

4.2 **West of Scotland Archaeology Service (WOSAS)** – state that whilst they consider the Cultural Appraisal methodology to be insufficient would agree with the conclusion that in general the proposed turbines would not have an impact on any cultural designation. Note that the application site may have some local archaeological significance and therefore have no objections subject to the use of a suitable archaeological condition requiring a programme of archaeological works to be carried out prior to construction.

Response: Noted, should planning permission be granted a condition requiring the further approval of a programme of archaeological works should be attached to any decision issued.

4.3 **Environmental Services** – have no objections to the proposals in relation to noise subject to noise limits being placed on the proposals to protect the amenity of residential properties in the area. Raised concerns in relation to shadow flicker given the application submission did not contain a shadow flicker management plan even though shadow flicker was identified as an issue. Further information has been submitted in the form of a turbine brochure that has a built in shadow flicker detection device to minimise shadow flicker. Environmental Services are not aware of the success of such a system nor is it clear whether it can be fitted to any turbine or if it has to be the one stated in the brochure.

Response: Noted and the recommend noise limits would require to be conditioned to any permission, if approved. In regard to shadow flicker, it is noted that

Environmental Services still have concerns regarding its management and potential impact.

- 4.4 **National Air Traffic Systems Ltd (NATS)** – object on the grounds of aviation safety in regard the turbines impacting upon the aviation RADAR system.

Response: Noted. Following this objection, the applicant has entered into discussions with NATS to try and agree a RADAR mitigation solution in relation to the turbines. NATS have confirmed that they are reviewing potential mitigation submitted by the applicant but have not yet agreed an acceptable solution. The applicant has requested that this application proceed to be reported to committee whilst these discussions are ongoing. At the time of writing, as no solution has been found (or agreed in principle), the objection from NATS has to stand and forms a reason for refusal of the application. It should be noted that planning permission cannot be issued without removal of this objection.

- 4.5 **BAA Glasgow** – have examined the proposals from an aerodrome safeguarding perspective and are content it does not conflict with their safeguarding criteria.

Response: Noted.

- 4.6 **Ministry of Defence (Wind Farms)** – no objections but note that warning lighting will be required due to the height of the proposals.

Response: Noted and a condition requiring warning lighting would be required should planning permission be granted.

- 4.7 **Roads and Transportation Services (Flood Risk)** – have reviewed all available information and have no comments to make in relation to flooding or drainage.

Response: Noted.

- 4.8 **Countryside and Greenspace** – have no comments to make.

Response: Noted.

5 Representation(s)

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours and as a Schedule 3 (Bad Neighbour) development in the Lanark Gazette on 4 December 2019. Following this advertisement 37 letters of objection have been submitted with the following concerns:-

- a) **Landscape and Visual Impact/ turbines not in-keeping with the area.**

Response: A detailed assessment of the landscape and Visual Impact of the proposals is carried out in 6.24 to 6.31 below.

- b) **Proximity to houses/ within 2km of a settlement**

Response: A detailed assessment of Residential Visual Amenity of the proposals is carried out in 6.27 to 6.31 below.

- c) **Shadow Flicker/ Impact on Health**

Response: Concerns regarding Shadow Flicker shared by the Council and it is considered that the Shadow Flicker Mitigation Strategy has not been properly addressed.

- d) **Cumulative Impact in relation to existing turbines**

Response: Cumulative impact forms part of the detailed landscape and visual assessment carried out in 6.24 to 6.31 below.

- e) **Noise Pollution**
Response: Environmental Services are content that due to the location of the turbines, acceptable noise levels could be achieved. A condition ensuring such levels are maintained would be attached to any permission if issued.
- f) **Light Pollution**
Response: It is considered that the only required lighting of the turbines would be for air traffic safety and would generally, therefore, have limited visual impact. Should permission be granted, a lighting scheme could form a condition on any decision.
- g) **Aviation Safety**
Response: There is currently an objection from NATS on these grounds.
- h) **Ice Throw from turbines**
Response: A scheme for the mitigation of ice throw could form a condition of any permission if approved.
- i) **Set a precedent for 100m tall turbines.**
Response: As set out within Section 6 below, all applications are assessed on their individual merits and any decision taken on these turbines does not necessarily preclude or allow similar turbines in the area without further, detailed assessment.
- j) **Loss of farmland**
Response: The application site does not contain any Prime Agricultural Land and is, therefore, not protected from development subject to suitable proposals.
- k) **Impact on wildlife**
Response: An Ecological appraisal, including Phase 1 Habitat study have been submitted with the planning application. It is considered that given the application site consists of cultivated land, there is little habitat value on the site.
- l) **Impact on walkers, footpaths etc.**
Response: The proposals do not directly affect any footpath or Right of Way. Indirect impacts in Visual Impact terms form part of the detailed Visual Impact assessment in 6.27 to 6.31 below.
- m) **Lack of public consultation**
Response: The application does not involve a major development that would require the applicant to carry out any statutory public consultation.
- n) **Lack of reference to Boghead**
Response: It is considered that given the proximity of the proposals to the settlement of Boghead, the carrying out of a Residential Visual Amenity Study (RVAS), including providing a viewpoint from a prominent point within the settlement would have been best practice as part of the LVIA carried out. Whilst it is disappointing that this has not been carried out and opens up the suggestion that the LVIA is lacking in detail it is accepted that the LVIA does provide viewpoints in all directions around the site.
- o) **Inaccuracies within the planning submission, out of date information**
Response: The application met the minimum criteria required to allow the application to be validated.
- p) **Incorrect landownership**
Response: Issues regarding landownership are civil matters outwith the planning system. The Council, as Planning Authority, are required to take a completed ownership certificate at face value. Should planning permission be granted any applicant must, separately, ensure they have ownership or any right of access required.

- q) **The turbines are spaced too closely together resulting in inefficient energy production**
Response: The layout of the turbines is assessed in detail as part of the Landscape and Visual Impact Assessment in 6.24 to 6.31 below.
- r) **Impact on property values. Impact upon cattle/ livestock**
Response: These are not material considerations to the assessment of any planning application.

5.2 7 letters of representation have been received stating that they are in support of the proposals.

5.3 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.

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

6.3 National Planning Framework 3 (NPF3) sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015". Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be "a presumption in favour of development that contributes to sustainable development" (page 9). At paragraph 28 SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The 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).

- 6.4 SPP therefore promotes renewable energy projects but only ‘the right development in the right place; it is not to allow development at any cost’. As noted in 6.1, the planning system should be plan led and this is re-enforced as being part of the Core Values of the Planning Service set out in Paragraph 4. It is, therefore, considered that whilst the principle of renewable energy is supported at a National Level, it is only supported if the proposals are deemed to be considered ‘the development in the right place’ and that the primary, determining criteria for this assessment should be the Development Plan.
- 6.5 The proposed development therefore requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. It is, therefore, considered that at a strategic level the Development Plan supports the principle of renewable energy subject to a detailed assessment against the local development plan.
- 6.6 In terms of the adopted South Lanarkshire Local Development Plan, Policy 1 ‘Spatial Strategy’ of the SLLDP states that the SLLDP will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy and that this will be achieved, inter alia, by supporting ‘development that accords with and supports the policies and proposals in the development plan and supplementary guidance. As the site is located within the rural area the application therefore requires to be assessed under the Policy 3 ‘Green Belt and rural area’. This states that support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location. Policy 3 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. SG 2: Green Belt and Rural Area lists in Appendix 2 renewable energy as an appropriate use within the rural area. It is, therefore, considered that the principle of the development accords with SLLDP Policy 3 in this instance. Again, the overall acceptability of such a development must, however, also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.7 Policy 2 ‘Climate Change’ of the SLLDP states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposals are for a renewable energy development and, therefore, intrinsically support minimising the effects of climate change through greener energy generation. It is therefore considered that the principle of the development

accords with SLLDP Policy 2 in this instance. Again, the overall acceptability of such a development must however also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.

- 6.8 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design.
- 6.9 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.
- 6.10 SLLDP Policy 19 'Renewable Energy' states that renewable energy proposals will be assessed against SPP and South Lanarkshire Council's statutory supplementary guidance (SG). 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. Part of this checklist includes an assessment of the criteria referenced in Policies 4 and 15. The assessment below, therefore, also includes the assessment against these policies criteria.
- 6.11 The RE1 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
- 6.12 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.
- 6.13 In terms of 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
- 6.14 The New Lanark World Heritage Site is approximately 8.5km to the east of the application site and it is considered that this distance negates any proposed impact the development may have on the setting of this international designation. In relation to national designations, there are no ecological designations within a 2.5km radius of the site. In relation to historical designations there are no Historic Battlefields or A listed buildings within a 5km radius of the site. There are 19 B Listed buildings within a 5km radius of the application site. The nearest B Listed building (Dovecot, Blackwood House) is approximately 1.9km from the application site and it is considered that this separation distance and intervening topography would minimise any impact the turbines may have on the setting of this or any other B Listed building. The Cultural Appraisal submitted as part of the Planning Application notes

that the Lesmahagow Conservation Area is within 5km of the application site yet does not provide further commentary on any assessment of the proposals in relation to this Conservation Area. It is considered, however, that this Conservation Area is over 2.5km from the application site which would minimise any potential impact upon this national designation. There is only 1 Scheduled Ancient Monument within 5km of the site (Craighead Mill, Lesmahagow) and again the distance between this national designation and the application minimises any potential impact the turbines may have.

- 6.15 It is, therefore, considered that there would be no adverse impacts upon National and international designations, as well as other nationally important mapped environmental interests. The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact. 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 community of Boghead is within 2km of the application site, with the nearest turbine being some 450m to the settlement boundary. The application site therefore falls within a Group 2 Area of significant protection. It is noted that being within a Group 2 Area does not automatically preclude wind farm development as 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 but does require a full assessment of a wind farms potential impact in relation to the community. This assessment is carried out from paragraph 6.21 onwards.
- 6.16 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 6.17 to 6.52 below.
- 6.17 Impact on international and national designations.
National and international designations have been previously assessed at paragraphs 6.12 to 6.15 above and it is considered that there are no adverse effects on national and international designations.
- 6.18 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).
The application site does not have any of these interests.
- 6.19 Community separation for consideration of visual impact.
This is examined in detail in paragraphs 6.31 to 6.35 below.
- 6.20 Economic benefits.
This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. No assessment of the socio-economic impact of the proposed development was submitted as part of the application. It is acknowledged that there will be some construction employment related to the development but as the development involves 3 turbines there is unlikely to be other economic opportunities associated with the development. It is, therefore, considered that there is little weight in any consideration of the development in relation to economic benefits.

6.21 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.

It is acknowledged that, as with any renewable energy project, that, if developed, the proposals would add to renewable energy targets. It is also acknowledged that renewable energy production is only one material consideration with any planning assessment and is balanced against the suitability of any scheme and its location.

6.22 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. An Ecological Appraisal, including a Phase 1 Habitat Survey, has been submitted as part of the application. It concludes that the development would not have a significant impact upon protected species and habitats. It also provides proposed mitigation such as hedge clearance being carried out with the nesting bird season and pre-construction surveys for bats being carried out. It is considered that given the application site is mainly cultivated land the conclusion of the Ecological Appraisal is accepted and that the proposals would not have a significant, adverse impact upon the natural heritage of the area subject to suitable mitigation measures. Whilst the site is relatively small in wind farm terms there is still adequate land within the application site to create new habitats to enhance the existing natural environment. It is considered that whilst not referenced within the planning submission, should approval be given a habitat creation and management plan should be a conditional requirement of the decision to ensure that there is a natural benefit arising from the development. Although again it is noted that this would be imposed by the Planning Authority and has not been suggested by the applicant.

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

As noted above, it is considered appropriate to require the implementation of habitat creation to improve biodiversity within the site if consent is granted

6.24 Landscape and visual impacts including landscape capacity and cumulative developments

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 own 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. 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 assessment takes into account cumulative impacts. A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the application.

6.25 The application site is located within the Plateau Farmland Landscape Character Type (LCT), as defined in the South Lanarkshire Landscape Character Assessment

2010 (LCA). The key characteristics of the Plateau Farmland LCT are its extensive, gently rolling undulating landform character, limited and generally declining tree cover, dominance of pastoral farming, visually prominent settlements and activities such as mineral workings. In general terms, its rural character has suffered as tree cover has declined and the visual influence of wind farms, settlements, transport infrastructure and mineral workings has increased. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 (Landscape Capacity Study) provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the Plateau Farmland. The application site is in an area defined as having 'Low' capacity for turbines with heights between 80m to 120m and states that the landscape is sensitive to wind farm development and has a high value whereby only a slight level of change can be accommodated without significantly affecting the key characteristics of the LCT. The proposals involve turbines with a tip height to 100m and, therefore, fall within this category. The Landscape Capacity Study states that, due to the existing turbines within the Plateau Farmland Area, 'further number of turbines could create areas of wind turbines in Plateau Farmland, which would exceed capacity'. The Landscape Capacity Study therefore notes that the Plateau Farmland is sensitive to change and due to the existing number of turbines in the area has limited capacity for more to be located within the landscape.

- 6.26 The application site is located at one of the higher points in the plateau landscape which enhances its prominence within the landscape. The site has no landscape backdrop which would help minimise the turbines scale within the landscape. The site is also adjacent to an existing hard rock quarry (Dunduff) which is of a large scale and has permission to expand over the next 30 years. Screening bunds are in place to minimise the quarry's visual impact and as the quarry increases in size so will the screening. Whilst the LVIA does not include an assessment of the phasing and restoration of the quarry it is a concern that the proposals are located adjacent to this changing feature. It is considered that the quarry screening is effective in minimising its impact upon the landscape, but additional adjacent development would draw attention to the quarry and further impact upon the landscape. It is, therefore, considered that turbine development in the immediate area is unsuitable given its proximity to a large scale quarry. In broader landscape terms, as noted in the Landscape Capacity Study, there is already extensive turbine development within the landscape. It is noted that within a 5km radius of the application site the majority of turbines are between 50m to 77m which is significantly lower than the 100m proposed as part of this application. There are turbines of similar height, but they are mainly located on the fringes of the 5km radius. There are no large scale wind farms within a 5km radius of the application site and the nearest is Kype Muir which is some 5.3km away. It is therefore considered that the proposed turbines would be out of scale with the majority of turbine development within the landscape and the elevated nature of the site would add to their prominence in the landscape. It is therefore considered that, given there is already limited capacity within the landscape for turbine development, the height of the proposed turbines being at least 20m higher than any existing development on an elevated site within an undulating, plateau landscape adjacent to a large, changing mineral development extenuates any landscape impact the proposals would have. It is therefore considered that the application site and proposals are considered to have a significant impact upon the landscape character that would further undermine the landscape's key characteristics and therefore would not be considered appropriate in this LCT.

- 6.27 In terms of Visual Impact, it is considered that, again, the proposed height of the turbines on an elevated site within an undulating, plateau landscape increases their visual impact for receptors. The LVIA refers to natural landscape screening such as adjacent woodland but it is considered that the height of the turbines minimises any screening that could be achieved by woodland. The turbines layout has 2 of the turbines spaced closer together than the third which results in an uneven appearance. The 2 closer turbines appear bunched together in several viewpoints which enhances their impact as they are consistently read together whereas the third turbine is viewed with a greater separation which further extends the proposals impact. The 2 closer turbines also create visual clutter with their blades over crossing each other which creates visual confusion and enhances their visual impact. The plateau nature of the landscape opens up views of the turbines from a wide area and the height difference to existing turbines within the area increases their visual impact to receptors. It is, therefore, considered that the proposals would have a significantly detrimental Visual Impact upon the area.
- 6.28 As noted above, the application site is considered a Category 2 development as the turbines are within 2km of a settlement/community; in this case within 500m of the settlement of Boghead. Whilst being located within a Category 2 area does not preclude wind farm development it does require the visual impact of the community to be taken into account and developers required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. First of all it is noted that a Residential Visual Amenity Study (RVAS) has not been carried out as part of the LVIA and that there is no viewpoint from the settlement of Boghead. Viewpoint 1 (Woodhead entrance) is close to Boghead but may not be at an angle that would give an approximation of the views experienced by residents within the settlement, but is the nearest viewpoint relating to this community and without further information it is considered appropriate for this to be used as part of the Council's own RVAS. It is noted that the proposed visuals drawn up for viewpoint 1 show the 2 closer turbines dominating the foreground, with their blades overlapping each other. This dominance is considered a significant visual impact upon Boghead which would be further enhanced by the constant crossing of the blades of these 2 turbines which would continue to draw the eye. It is considered that the height of the turbines on higher ground than Boghead, in such close proximity to the settlement, would have an over bearing visual impact and as such it is considered that they are not appropriate at this scale and location.
- 6.29 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 6.28 above.
- 6.30 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A noise assessment has been submitted as part of the EIA Report. 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. A Shadow Flicker assessment has been submitted as part of the application

submission. It notes that shadow flicker is a concern to approximately 52 properties but that this could be effectively mitigated for by a planning condition requiring shadow flicker mitigation. It does not suggest a suitable condition, but mitigation is normally in the manner of turbines being shut down when shadow flicker is likely to occur.

6.31 Given the number of properties potentially affected by shadow flicker and the lack of proposed shadow flicker mitigation, Environmental Services sought further information was submitted in relation to this. This involves a manufacturer's brochure, advertising a type of wind turbine with in built shadow flicker mitigation, where the turbine would shut down in the event of shadow flicker. The Council has no example of this type of turbine being successful in mitigating against shadow flicker and it appears to relate to a specific turbine rather than being a generic system fitted to any turbine. The turbine within the manufacturer's brochure has not been proposed as part of the application submission and therefore does not alleviate the shadow flicker concerns. A robust, bespoke shadow flicker mitigation scheme would be deemed more appropriate and allow the Council an assessment of how effective it would be, as well as informing a decision on whether it could be considered 'enforceable' and therefore meet one of the required tests for the use of a planning condition. It is, therefore, considered that the issue of shadow flicker has not been appropriately addressed and it is a material consideration to the assessment of the proposals.

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

The application submission did not include a carbon calculation in relation to the development but as noted in 6.18 the proposals do not involve the loss of peat or carbon rich soils.

6.33 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 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.

6.34 Impacts on the historic environment.

This consideration set out at criteria 13 of Table 7 of the SG Renewable Energy, in line with the criterion of SLLDP Policy 15, has previously been assessed under National Designations at paragraphs 6.12 to 6.15 with the exception of impact upon C Listed Buildings. With regard to C Listed Buildings, there are 5 within 5km of the application site with Kirkmuirhill Parish Church being the closest at 2.6km. It is considered that this distance is sufficient to minimise any impact upon C Listed Buildings. 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.

6.35 Impacts on tourism and recreation.

As noted in 6.20 above, no assessment of the socio-economic impact of the proposed development was submitted as part of the application. It is considered, however that the proposed turbines would be unlikely to have any direct impact on any tourism and recreational interests within the area given it does not impact upon

any core walking route. The visual impact could be considered to have a detrimental impact upon the aesthetic of the area which could be considered to detract from the potential attractiveness of the area to visit but not in any significant quantifiable means.

6.36 Impacts on aviation and defence and transmitting or receiving systems.

As noted earlier there is an objection from National Air Traffic Systems Limited in relation to the proposals having a detrimental impact upon their RADAR systems and therefore aviation safety. Mitigation has not agreed.

6.37 Impact on road traffic and on trunk roads.

The criterion of this section of the checklist mirrors SLLDP Policy 16 (Travel and Transport) which requires all new development to conform to South Lanarkshire Council's Road Development Guidelines. In this instance it is considered that the abnormal load route proposed mirrors that of the Kype Muir Wind Farm and therefore the public highway is capable for transporting turbines. The final stage of the route proposes to utilise a haulage road for an active quarry which has specifically designed and constructed for large Heavy Goods Vehicles. If planning permission were to be granted conditions regarding a Traffic Management Plan, Road Safety Audit and Access Management Plan should be imposed on any decision notice as well as the requirement of a legal agreement to provide financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development.

6.38 Impacts on hydrology, water environment and flood risk

This consideration mirrors SLLDP 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 application site is not identified as being at risk of flooding and it is considered that the proposals would have an additional impact upon the water environment.

6.39 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust. It is noted that the LVIA submitted does not contain any assessment of the decommissioning of the proposals and subsequent restoration. Whilst the application submission is, therefore, lacking, it is considered that a 3 turbine scheme on existing agricultural land is of a scale and nature whereby the Planning Authority could impose a suitable condition ensuring an acceptable decommissioning and restoration scheme would be secured.

6.40 Opportunities for energy storage.

No energy storage is proposed as part of the application, although it is noted that a wind farm of this scale may negate energy storage potential.

6.41 Site decommissioning and restoration bond.

Should planning permission be granted, a condition requiring a bond or other financial mechanism would be required to ensure delivery of any restoration scheme. The bond or guarantee will have to satisfy the Council's criteria.

6.42 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 agriculture so there is no woodland affected by the proposals

6.43 Impact on Prime Agricultural Land.

There is no Prime Agricultural Land within the application site.

6.44 Borrow pits.

There are no borrow pits proposed as part of the application. It is also noted that the application site is adjacent to an active hard rock quarry which would allow material to be sourced easily.

6.45 Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licenses 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. If approval were to be granted, a Construction Environmental Management Plan should form part of any permission to ensure all construction is carried out in line with all required environmental authorisations and licenses.

6.46 Notifiable installations and exclusion zones

There are none within proximity to the application site.

6.47 Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. As noted in 6.22 above limited mitigation in relation to ecology is proposed. It is considered that whilst the mitigation does not add benefit in ecological terms it does minimise the proposal's impact on the natural environment. Generic shadow flicker mitigation has been proposed but it is considered that given the relatively high number of properties identified to be affected by shadow flicker and the application site being within 500m from a settlement that it cannot be fully considered as robust mitigation. Shadow flicker mitigation should be bespoke to the identified properties and the times, days of the year it may occur with a practical solution clearly demonstrating who would be responsible for implementing the turbine shut down etc. It is, therefore, considered that this criterion of the checklist has not been effectively met.

6.48 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 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 will be required to be entered into if planning permission is granted. Whilst not a planning consideration, applicants also enter into a legal agreement to provide community benefits, to the South Lanarkshire Renewable Energy Fund to offset some of the impacts caused by wind farm

development. The application submission does not reference providing any community benefits as part of the proposal.

- 6.49 Overall it is concluded that the proposals do not accord the relevant policies in the adopted South Lanarkshire Local Development Plan that was adopted in 2015. The plan supports meeting renewable energy targets set at the national level however in this case the proposals would have an unacceptable Landscape and Visual Impact and on Residential Amenity.
- 6.50 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1 while the Supporting Planning Guidance is similarly consistent with the adopted SG on renewable energy. In view of the assessment of the proposals against policy in the adopted LDP, it is considered that they also fail to comply with the provisions of the Proposed SLLDP2 and the associated supporting planning guidance.
- 6.51 SPP clearly sets out that whilst the principle of sustainable development should be supported, it should only be in relation to the right development in the right place. SPP then reinforces the provisions of the Town and Country Planning Act by supporting a plan led system whereby the Development Plan is the primary consideration for assessing development. A full assessment of the proposals against the development plan has been carried out above. It is considered that the provision of renewable energy alone is not a material consideration in its own right and that renewable energy projects must be considered to meet development plan criteria to be supported. South Lanarkshire Council has, and continues, to support meeting renewable energy targets and has a suite of development plan and strategic documents to ensure the Council area continues to promote suitable, renewable development. In this instance, following the above assessment it is considered that due to an unacceptable Landscape and Visual Impact, the impact on Residential Amenity and an objection of aviation safety the proposals do not comply with policy. The detrimental impact of the proposals outweighs the renewable energy gain and therefore the proposals cannot be supported at this scale and at this location as they do not accord with policy in the adopted SLLDP1 or the proposed SLLDP2 of the associated Supplementary Guidance and supporting planning guidance on renewable energy. It is therefore recommended that planning permission be refused.

7 Reasons for Decision

- 7.1 The proposals are located within a landscape with low capacity for the scale of development proposed and are located within a Category 2 protection area given their proximity to a community. An objection on the grounds of aviation safety has been received from NATS. As such, the proposals are, therefore contrary to SPP (2014), Policy 10 Glasgow and Clyde Valley Strategic Development Plan (2017), Policies 4 and 19 of the South Lanarkshire Local Development Plan (2015) and Policies RE1 and RE2 of Supplementary Guidance 10: Renewable Energy.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 1 June 2020

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 27 November 2019

- ▶ Consultations
 - WOSAS 20.12.2019
 - Roads Flood Risk Management 03.04.2020
 - Roads Development Management Team 22.01.2020
 - Environmental Services 29.01.2020
 - BAA Glasgow 12.12.2019
 - National Air Traffic Services Ltd 17.12.2019
 - MoD (Windfarms) 12.12.2019

- ▶ Representations
 - Margaret Kennedy, Dunduff Quarry, Bellscroft Road,
Boghead, Lanark, South Lanarkshire, ML11 0JQ Dated:
23.12.2019
 - Lisa Roberts, 10.02.2020
 - Owner Occupier, Nether Kypeside Cottage, Lanark Road,
Lesmahagow, ML11 0JL 04.02.2020
 - Owner Occupier, North Brackenridge, Lesmahagow 04.02.2020
 - Douglas Rush, 10 Priory Place, Lesmahagow, Lanark, South
Lanarkshire, ML11 0AB 10.02.2020
 - Margaret Thomson, By Email 11.12.2019
 - M.S Haworth, By Email 11.12.2019
 - Robert Scott, Received Via Email 13.12.2019
 - Janette Scott, Received Via Email 13.12.2019

William Boyle, Robinfield Stables, Blackwood Estates, Boghead, Lesmahagow, ML11 0JG	11.02.2020
Mrs Jacqueline Donaldson, Received Via Email	12.12.2019
Grant Miller, 22 Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	12.12.2019
Lisa And Andy Malone,	18.12.2019
Jenny Findlay, Received Via Email	16.12.2019
Richard Bell, 16 Lesmahagow Road, Boghead, ML11 0JA	17.12.2019
Mrs Isobel McNally,	20.12.2019
Alan Alexander, 1 Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	16.12.2019
Amanda McLean, Received Via Email	11.12.2019
Mr Cameron Lister, The Burrow, Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	11.12.2019
Mr Cameron Lister, The Burrow, Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	11.12.2019
Mrs Colette Lister, The Burrow, Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	11.12.2019
Mrs Janice Smith, 55 - 57 Strathaven Road, Boghead, ML11 0GN	11.12.2019
John McLean, Received Via Email	13.12.2019
Ann McGuinness, Received Via Email	10.12.2019
Graham Whiteford, 278 New Trows Road, Lesmahagow, ML11 0JS	17.02.2020
Evelyn Findlay, Received Via Email	13.12.2019
Anne Brown, Received Via Email	13.12.2019
Anne Brown, 51 Strathaven Road	13.12.2019
Frances Alexander, Received Via Email	13.12.2019
Wilie And Margaret Bryson, Dykehead Farm, Boghead, Lesmahagow, ML11 0JQ	13.12.2019
John McLean, 51 Lesmahagow Road, Boghead, ML11 0JA	13.12.2019

June Girdler, 51 Lesmahagow Road, Boghead, ML11 0JA	13.12.2019
Jake Bryson, Received Via E-mail	17.12.2019
George Brown, Millmoor Farm, Sandlilands, Lanark, ML11 9TW	06.02.2020
Mr John Bryson (Snr), Dykeviar, Dykehead Farm, Boghead , Lesmahagow, ML11 OJQ	18.12.2019
Mark Bryson, Dykehead Farm, Boghead, ML11 0JQ	18.12.2019
Chris Ford,	20.01.2020
Marion Bell, 16 Lesmahagow Road, Boghead, ML11 0JA	17.12.2019
Jessie And George Bell, Parklea, Strathaven Road, Boghead, ML11 0GN	23.12.2019
Gavin Findlay, 56 Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	09.12.2019
Ian W Grant, 10 Lesmahagow Road, Boghead, Lanark, South Lanarkshire, ML11 0JA	09.12.2019
Julie Thomson, Received Via Email	09.12.2019
Angela Duncan, 90 Lesmahagow Road, Boghead, Lanark, ML11 0JA	10.12.2019
Richard Haworth, 65 Strathaven Road, Boghead, Lanark, South Lanarkshire, ML11 0GN	10.12.2019

Contact for further information

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

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

Phone: 01698 455903

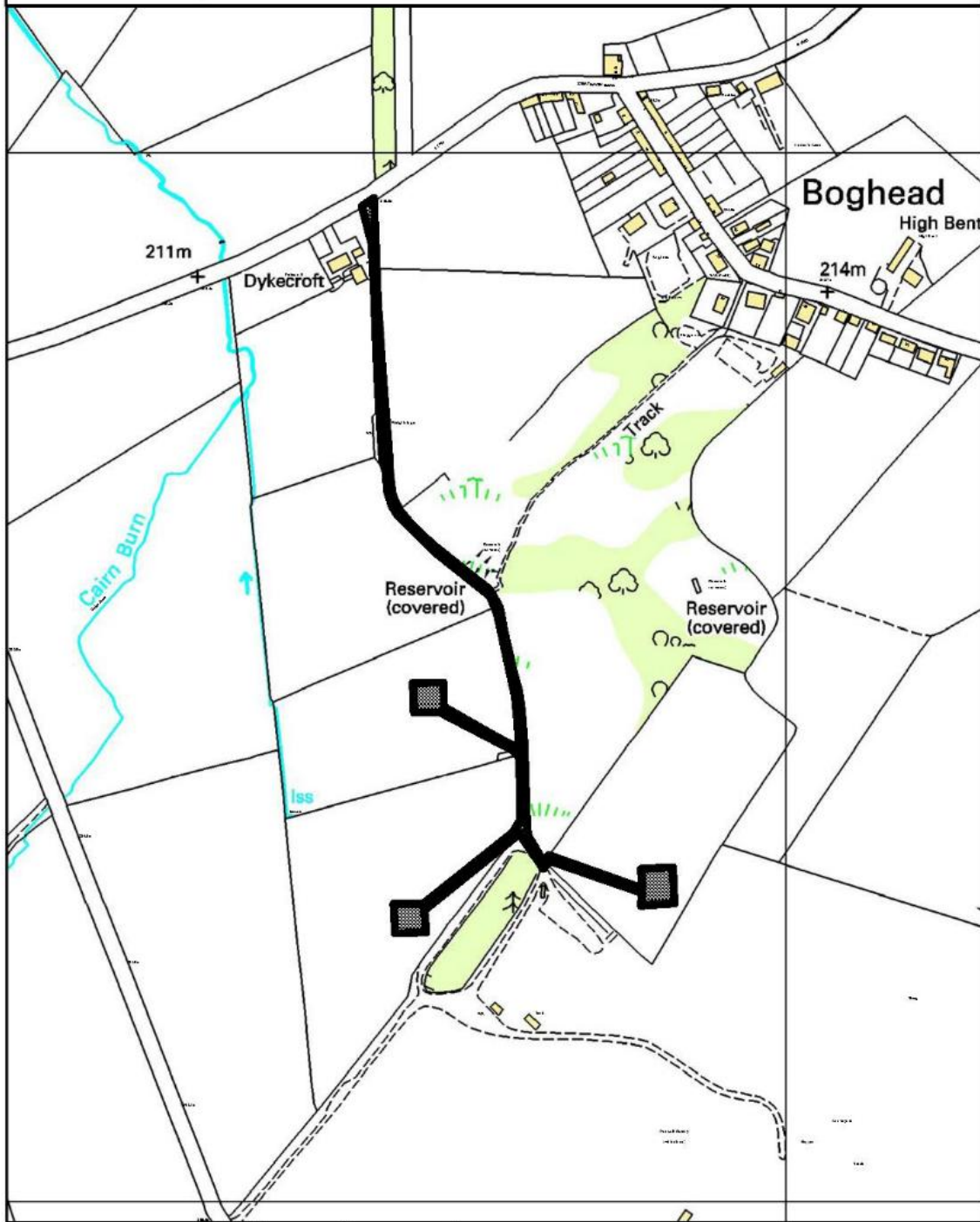
Email: james.wright@southlanarkshire.gov.uk

Reasons for refusal

- 01.** The application site is located on an elevated position within a Plateau Landscape Character Type with limited capacity for further wind turbine development of this scale which would result in an unacceptable visual and cumulative impact on the landscape character and visual amenity of this area. As such the proposals are contrary to
- Scottish Planning Policy (2014),
 - Policy 10 of the Glasgow and Clyde Valley Strategic Development Plan (2017),
 - Policies 4 and 19 of the adopted South Lanarkshire Local Development Plan (2015)
 - Policies RE1 and RE2 of Supplementary Guidance 10.- Renewable Energy
 - Policies 5 and 18 of the Proposed South Lanarkshire Local Development Plan 2
 - Supporting Planning Guidance on Renewable Energy
- 02.** The application site is located within close proximity to the settlement of Boghead such that the proposed turbines would result in an unacceptable impact on visual and residential amenity of residents. In addition the proposals would result in shadow flicker for a significant number of properties in the vicinity of the application site and appropriate mitigation has not been proposed to address this matter. As such the proposals are contrary to
- Scottish Planning Policy (2014),
 - Policy 10 of the Glasgow and Clyde Valley Strategic Development Plan (2017),
 - Policies 4 and 19 of the adopted South Lanarkshire Local Development Plan (2015)
 - Policies RE1 and RE2 of Supplementary Guidance 10.- Renewable Energy
 - Policies 5 and 18 of the Proposed South Lanarkshire Local Development Plan 2
 - Supporting Planning Guidance on Renewable Energy
- 03.** The proposals would have an adverse impact on aviation safety and appropriate mitigation has not been proposed to address this matter. As a result the proposals are contrary to
- Policy 19 of the approved South Lanarkshire Local Development Plan (2015)
 - Policies RE1 and RE2 of Supplementary Guidance 10 – Renewable Energy.
 - Policy 18 of the Proposed South Lanarkshire Local Development Plan 2
 - Supporting Planning Guidance on Renewable Energy

P/19/1712

Land 575m SSE of Dykecroft, B7086 from Boghead Kirkmuirhill to Deadwaters Bridge



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Scale:
1:5,000
Date:
01/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development