

Report

Report to:	Planning Committee
Date of Meeting:	28 August 2018
Report by:	Executive Director (Community and Enterprise Resources)

Subject:	Consultation Response to Scottish Ministers
	Application by North Lowther Energy Initiative for the erection of 30 wind turbines at Queensberry Estate in Dumfries and Galloway

1. Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Seek Committee approval to object to the North Lowther Wind Farm application under Section 36 of The Electricity Act 1989 for the reasons stated in this report and inform Scottish Ministers that South Lanarkshire Council, as a neighbouring Planning Authority objects for the reasons stated in the report.
- ◆ Seek Committee approval that the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures to participate in any Public Inquiry that may be held in connection with the North Lowther Wind Farm application and maintain South Lanarkshire Council's objection to the wind farm.

2. Recommendation(s)

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

- (1) That Scottish Ministers are informed that South Lanarkshire Council objects to the North Lowther Wind Farm application under Section 36 of The Electricity Act 1989 for the reasons stated in the report.
- (2) That the Head of Planning and Economic Development be authorised to undertake the appropriate statutory procedures to participate in any Public Inquiry that may be held in connection with the North Lowther Wind Farm application and maintain South Lanarkshire Council's objection to the wind farm.

3. Background

3.1 The applicant is North Lowther Energy Initiative Ltd (NLEI) which is a joint venture between 2020 Renewables Ltd and Buccleuch Estates Ltd. NLEI were originally seeking consent from the Scottish Ministers for the erection of 35 wind turbines (149m maximum height to tip), new access tracks and two access points, crane hardstandings, temporary construction compound, substation control building, other associated infrastructure and conservation management plan. The application involves an electrical generation output of over 50 Mega Watts (MW) and, therefore, the application has been made under Section 36 of The Electricity Act 1989 where the Scottish Government Energy Consents Unit is the Consenting Authority for the application.

- 3.2 The application site is located wholly within the boundary of Dumfries and Galloway Council and they have been consulted as the relevant Planning Authority by the Scottish Government's Energy Consents Unit. However, the eastern application boundary of the site adjoins South Lanarkshire and, therefore, the Council has also been consulted on the application.
- 3.3 Following a review of initial consultation responses, the applicant submitted an amended scheme for erection of 30 wind turbines (149m maximum height to tip), new access tracks and two access points, crane hardstandings, temporary construction compound, substation control building, other associated infrastructure and conservation management plan. The amended scheme removed 5 turbines from the southern part of the application site (turbines Nos. 10-14). The 5 turbines that have been removed are in a location that is considered to have no impact upon the Council's Area as they are at the southern most point of the application site and furthest from the boundary to South Lanarkshire. The amended scheme includes:-
- 30 wind turbines up to a maximum height of 149m to blade tip
 - 30 crane hardstandings
 - Approximately 29km of permanent on site access tracks involving the utilisation (and upgrading) of 3km of existing forestry track and 26km of new track. A further 3km of existing forestry tracks which do not need upgrading are also proposed to be utilised as part of the proposals
 - A substation control building including transformers and other associated electrical equipment
 - 2 points of vehicular access from the site boundary to join the public road network
 - Associated on site connecting electrical cables and infrastructure
 - A total maximum output capacity of 147 megawatts (MW).
- 3.4 The application site is approximately 4,550 hectares of open moorland interspersed with some forestry plantations. The site is located within the Queensberry Estate approximately 5km south of Crawfordjohn. The Southern Upland Way long distance route (designated as one of Scotland's Great Trails) runs through the middle of the site
- 3.5 The application has been subject to an Environmental Assessment and included topics relating to landscape and visual impact, ecology, aviation, traffic and road safety, economic impact and noise.

4. Planning Policy

- 4.1 Scottish Energy Strategy (SES) and Onshore Wind Policy Statement were published in December 2017 following consultation during 2017. The SES sets out a vision for the future energy system in Scotland through to 2050. It sets out the priorities for an integrated system-wide approach that considers the use and supply of energy for heat, power and transport and its strategic priorities are:
- Energy efficiency (buildings)
 - Energy efficiency (industrial)
 - Renewable and low carbon solutions (includes onshore wind)
 - Innovative local energy systems
 - System security and flexibility
 - Oil and Gas Industry Strengths

The SES states that provisional statistics show 54% of Scotland's electricity needs were being met from renewable sources in 2016, with major new capacity due to connect to the system in coming years. The strategy sets out two new targets for the Scottish energy system by 2030 – (1) the equivalent of 50% of the energy for Scotland's heat, transport and electricity consumption to be supplied from renewable sources; (2) an increase by 30% in the productivity of energy uses across the Scottish economy. The strategy provides a long term vision to guide energy policy decisions to tackle the challenges of decarbonising heat and transport in order to meet Scotland's long term energy and climate change targets.

- 4.2 The Onshore Wind Policy Statement (OWPS) published in December 2017 reaffirms the vital role for onshore wind in meeting Scotland's energy targets. The statement sets out the Scottish Government's position for the ongoing need for more onshore wind development and capacity in locations across Scotland where it can be accommodated. The Scottish Government 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.
- 4.3 National Planning Framework 3 (NPF3) published in 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, that 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". Provisional statistics show that Scotland has met the 2015 interim target.
- 4.4 Scottish Planning Policy (SPP) published in 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". 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." 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).
- 4.5 Scottish Government's Specific Advice Sheet for Onshore wind turbines was last modified on 28 May 2014 and provides information and best practice on renewable energy developments. It also gives advice on areas for planning authorities to focus upon, technical information likely to be required to be submitted with an application and typical planning considerations to be taken into account in determining planning applications for onshore wind turbines.

5 Assessment

- 5.1 The consideration of the proposals the subject of the application has been limited to the potential impact of the proposed windfarm on the landscape character, setting of settlements, residential amenity and road safety within South Lanarkshire.
- 5.2 Of the 30 proposed turbines, four are located along the administrative boundary between Dumfries and Galloway and South Lanarkshire. These turbines sit on a ridge line that rises from South Lanarkshire and are therefore visible from a range of viewpoints within the Council area. As a result of the topography of the area and the intervening distance with the remainder of the proposal development these turbines are separate from the main, proposed cluster of turbines and, therefore, would not be read as part of the development as a whole.
- 5.3 The Leadhills and Lowther Hills area of South Lanarkshire forms part of the more extensive Lowther Hills range, which extends into Dumfries and Galloway. This landscape of remote rounded hills and isolated upland glens is characterised by a general sense of emptiness. One of the key features of this section of the Lowther Hills is the setting it gives for the remote character of Scotland's two highest villages Leadhills (in South Lanarkshire) and Wanlockhead (in Dumfries and Galloway). Currently, there are no windfarms located on the Lowther Hills which preserves their remoteness and maintains the settings of both villages. The remoteness of the journey to both villages lends a sense of arrival that adds to their character and setting. It is considered that the introduction of 4 turbines onto the ridge of this landscape to the south west of Leadhills would introduce a dominant feature on the existing landscape and setting as well as visually impacting onto the established remote setting of Leadhills.
- 5.4 The Lowther Hills are steep and smooth in appearance, again lending to the unspoiled, emptiness of the area's character. The introduction of turbines would add visual clutter to the landscape and the associated access tracks would create a highly visible scar on a currently untarnished landscape. Whilst relatively small in proportion the steepness of the Lowther Hills accentuates their scale when viewed from Leadhills and from the low valley floors. The turbines would add a visual scale into the area that would reduce the perception of the landscape's height and therefore remove some of the dramatic landscape character within the area.
- 5.5 The M74 corridor around Crawford represents a well established pattern of significant windfarm development which provides a visual barrier between this windfarm landscape and the undeveloped landscape of the Lowther Hills to the west. The introduction of turbines into this area would significantly encroach into the emptiness of the undeveloped Lowther Hills landscape.
- 5.6 Members may recall at the June Planning Committee, the Committee objected to another S36 application for the proposed Harryburn windfarm whose site is located within South Lanarkshire. South Lanarkshire Council has now formally objected to these proposals on the grounds of the detrimental landscape and visual impact of the proposals including the cumulative impact the proposals would have with the Clyde Wind Farm to the east. This cumulative impact would be exacerbated by the NLEI proposals and would lead to the pattern of developed windfarm areas continuing westwards into the Lowther Hills area.

- 5.7 The Southern Upland Way which is recognised as an important recreational tourist attraction to this part of South Lanarkshire transects the site. The dramatic, undeveloped views of this section of the route are, therefore, an important attraction for users. It is, therefore, considered that the introduction of development of the scale of the proposed windfarm would have a detrimental impact on the experience of wilderness currently felt by recreational users of the route.
- 5.8 In terms of impact on existing properties within the Council's area, the potential for disruption as a result of noise generated by the turbines has been assessed as part of the application. If the application were to be approved any noise limits would have to take account of cumulative noise levels created by all existing and proposed turbines within the wider area and not restricted to those in Dumfries and Galloway. Therefore, whilst not objecting on noise grounds, the Council should be involved in any preparation and subsequent monitoring of noise levels for the proposals if approved by the Scottish Ministers.
- 5.9 In terms of road safety, whilst the 2 proposed road accesses are not located in South Lanarkshire it is noted that the proposed route for delivery of the site infrastructure and turbines themselves would be from junction 13 at Abington and thereafter on public highways (B740 and B797) that are within South Lanarkshire. The proposed route of any abnormal loads would involve crossing structures such as bridges and culverts that are not designed for the size of these loads. In addition, there are sections where an abnormal load may have difficulty in using the public highway and road improvements may be necessary. Therefore, whilst not objecting on these grounds, if approval were to be granted by the Scottish Government, the Council should be involved in future discussions on the haulage route and any necessary road improvements. This may include the conclusion of a Section 96 or other legal agreement to ensure that the cost of addressing wear and tear of the public road network caused by the abnormal loads would be borne by the applicant.

6. Conclusion

- 6.1 Whilst it is recognised that Local Authorities should seek to support renewable energy projects this is subject to the capacity of the landscape in which they would be located being judged capable of accommodating them without significant adverse impacts. Overall, it is considered that the proposals would have a significantly detrimental visual impact within the surrounding area in terms of the effect on the landscape of the Lowther Hills as well as for users of the Southern Upland Way. The landscape is currently that of natural, undeveloped land and it is considered that the introduction of 4 turbines on the south western boundary of South Lanarkshire would significantly impact on the natural aspect of the landscape. It is also considered that this remote landscape adds to the setting and character of Leadhills (and that of Wanlockhead in Dumfries and Galloway). The introduction of windfarm development on an elevated position adjacent to the village would have an adverse impact upon its setting. As a result it is considered, on balance, that the significant landscape and visual impact of the windfarm would outweigh the SPP presumption in favour of sustainable development.
- 6.2 It is, therefore, recommended that South Lanarkshire Council objects to the North Lowther Energy Initiative application under Section 36 of The Electricity Act 1989 and that Scottish Ministers be informed of this and that, should consent be granted contrary to the Council's position, South Lanarkshire Council should be consulted with regard to any conditions relating to noise and any legal agreement relating to routing agreements and wear and tear of the public road network in South Lanarkshire.

7. Employee Implications

7.1 Should a Public Inquiry be held Officers may be required to attend.

8. Financial Implications

8.1 There may be costs associated with South Lanarkshire Council participating in any subsequent Public Inquiry if held.

9. Other Implications

9.1 A Public Inquiry may be held depending on other statutory consultee responses to the Scottish Government. It should be noted that an objection from South Lanarkshire Council as Neighbouring Authority would not trigger the requirement for a Public Inquiry on its own.

10. Equality Impact Assessment

10.1 An Equality Impact Assessment is not required.

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Executive Director (Community and Enterprise Resources)

17 August 2018

Link(s) to Council Values/Ambitions/Objectives

- Support the local economy by providing the right conditions for inclusive growth
- Work with communities and partners to promote high quality, thriving and sustainable communities.

List of Background Papers

South Lanarkshire Landscape Capacity Study for Wind Energy 2016

Harryburn Windfarm Planning Application - CL/17/0235

Contact for Further Information

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

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