

Report

Report to:	Planning Committee
Date of Meeting:	29 March 2022
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1014
Planning proposal:	Erection and operation of wind farm consisting of 17 turbines (12 within South Lanarkshire) up to a maximum height to blade tip of 180m (Consultation from Scottish Ministers under S36 of the Electricity Act 1989)

1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	RWE Renewables UK Developments Ltd
Location:	Daer Wind Farm Elvanfoot ML12 6TJ

2 Recommendation(s)

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

- (1) that the Scottish Government be informed that South Lanarkshire Council has no objection to the proposed erection and operation of that part of the proposed Daer Wind Farm within its administrative boundary consisting of 12 turbines, up to a maximum height to blade tip of 180m under Section 36 of the Electricity Act 1989; and
- (2) that the Head of Planning and Economic Development be authorised 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

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

3 Other information

- ◆ Applicant's Agent: Natural Power Consultants Limited
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Development Plan 2 (2021)**
 - Policy 1 Spatial Strategy
 - Policy 2 Climate Change
 - Policy 4 Green Belt and Rural Area
 - Policy 14 Natural and Historic Environment
 - Policy 15 Travel and Transport
 - Policy 16 Water Environment and Flooding
 - Policy 18 Renewable Energy
 - Policy SDCC2 Flood Risk
 - Policy NHE2 Archaeological Sites and Monuments
 - Policy NHE3 Listed Buildings
 - Policy NHE4 Gardens and Designed Landscapes
 - Policy NHE5 Historic Battlefields
 - Policy NHE6 Conservation Areas
 - Policy NHE8 National Nature Reserves and Sites of Special Scientific Interests
 - Policy NHE9 Protected Species
 - Policy NHE11 Peatland and Carbon Rich Soils
 - Policy NHE12 Water Environment and Biodiversity
 - Policy NHE16 Landscape
 - Policy NHE18 Walking, Cycling and Riding Routes
 - Policy NHE20 Biodiversity
 - Policy RE1 Renewable Energy
 - Policy DM1 New Development Design

Supporting Planning Guidance Renewable Energy

- ◆ **Representation(s):**
 - ▶ 0 Objection Letters
 - ▶ 0 Support Letters
 - ▶ 0 Comment Letters

- ◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

West of Scotland Archaeology Service

Countryside and Greenspace

Crawford and Elvanfoot Community Council

Roads and Transportation Services Bridges Structures Section

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 8km east of Moffat, in Dumfries and Galloway, which is the nearest town to the proposals. The site is directly adjacent to the southeast of Daer Reservoir within the Southern Uplands. The majority of the site is located within South Lanarkshire with the remaining portion located within Dumfries and Galloway including a thin strip that runs south to the A701 public road to the south of Beatoch. This strip is the proposed access route to the site and is wholly within the administrative boundary of Dumfries and Galloway.
- 1.2 The South Lanarkshire Council part of the application site is located on land designated as Rural within the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2). This portion of the site is also located within a larger area designated as the Leadhills and Lowther Hills Special Landscape Area (SLA).
- 1.3 The South Lanarkshire portion of the site lies within the Lowther (around Daer Water) Landscape Character Area (LCA) which is a subset of the larger Southern Uplands Landscape Character Type (LCT). It is located on large-scale, rolling, unforested hills and mainly comprises marshy grassland. The Southern Upland Way runs through the northern tip of the South Lanarkshire Council portion of the application site in a north west to south east direction.

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 17 wind turbines with a maximum tip height of 180m and associated infrastructure with a proposed 35 year operating lifespan. The proposals comprise the following components:-
 - ◆ Seventeen, 180m (to blade tip) wind turbines and their foundations
 - ◆ Access track and upgrading of existing forestry tracks
 - ◆ Crane hardstanding areas adjacent to each turbine
 - ◆ Battery/ energy storage infrastructure
 - ◆ Substation, control building and compound
 - ◆ 2 anemometer masts
 - ◆ Temporary construction compounds
 - ◆ Temporary borrow pits
- 2.2 The installed turbine generation capacity of the proposals would be approximately 105.4MW which is above the 50MW threshold for applications to be 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. Five of the turbines are located in Dumfries and Galloway, who have also been consulted by Scottish Ministers for their view of the proposals.
- 2.3 Twelve of the turbines are located within the administrative boundary of South Lanarkshire Council and therefore the assessment and recommendation is based solely on these turbines. As noted in 1.1, the portion of the application site relating to the access track is solely within the administrative boundary of Dumfries and Galloway and as with the five turbines within their boundary, does not form part of the proposals under the assessment of South Lanarkshire Council. For the avoidance of doubt therefore, the following assessment and recommendation is based solely on the twelve turbines within the administrative boundary of South Lanarkshire Council.

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 "This SPP introduces 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).
- 3.1.3 The Scottish Government's Onshore Wind Policy Statement (December 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 2 (SLLDP2) was formally adopted on 9 April 2021 and now supersedes the former Local Development Plan. For the purposes of determining planning applications, the Council will therefore assess proposals against the policies contained within the newly adopted SLLDP2. In this regard the application site and associated proposal is affected by the following policies contained in SLLDP2:-

Volume 1

- ◆ Policy 1 Spatial Strategy
- ◆ Policy 2 Climate Change
- ◆ Policy 4 Green Belt and Rural Area
- ◆ Policy 14 Natural and Historic Environment
- ◆ Policy 15 Travel and Transport
- ◆ Policy 16 Water Environment and Flooding
- ◆ Policy 18 Renewable Energy

Volume 2

- ◆ SDCC2 Flood Risk
- ◆ NHE2 Archaeological Sites and Monuments
- ◆ NHE3 Listed Buildings
- ◆ NHE4 Gardens and Designed Landscapes
- ◆ NHE5 Historic Battlefields
- ◆ NHE6 Conservation Areas
- ◆ NHE8 National Nature Reserves and Sites of Special Scientific Interests
- ◆ NHE9 Protected Species
- ◆ NHE11 Peatland and Carbon Rich Soils
- ◆ NHE12 Water Environment and Biodiversity
- ◆ NHE16 Landscape
- ◆ NHE18 Walking, Cycling and Riding Routes
- ◆ NHE20 Biodiversity
- ◆ DM1 New Development Design
- ◆ RE1 Renewable Energy

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

3.2.4 All these policies and guidance are examined in the assessment and conclusions section of this report. Whilst the Development Plan is not given primacy under the Electricity Act as it would under the Planning Act (for applications for planning permission), it should be noted that, given SLLDP2 is now the Council's most up to date policy position, it is the principal material consideration for the Council when assessing applications of this nature under Section 36 of the Electricity Act.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – note that access (including construction and turbine delivery) to the site is to be taken from roads in Dumfries and Galloway and therefore outwith the Council's Road network. Therefore, have no objections to the proposals on this basis.

Response: Noted. A condition is recommended that any changes to the access and delivery route to the site that would involve the South Lanarkshire Road Network would require further agreement by South Lanarkshire Council, as Planning Authority.

4.2 **Roads and Transportation Services (Structures Team)** – note that the proposed route does not involve any structures that are owned or maintained by South Lanarkshire Council and therefore have no objections to the proposals on this basis.

Response: Noted and as with 4.1 above, it is considered prudent to recommend a condition requiring the Council's further agreement should any of the proposed routes be changed.

4.3 **West of Scotland Archaeology Service (WOSAS)** – note that in terms of indirect impact on historical assets, there may be more substantial change to the setting of important heritage features in Dumfries and Galloway but that these are not present within South Lanarkshire Council. In terms of direct impact on historical assets within the South Lanarkshire portion of the site, WoSAS agree in the main with the findings of the application submission that there is potential for archaeological features to be impacted upon by the construction of the wind turbines and therefore state that a programme of archaeological works, in accordance with a written scheme of investigation agreed by the Council, as Planning Authority in consultation with WoSAS,

should be agreed before any works commence and as such implemented fully as agreed.

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 and implementation of archaeological works.

- 4.4 **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. The limits are based on the Noise Assessment carried out within the applicant's Environmental Impact Assessment (EIA) Report and are, therefore, considered achievable throughout the lifetime of the wind farm.

Response: Noted and the recommended conditions relating to noise levels form part of the recommendation to the Scottish Government.

- 4.5 **Crawford and Elvanfoot Community Council** – object to the proposals stating that the area is already at capacity for wind development which has led to a negative impact on visitors to the area and Southern Upland Way which has led to a downturn in the local economy which is reliant on tourism. The SLLDP2 does not support turbines at this location and consideration should be given to reducing the number of turbines within the South Lanarkshire Council area from twelve to six. Also concerned by the online consultation that was carried out.

Response: The Council is only a Consultee within this process and therefore has no remit regarding the public consultation that was carried out. The concerns raised regarding the capacity of the area for proposals of this nature are contained within Section 6 of the report below. It should also be noted that this response has been forwarded to the Scottish Ministers and the points raised will be required to be addressed as part of their assessment of the proposals as the Consenting Authority.

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

Roads Flood Risk Management
Countryside and Greenspace

5 Representation(s)

- 5.1 Advertisement of the application was undertaken by the applicant in August 2020 with online consultation starting in September 2020.
- 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 and forms the basis for the Council's assessment and consultation response.
- 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 (December 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".
- 6.4 Scottish Planning Policy Principles (page 9) states that "This SPP introduces 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 areas into their distinct 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 where wind farm proposals have to "demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation". This includes areas described as 'community separation for consideration of visual impact' and 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. It is noted that in this instance there are no communities within 2km of the turbines. The other relevant area of significant protection within this group is "Other nationally important mapped environmental interests", in this instance carbon rich soils, deep peat and priority peatland habitat. Whilst not present in the majority of the application site, there are areas of the site that include carbon rich soils, deep peat and priority peatland. This is considered later in the report.

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, in the main, 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 of GCVSDP requires proposals to accord with local development plans. 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 Turning to local planning policy in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2), 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 1 Spatial Strategy states, inter alia, that supporting renewable energy developments in appropriate locations is one of a number of ways the strategic vision of the Plan will be met. Given the extant consent for windfarm development at this location it is considered that, in principle, a scheme of 12 turbines with an approximate generating capacity of 74.4MW accords with this strategic vision subject to a detailed assessment of the proposal in relation to policy specific criteria below.
- 6.8 Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. Not all of the criteria are relevant and those that are include (3) utilising renewable energy sources; (6) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species), blue/ green networks and identify opportunities for enhancement of the natural heritage; and (13) avoid or minimise disturbance of carbon-rich soils. The proposed wind farm proposals would have a generating capacity of 74.4MW which is considered as being of a scale that would aid Government targets on renewable energy generation, it is considered that the proposal complies with Policy 2 subject to a detailed assessment of the proposals in relation to the specific criteria (6 and 13). This is addressed further under the criteria specific policies below.
- 6.9 Policy 4: 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. Policy 4 does not specify renewable energy as a specific use in the countryside but supports development that cannot be accommodated within an urban settlement. It is considered that this scale of renewable energy would be a form of development that could not be accommodated within an urban settlement and is, therefore, an appropriate rural use. Policy 4 further states that the scale of renewable energy will be governed by considerations set out in Policy 18 – Renewable Energy. It is, therefore, considered that, subject to a successful assessment against Policy 18, the proposals are not contrary to the strategic aims of Policy 4.
- 6.10 Policy 18: 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 of 15 metres or greater in height, the terms

of Table 7.2 of LDP2. Table 7.2 sets out the Spatial Framework for onshore wind and applies to all wind energy developments of 15 metres or greater in height. The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. It 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

6.11 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 and, therefore, the proposals are not located within a group 1 area.

6.12 Group 2 Areas of significant protection and SPP 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

6.13 Group 2 area interests also apply to other policy criteria in relation to the natural and built environment. In relation to this, a full assessment of all international, national and local designated assets is, therefore, carried out in relation to Policy 14 below and includes assets such as listed buildings and the water environment which are not classed as Group 2 Areas of significant protection in the spatial framework for onshore wind but are, however, detailed policy considerations. These are taken in turn below.

6.14 Policy 14: Natural and Historic Environment and the associated Volume 2 Natural and Historic Environment (NHE) policies provide 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 6.2 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.

6.15 Category 1 areas are international designations and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites). Policy 14 states that 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 or adjacent to any SPA or SACs.

6.16 Policy 14 states that in Category 2 (National Designation) 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 criteria provided in the NHE Policies within LDP2 Volume 2.

- 6.17 National Designations include several historical assets and they are set out below in relation to their own specific policy:-
- ◆ Policy NHE 2 Archaeological Sites and Monuments 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
- 6.18 There are no scheduled monuments, listed buildings, Inventory Gardens and Designed Landscapes (GDL) or Historic Battlefields within the application site. There are three Scheduled Monuments within 5km of the proposed development and it is noted that they are to the south of the full application site within the administrative boundary of Dumfries and Galloway. Whilst not within the remit of South Lanarkshire Council, it should also be noted that Historic Environment Scotland, in their response to Scottish Ministers, have no objections to the proposals in relation to their impact on these and any other national designated historic asset. There are no A Listed Buildings within 5km of the application site. There are no other designated national historic assets within a 5km radius of the proposed development. It is, therefore, considered that the proposals accord with the relevant policy criteria in policies NHE 2 - 5 in this instance.
- 6.19 The remaining, relevant national designations within Policy 14 Category 2 are Sites of Special Scientific Interest (SSSI), priority peatland and the Water Environment.
- 6.20 Policy NHE 8 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.
- 6.21 Shiel Dod SSSI lies approximately 800m from one of the proposed turbines (T17). This SSSI is designated for its assemblage of upland vegetation. It is considered that at a distance of over 800m from the nearest turbine, this vegetation would not be impacted by the proposals.
- 6.22 Policy NHE11 Peatland and Carbon Rich Soils seeks to protect peatland from adverse impacts resulting from development. Within the application site there are areas which have been identified as Class 1 and Class 2 Carbon and Peatland which relates to nationally important carbon-rich soils, deep peat and priority peatland habitat. The majority of the site shows a dominance of Class 3 (vegetation cover does not indicate priority peatland) and Class 5 (vegetation cover does not indicate peatland habitat). Peat surveys have been carried out on site and the results of these indicate that the peatland habitat within the application site is in a degraded condition and probably not attributable to the nationally important Classes 1 and 2. As part of the application submission, a peat management plan (PMP) is proposed outlining methods of

handling peat on site to ensure that where it is displaced it can be relocated within a suitable area of site. It is considered that this is suitable mitigation for peat management on site and conditions requiring a PMP form part of the recommendation to the Scottish Government. The submission also contains reference to a proposed Habitat Management Plan (HMP) and that one of its main aims would be to improve and restore areas of blanket and modified bog within the application site. Again, it is considered that the principle of these aims of the HMP are suitable mitigation and enhancement of the peatland within the application site and, subject to suitable details, would be a positive benefit for the site. A condition requiring full details of an HMP to be agreed and implemented form part of the recommendation to Scottish Government. It should be noted that both SEPA and Nature Scot are separate consultees to this Section 36 application and as part of their responses to the Scottish Government, peat management would also be addressed. It is noted that neither have objected to the proposals as part of their consultation responses to Scottish Governments, although both recommend the further approval of detailed peat management measures and NatureScot have requested an extended area of peatland restoration as part of any Habitat Management Plan.

- 6.23 Policy NHE12 Water Environment and Biodiversity states development proposals should protect and where possible, enhance the water environment. This Policy should also be read in tandem with Policy 16 Water Environment and Flooding and Volume 2 Policy SDCC2 Flood Risk. These Policies state 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 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 separately, SEPA have provided further detailed advice on the water environment to the Scottish Government in their consultation response.
- 6.24 In terms of category 3 areas, Policy 14 sets out natural and historic assets at a local level and these are taken in turn below.
- 6.25 In relation to Non-Scheduled archaeological sites, Category B and C Listed Buildings and Conservation Areas, the relevant policy criteria is as follows:-
- ◆ Policy NHE 2 in relation to 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 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 Conservation Areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.

- 6.26 As noted in 6.18, it is considered that the proposals would not have any impact on A listed buildings. In relation to B and C category listed buildings, again there are none within the application site or within 5km of the application site.
- 6.27 In relation to non-scheduled archaeological sites, a desk-based assessment has been carried out which identifies that the application site has archaeological potential ranging from pre-historic to mediaeval settlements. WoSAS have no objections to the proposals but state that given there is potential for the area to produce archaeological finds of interest, they agree that there is archaeological potential within the application site and have, therefore, requested that a written scheme of investigation and a programme of archaeological works are implemented as part of any approval. A suitable suspensive archaeological condition forms part of the recommended response to the Scottish Government.
- 6.28 Policy 14 includes Special Landscape Areas within its category 3 (Local designations). Volume 2 Policy NHE16 Landscape requires development to maintain and enhance SLAs and the wider landscape. The application site lies within the Leadhills and Lowther Hills SLA. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the EIA Report. The SLA has been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. Policy NHE16 requires development within SLAs to take account of the South Lanarkshire Landscape Assessment to ensure the integrity of the landscape character that led to the SLA designation is not compromised by development. The SLA designation does not in itself limit development, but development should not impinge on the special character of the area. In this instance this SLA designation relates to the large-scale remoteness of the landscape resulting in a sense of isolation. The landscape is characterised by being barren in terms of forestation which enhances this feeling of remoteness. It is considered that the large scale nature of the SLA landscape, and the fact turbines are a form of development where there is not a high level of human activity, would not lead to the landscape's sense of isolation being impinged upon. The turbines would not dominate the sense of wilderness of the landscape character and therefore not impact upon this character. It is, therefore, considered that the integrity and character of this SLA would not be compromised by the proposed development. Further landscape and visual impact assessment is carried out in further detail below.
- 6.29 The remaining relevant category 3 interests are core paths and Rights of Way. Policy NHE18 Walking, Cycling and Riding Routes requires the safeguarding of existing and proposed routes within the Council's Core Paths Plan. The Southern Upland Way (SUW) transects the northern section of the application site. The design of the proposals has included a zone of exclusion on either side of the SUW of at least 180m at all points to ensure the SUW is not within any "topple" zone of the turbines. This exclusion zone should also ensure that access to this portion of the SUW is constant for users throughout the construction and operational period of the proposed wind farm. A Right of Way (SL170) is also located within the application site but does not run through any development area and will therefore be unaffected by the operation of the proposals. It does run through an existing track which will be utilised for turbine delivery and therefore during the construction period the applicant would be required to provide a temporary diversion on the grounds of health and safety. The application submission contains details of proposed upgrades to this portion of the SUW by the installation of interpretation boards for users as well as installing additional footpaths where the SUW currently runs along a short section of the A702 public road to improve separation of recreational users from vehicular traffic. It is, therefore, considered that the proposals are acceptable in relation to public access. A condition requiring approval of an Access Management Plan, which would include the temporary path

diversion and SUW improvements, forms part of the recommended response to the Scottish Government.

- 6.30 Whilst not specifically included in categories 1, 2 or 3, protected species are a natural asset within the Policy 14 criteria. Policy NHE9 further supports Policy 14 by stating that new development must demonstrate that it would not have an adverse impact upon protected species. Policy NHE20 expands on this theme by expecting new development to not have an adverse impact upon the biodiversity of an area and should consider opportunities to contribute positively to biodiversity conservation and enhancement.
- 6.31 Protected species surveys have been carried out as part of the EIA Report which state that the development would not have a significant impact upon protected species and habitats. There are two, Black Grouse Lek sites recorded within the main wind farm area. Best practice states that turbines should not be located within 500m of lekking areas. In this instance, turbines 7 and 8 are currently within 350-450m of one of the lekking areas. It is considered that these turbines should be relocated to ensure that they are at least 500m from the lekking area. It is considered that a relocation of 150m for turbines of this scale would not have any significant impact on any of the other potential impacts and as such can be addressed through a condition if consent is given. A condition requiring this relocation therefore forms part of the recommendation to the Scottish Government. The EIA Report contains chapters on Ecology (Chapter 8) and Ornithology (Chapter 7). Both chapters set out mitigation in relation to ecological and ornithological assets and it is considered that these are acceptable and should be conditioned to ensure that this mitigation is carried out should the development be consented. A condition requiring this mitigation to be implemented forms part of the recommendation to the Scottish Government. It is noted that NatureScot and the RSPB have provided detailed advice on Ecology and Ornithology as part of their consultation responses to the Scottish Government.
- 6.32 It is therefore considered that, following the above consideration in relation to designations, that the proposals meet the relevant policy criteria in this instance. As noted at 6.10 above, Policy 18 Renewable Energy sets out a spatial framework for Wind Energy. In this instance, in view of the assessment from 6.14 onwards in relation to national and international designations (SPA, SSSI, Inventory of Gardens and Designed Landscapes, Inventory of Historic Battlefields and Priority Peatland) it is considered that, whilst located in proximity to these designations, they are not considered to have a detrimental impact upon them. Overall, therefore, it is concluded the aims of Policy 14 are met.
- 6.33 The final qualifying criteria of being located within a Group 2 categorisation (Areas of Significant Protection) is applicable only if proposals are located within 2km of any city, town or village identified on the local development plan with an identified settlement envelope or edge. The application site is not within 2km of any community or settlement. It is therefore considered that outwith the carbon rich soils and peatland, the application site can be considered to be within a Group 3 (Areas with potential for wind farm development) categorisation where the spatial framework states wind farms are likely to be acceptable subject to detailed consideration against identified policy criteria.
- 6.34 Policy 18 is an overarching renewable policy and, therefore, defers the detailed, development management consideration to the Assessment Checklist for Renewable Energy Proposals contained within SLLDP2 Volume 2. Volume 2 Policy RE1 Renewable Energy outlines the considerations, criteria and guidance that must be taken into account for all renewable energy proposals. These are the Assessment

Checklist contained with Appendix 1 of SLLDP 2, Volume 2, the Supporting Planning Guidance on Renewable Energy, the South Lanarkshire Landscape capacity for wind energy 2016 (as amended by the Tall Wind Turbines Guidance 2017) and other relevant SLLDP2 Policies. All the RE1 above referenced criteria and guidance have been included in the following Assessment Checklist and are referenced where appropriate. As previously noted, the Council is only a consultee in the assessment of this application 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.

6.35 The relevant SLLDP2 Volume 2 Appendix criteria are taken in turn as follows:-

6.36 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.12 to 6.23 and it is considered that there are no adverse effects on national and international designations.

6.37 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).

This has previously been assessed in paragraph 6.22.

6.38 Community separation for consideration of visual impact.

As noted in 6.33 there are no communities within 2km of the proposed turbines.

6.39 Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Chapter 14 of the EIA Report presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development will have a range of direct and indirect local economic benefits from the construction, operation and supply chain involved in the project. Reference is also made to the making of community benefit payments based on electricity generated if the wind farm becomes operational.

6.40 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 (74.4MW) with further potential battery storage represents a significant renewable energy project which would contribute to Scotland's renewable energy targets. It is also noted that the proposals also include a further five turbines outside the South Lanarkshire Area which, if the whole scheme was approved would result in an additional 104.4MW in total of renewable energy generation. A Carbon Balance Assessment forms part of the submission which calculates that the proposed development would effectively have paid back it's expected carbon debit from manufacturing, construction, impact on habitat and decommissioning within 1.7 years of operation leaving approximately 33.3 years of renewable energy generation with no carbon debit.

6.41 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 consideration has been assessed within 6.30 to 6.31 above. It is considered that, subject to the relocation of Turbines 7 and 8 so that they would be 500m from a Black Grouse lekking area, the implementation of the mitigation described in the EIA Report and the setting up of a Habitat Management Group (HMG), the proposed development accords with the consideration set out in Table 7.1 criteria 7 a) of the SG and SPP regarding effects on the natural heritage, including birds.

6.42 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 in tandem with an HMG.

6.43 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. It is noted that the Talla -Hart Fells Wild Land Area is approximately 10 to 14km from the proposals. This wild land area is not within South Lanarkshire, and it is noted that NatureScot have provided detailed advice in relation to this nationally important asset as part of their consultation response to the Scottish Government.

6.44 The application site is located within the Southern Uplands Landscape Character Type (LCT) and specifically within the Lowther (around Daer Water) Landscape Character Area (LCA), as defined in the South Lanarkshire Landscape Character Assessment 2010. The key characteristics of this LCA are its large scale rolling hills surrounding the Daer Reservoir and bordering Dumfries and Galloway. The area lies between two very large wind farm developments (Clyde Wind Farm to the north and Harestanes (in Dumfries and Galloway) to the south). The hills are largely unforested, are relatively remote and undeveloped and lie entirely within the Lowther Hills SLA. As noted, the SUW passes through the area.

6.45 South Lanarkshire's Landscape Capacity for Wind Turbines 2016 (LCAP) and its Tall Turbines Addendum (2019) provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands. The LCAP notes that there is capacity for wind farm development within this LCA but that it should be strictly limited to maintain differences in character from the much more developed area around Clyde Wind Farm to the north and maintain a gap between Clyde Wind Farm and Harestanes Wind Farm to the south. Developments lying between these two extensive schemes would reduce their separation which would increase the potential for visual coalescence. The application site is located within an area that is identified as having no capacity for wind turbines at a scale of 150 metres to 250 metres within the finalised Tall Turbine Addendum 2019 (hereon referred to as the Addendum), to the LCAP. This Addendum seeks to inform developers of areas within South Lanarkshire where turbines over 150 metres 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, LCT specific advice to again help inform developers in relation to siting tall turbines. The Addendum provides guidance for siting turbines of 150 to 250 metres in the Southern Uplands LCT. It states that the large-scale nature

of the LCT and the potential for rolling landforms to screen turbines can offer some advantages to the siting of large-scale turbines but that the already wind farm developed nature of parts of the LCT prohibits some areas for development given it would lead to coalescence of these existing wind farms.

- 6.46 It is therefore considered that whilst there is potential for siting large-scale turbines of this scale within the landscape, it requires careful siting to ensure that they do not appear to merge with the existing large-scale wind farm already within the landscape. The Addendum notes that the Lowther Hills (Around Daer Water) LCT is considered to be a more sensitive LCT within the Southern Uplands LCA given its distinctive character that separates extensively developed areas of existing wind farms. Therefore, whilst there is potential for large scale wind energy development within the Southern Uplands LCA, the Addendum would not expect it within this specific LCT given that it acts as a visual buffer between existing large scale wind farms. However, each development should also be judged on its own siting and design and one of the key considerations of the current proposals will be whether it would materially affect this landscape buffer between large wind farms to the north and south.
- 6.47 In terms of the landscape capacity of the specific site area, the rolling nature of the landscape 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 rolling nature of the landscape which offers some screening of the proposals from the wider landscape, it is considered that the tight knit layout of the scheme running north to south directly to the east of Daer Reservoir minimises their spread within the landscape, limiting any potential coalescence with the Clyde and Harestanes developments. This results in a more localised development that sits within its own confines rather than being spread across the landscape. Again, the tight knit layout minimises the impact within the rolling nature of the landscape where areas are screened from other areas creating distinct pockets within the broader landscape.
- 6.48 In terms of visual impact, whilst located within a remote area the SUW is a popular walking route that brings activity and users into the area. The SUW therefore results in more users than would normally be expected within such a remote area which results in the proposal's visual impact to be noticed through the popularity of the SUW. It is noted that users of this section of the SUW may already be sensitised to wind farm development given the SUW transects an area that has views of large-scale wind farms as part of the panoramic experience of this part of the walk. It is noted, however, in this instance the visual impact of the wind turbines would not be viewed from a distance but would instead be an immediate visual feature of this part of the SUW given their proximity to this section of the walk which runs to the north of two turbines approximately 180m away from the user. It is noted that when immediately leaving the southeast boundary of the application site, the SUW trails through an existing forest which will help screen the immediate impact of the turbines from view. It is considered that whilst having a significant visual impact to users of this part of the SUW it is fairly limited in terms of the length of the SUW that it will affect. It is also considered that the impact is not on permanent receptors but instead to users who are temporarily within the area for recreation.
- 6.49 In terms of other cumulative visual impacts, it is considered that the location of the turbines and their narrow, tight knit formation would again ensure that they are not read in relation to other wind farms which would localise their visual impact.

- 6.50 As the turbines are over 150m in height, they will need to have some form of aviation safety lighting installed on at least some of the turbines. It is considered that this would also create a significant visual impact within the area given that there is no other similar lighting within the immediate area. As turbine technology has led to heights of turbines increasing past this 150m threshold, aviation lighting mitigation has started to be developed. Potential mitigation proposals are to only light the minimum number of turbines required for aviation safety, lighting being focussed upwards and lighting being able to be turned off as and when required via aircraft transponders. Whilst it has to be acknowledged that the lighting will have a visual impact, it is considered that lighting mitigation can soften this impact. Further approval of an aviation lighting scheme forms a condition attached to the recommendation to the Scottish Government.
- 6.51 As part of the application submission, a Residential Visual Amenity Assessment (RVAA) has been carried out. It is generally considered that a distance of 2km from a turbine is appropriate to ensure there is no impact on residential amenity without the need for any further assessment. In this instance the RVAA has identified 5 properties that are within 2km of a proposed turbine. The 2 nearest properties are located 1.3km from turbines. The RVAA has carried out an assessment on all 5 properties and given the landform, orientation of windows and distances from the turbines it concludes that there will not be any significant impact upon the amenity of these properties that would have a detrimental impact upon their amenity. It is, therefore, considered that the distance between residential properties and 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 residential amenity of the area.
- 6.52 It is therefore concluded that the proposals would have a landscape and visual impact upon the area. The LCAP and Addendum would not normally support turbines of this scale within this LCT, however, this largely reflects concerns regarding coalescence with other wind farms. It is considered that the location, design and layout of the scheme can negate this concern. It does have to be acknowledged that the close proximity of the SUW to the turbines results in a higher number of receptors being affected by their visual impact, albeit on a temporary nature. This visual impact has to be assessed in relation to the merits of the renewable energy generation of the proposals and whether, on balance it is sufficient enough to consider setting aside the concerns regarding temporary visual impact to users of the SUW. As noted, the scheme is of a large scale and the South Lanarkshire portion of the site itself would have a generating capacity of some 74.4MW and the scheme as a whole would have a capacity of 105.4MW. It is considered that on balance this contribution to national energy targets outweighs the visual impact it may create to users of the SUW given they are transient receptors and not permanent within the area.
- 6.53 Impacts on communities and individual dwellings, including visual impact, 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 the Assessment Checklist. 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 6.51 above.
- 6.54 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 (Chapter 10). 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 addressed within Chapter 13 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. 10 rotor diameters would result in a distance of 1550m from each turbine as the potential shadow flicker area. This results in 5 properties being within 1550m and the 130 degree angle either side of north. 4 of the 5 properties are financially involved with the project but ultimately the shadow flicker analysis shows all 5 properties as potentially receiving (at worst case scenario i.e., constant, unobscured daylight hours) no more than up to 30 hours of shadow flicker a year which is under the yearly threshold recommended by the Department of Energy and Climate Change. Environmental Services have not raised any concerns in relation to the shadow flicker assessment. It is, therefore, considered that there are no receptors affected to a detrimental degree by potential shadow flicker from the proposals.

6.55 Impact on Public Access

This consideration has been assessed in 6.29 above.

6.56 Impacts on the historic environment

This consideration has been assessed in 6.18 and 6.25 to 6.27 above.

6.57 Impacts on tourism and recreation

The EIA Report assesses the likely effects of the proposals on tourism and recreation in Chapter 14 (Socioeconomics). 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 given the relatively remote location of the proposals. It is considered that the overall effect of the proposals on these attractions would not be significant. As well as the SUW, 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.

6.58 Impact on road traffic and on trunk roads

As noted in 4.1 above, the proposals do not involve the public road network under the administration of South Lanarkshire Council.

6.59 Impacts on hydrology, water environment and flood risk

These considerations have been assessed in 6.23 above.

6.60 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.

6.61 Energy storage

The proposals include the installation of battery storage which will utilise the best available technology at point of installation.

6.62 Site decommissioning and restoration bond

As noted at paragraph 6.60 above, it would 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.

6.63 Forestry and woodland removal

The application site does not require any forest or woodland removal. Felling is required as part of the access track but this is outwith the administrative boundary of South Lanarkshire Council.

6.64 Impact on Prime Agricultural Land

There is no Prime Agricultural Land within the application site.

6.65 Borrow pits

Assessment Checklist Criteria 24 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.

6.66 Environmental Protection

Assessment Checklist Criteria 25 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. It is noted that 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 NatureScot, 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.

6.67 Mitigation

Assessment Checklist Criteria 27 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 and environmental commitments. The response to the Scottish Government will recommend the implementation of all the mitigation measures as outlined throughout the EIA Report.

6.68 Legal agreement

Assessment Checklist Criteria 28 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 and the financial provision for a Planning Monitoring Officer will be required to be entered into if consent is granted. The applicant has confirmed that, should consent for the proposed development be granted and implemented, the applicant would provide a package of community benefit. The level of contribution is not a material consideration in the assessment of the application.

6.69 Environmental Impact Assessment (EIA)

Assessment Checklist Criteria 29 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.

6.70 It is, therefore, considered that the proposals meet the relevant Assessment Checklist Criteria and the relevant Policies of SLLDP2 where appropriate.

Conclusion

6.71 The proposals are for the erection of seventeen wind turbines at a height of 180 metres to tip and associated infrastructure. The proposals have a generating capacity of 105.4MW 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. Only twelve of the seventeen turbines are within the administrative boundary of South Lanarkshire, with the remaining five turbines located within the administrative boundary of Dumfries and Galloway who have also been consulted by the Scottish Government. The generating capacity of the twelve turbines within the Council's boundary is 74.4MW.

6.72 The turbines that would be erected within South Lanarkshire are located within an area that has not been identified as having capacity for turbines of this scale. This position is based on concerns regarding the current landscape being turbine free and a visual separation between two large wind farms to the north and south of the site. However, it is considered that the scale and layout of the proposed wind farm would not spread across a large extent of the landscape (indeed it is in effect self-contained) and therefore it would not create the concerns regarding the coalescence of the two existing wind farms. The design and layout of the turbines and the separation distance from the existing wind farms and scale of the landscape minimise the visual impact the proposals may have on surrounding settlements and individual receptors. The exception is a small portion of the Southern Upland Way which runs directly to the east, some 180m from two of the turbines. It is considered that whilst the users of this walking route would be visually impacted by these turbines being in close proximity to the route, it would only be temporary in nature as they pass along this section of the walk. It is considered that on balance, the scale of the renewable energy produced outweighs that of any temporary impact the turbines may have on a small section of this route. The application proposes mitigation in relation to the environment and would have no significant impact upon natural and cultural designations. The proposed mitigation measures are considered appropriate subject to being conditioned to any permission. No objections have been received from Council consultees.

6.73 In view of the above, it is considered that on balance the proposals accord with national, strategic and local planning policy on renewable energy development. It is, therefore, recommended that the Council in its consultation response does not object to the application subject to the conditions listed in the paper apart and the conclusion of a legal agreement to address the matters described on the front page of the report.

7 Reasons for Decision

7.1 The proposed twelve, 180m to tip height turbines located within the administrative boundary of South Lanarkshire are, on balance, 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.

David Booth

Executive Director (Community and Enterprise Resources)

Date: 17 March 2022

Previous References

◆ None

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 2021 (adopted)
- ▶ Consultations

Environmental Services	07.03.2022
Roads Development Management Team	07.06.2021
West of Scotland Archaeology Service	18.10.2021
Crawford and Elvanfoot Community Council	14.06.2021
Roads and Transportation Services Bridges Structures	16.06.2021

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

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, 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. That no turbine, hereby approved, shall be located within 500m of the Sweetsha Rig Lek as identified within the EIA Report. Details of any turbine relocation to meet this 500m distance shall be submitted for the written approval of the Council, as Planning Authority in consultation with NatureScot. Once approved the turbines shall be built in the location as approved.

Reason: In the interests of protection of a lekking site.

05. 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

06. 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.

07. 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 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.

08. At times during which Borrow Pits are operational, then the noise levels shall be restricted to 55dB LAeq (1hr) or background LA90 (1hr) + 10dBA, whichever is the lesser and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, shall be considered as Borrow Pit noise. The level has been derived from PAN 50 Annex A Controlling the Environmental Effects of Surface Mineral Workings Annex A: The Control of Noise at Surface Mineral Workings.

Details of any blasting at borrow pits should be included with a method statement and relevant reports as necessary.

Reason: In the interests of residential amenity

09. The applicant shall ensure that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'. The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 7.00am to 7.00pm, Saturday 7.00am to 1.00pm and Sunday - No audible activity with no audible activity taking place on Sunday, local and national bank holiday - without prior written approval of the Planning Authority.

Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the council as Planning Authority.

Reason: In the interests of residential amenity

10. 1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within the Daer Wind Farm, Environmental Impact Assessment, Chapter 10: Noise (Revision 1232934A of 16/02/2021) as submitted in support of the application, the following noise immissions shall be adhered to-

- 1.1 Cumulative Day Time

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. This is based on the cumulative projections contained within the Daer Wind Farm, Environmental Impact Assessment, Chapter 10: Noise (Revision 1232934A of 16/02/2021) Table 10/12.

- 1.2 Cumulative Night Time

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. This is based on the cumulative projections contained This is based on the cumulative projections contained within the Daer Wind Farm, Environmental Impact Assessment, Chapter 10: Noise (Revision 1232934A of 16/02/2021) Table 10.12 within the context of statement 10.7.5.

1.3 IOA Good Practice Guide Example Condition.

Should the permitted ETSU-R-97 conditions above be apportioned within the format of the IOA Good Practice Guide Example Condition- the proposed noise limits as detailed within Table 10.12 for both daytime and night time.

2.0 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 above shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97. 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.

3.0 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. Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation is considered by the Local Planning Authority to be present in the noise immissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.

Reason: In the interests of amenity

11. 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:
 - (a) be granted in favour of the planning authority
 - (b) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;

- (c) 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.
- (d) 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.
- (e) come into effect on or before the date of commencement of development.

No work shall begin at the site 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: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

12. No development shall commence unless and until the terms of appointment of an independent Environmental Clerk of Works ("ECoW") by the Company have been submitted to and approved in writing by the Planning Authority in consultation. 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 phase.

13. 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.

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.

14. No development shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved by the Planning Authority in consultation with SEPA and NatureScot.

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. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The CEMP shall include, but not be limited to 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 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 NatureScot 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) A description of and measures to mitigate impact on surface water, watercourses, hydrology, and private water supplies.
- (o) 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.

- (p) 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 periods of high rainfall.
- (q) Timing and extent of any necessary re-instatement.
- (r) 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.
- (s) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by Forestry and Land Scotland.
- (t) 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 competent 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.
- (u) 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.
- (v) a site waste management plan

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority in consultation with NatureScot and SEPA.

Reason: To ensure that all works are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIA Report accompanying the application, or as otherwise agreed.

15. No development shall commence unless and until a detailed Peat Management Plan (PMP), addressing all areas to be disturbed by construction, has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The PMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from NatureScot and the Scottish UK wind farm industry. The PMP shall include:

- (a) Detail on how the mitigation proposed in the application documents will be incorporated into the construction activities and incorporate relevant best practice on handling and storage of peat and construction methods designed to minimise impacts on peatland habitats.

- (b) Further peat probing information in areas of infrastructure that has not previously been probed;
- (c) Details of layout and management measures taken to reduce the volume of peat disturbance (including final expected volumes, depth and location of any peat disturbed);
- (d) Updated disturbance and re-use calculations within the site (breaking the peat down into acrotelmic and catotelmic), including a plan showing volumes, location and usage; Details of any disposal of peat proposed, including volumes, detailed disposal proposals and details of how peat usage has been limited to undisturbed ground; and;
- (e) Details of storage and handling of excavated peat, including a plan showing proposed storage areas;
- (f) All works on site must be undertaken in accordance with the approved Peat Management Plan unless otherwise agreed in advance in writing by the Planning Authority in consultation with NatureScot and SEPA.

Reason: In the interests of ensuring the conservation of peat resources.

16. That before any work starts on site, a species protection plan (SPP) for Black Grouse shall be submitted for the written approval of the Council, as Planning Authority in consultation with NatureScot. For the avoidance of doubt the SPP shall contain, but not be limited to, the specific advice contained within their consultation response to the Scottish Government dated 23.07.2021. Once approved, the SPP shall be implemented as such and maintained for the lifetime of the development, hereby approved.

Reason: In the interests of species protection.

17. That no permission is granted for any other route to site for construction materials and turbine delivery. Should any deviation to the approved route be proposed that includes the South Lanarkshire Council public road network this will need the written approval of South Lanarkshire Council, as Planning Authority.

Reason: In the interests of road safety.

18. No development shall commence until a detailed Access Management Plan (AMP) has been submitted to and approved by the Planning Authority. The approved AMP must thereafter be implemented within the timescales set out. The AMP shall be produced in consultation with the Planning Authority's Countryside and Greenspace Service. The AMP shall incorporate and identify the Planning Authority'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 submitted and approved in writing by the Planning Authority and thereafter implemented in full and maintained as such for the lifetime of the development, hereby approved.

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

19. 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 NatureScot.

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 be based on, but not limited to, the habitat management principles outlined within the EIA Report. The finalised HMP shall include additional measures which would directly benefit the area of Class 1 peat. Consideration should also be given to proactive peatland enhancement measure such as restoration of peatland habitat throughout the application 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 NatureScot.

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 and reduce the attractiveness of the site to SPA qualifying species.

20. 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, but not be limited to, a representative of South Lanarkshire Council, NatureScot and the RSPB and shall have powers to propose 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.

21. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

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

22. If one or more turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the Planning Authority, the Company shall by no later than the date of expiration of the 12 month period, submit a scheme to the Planning Authority setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and implement the approved scheme within six months of the date of its approval, all to the satisfaction of the Planning Authority.

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

23. 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.

24. No development shall commence unless and until an outline decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot 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.

25. 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.

26. Each turbine, buildings, compounds, areas of hardstanding, tracks and watercourse crossings shall be erected in the position indicated upon Figure 1.1 Site Layout within Volume 2A EIA Report, 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),
 - (b) Unless otherwise agreed in writing by the Council, as Planning Authority in consultation with SEPA 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
 - take place within the water buffer zones
 - take place within areas of peat of greater depth than the original location
 - take place within the buffers identified for Private Waster Supplies (PWS)
 - take place within 500m of any identified Black Grouse Lek Area.

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

27. That before any work starts on site, detailed drawings of the battery storage element of the proposals shall be submitted for the written approval of the Council, as Planning Authority. Once approved the battery storage element shall be built as such.

Reason: In the interests of visual amenity.

28. In the event that the scheme gives rise to an allegation of shadow flicker within sensitive properties- the applicant shall undertake an assessment of the impact of shadow flicker on properties in the vicinity of the site and shall submit the assessment to the Council, as Planning Authority for approval. Where the assessment identifies a property as being affected by shadow flicker then the assessment shall include measures to mitigate this. Cognisance shall be taken of the Department of Energy and Climate Change document 'Update of UK Shadow Flicker Evidence Base' in undertaking the assessment.

Reason: In the interests of amenity

