

Report

Report to:	Planning Committee
Date of Meeting:	5 May 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1850
Planning proposal:	Installation of 3.2km, 33kv, underground cable and associated infrastructure and substation.

1 Summary application information

Application type:	Detailed planning application
Applicant:	Banks Renewables (Harting Rig Wind Farm) Limited
Location:	Kype Muir Wind Farm Kype Highway Strathaven South Lanarkshire

2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached

2.2 Other actions/notes

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

3 Other information

- ♦ Applicant's Agent: N/A
- ♦ Council Area/Ward: 05 Avondale And Stonehouse
- ♦ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 3 - Green Belt and Rural Area
Policy 4 - Development Management and Placemaking
Policy 15 - Natural and Historic Environment
Policy 17 - Water Environment and Flooding
Policy 19 - Renewable Energy

Supplementary Guidance 1: Sustainable Development and Climate Change

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage Systems

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 2 - Climate Change

Policy 4 – Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy 14 - Natural and Historic Environment

Policy 16 - Water Environment and Flooding

Policy 18 - Renewable Energy

Policy DM1 - New Development

Policy SDCC2 - Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

◆ **Representation(s):**

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

◆ **Consultation(s):**

Environmental Services

WOSAS

SEPA

Scottish Power Energy Networks

SNH

Planning Application Report

1 Application Site

- 1.1 The application site is approximately 21.1 hectares in size and is located within an area of land that will be occupied by Kype Muir Extension which was granted consent by the Scottish Ministers in September 2019. The application site is located approximately 6.5km southwest of Strathaven and 4.5km to the southeast of Drumclog. The site is currently predominantly commercial forestry although part of the application site is land which has previously been used as a construction compound area when building the Kype Muir Wind Farm

2 Proposal(s)

- 2.1 Planning permission is sought for the installation of approximately 3.2km of underground cabling to allow the transmission of electricity generated from the Kype Muir Extension Wind Farm. The application also seeks consent to erect a substation and this would be located in the north eastern portion of the application site next to an existing substation.
- 2.2 Normally, cabling for projects such as wind farms would be classed as 'permitted development' and not require an application for planning permission to be made if carried out by 'statutory undertakers' (Electricity Suppliers) but, in this instance, the developer has applied for planning permission as, whilst they are certificated for carrying out the work, they do not meet the definition of statutory undertakers. Given the pressure on statutory undertakers to connect wind farm development to the grid, the applicant has chosen to apply for planning permission to allow them to move forward with connecting the Kype Muir Extension when built.

3 Background

3.1 National Policy

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

also identifies a number of considerations to be taken into account when determining energy infrastructure developments, including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

3.2 Development Plan Status

3.2.1 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:

- Policy 2: Climate change
- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 15: Natural and historic environment
- Policy 17: Water environment and flooding
- Policy 19: Renewable energy

3.2.2 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 3: Development Management, Placemaking and Design

3.2.3 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

Volume 1

- Policy 2 Climate Change
- Policy 4 Green Belt and Rural Area
- Policy 5 Development Management and Placemaking
- Policy 14 Natural and Historic Environment
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

Volume 2

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

3.3 Planning Background

3.3.1 As noted above, this application is to provide infrastructure to the Kype Wind Farm Extension which has received consent from Scottish Ministers. As part of this

process, South Lanarkshire Council was a statutory consultee to the application and did not object to it (SLC Ref: P/18/1013).

- 3.3.2 Due to its size (being over 2 hectares), this planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community (Ref: P/19/0011/PAN). In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The applicant has, therefore, met the statutory, legislative requirements for pre-application consultation with the community.
- 3.3.3 The application, by nature of its scale and type, falls within the threshold of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. A request for an Environmental Impact Assessment (EIA) Screening Opinion was carried out for the proposals (Ref: P/19/1621). Given the existing consent for the wind farm and as the proposed works involve the installation of cable within this consented site, it was considered that the proposals did not constitute an EIA development. As such, an Environmental Report was not required as part of the planning submission. The wind farm application did, however, include a full Environmental Impact Assessment detailing the potential environmental effects of the wind farm (including infrastructure such as underground cables) and proposed mitigation measures.

4 Consultation(s)

- 4.1 **SEPA** – have no objection to the proposals.
Response: Noted.
- 4.2 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals subject to a suitable condition requiring a suitable programme of archaeological works being required.
Response: Noted. The recommended archaeological condition forms part of this recommendation.
- 4.3 **Environmental Services** – no objections to the proposals but note that, as with any construction project, works should be carried out in relation to BS5228 'Noise control on construction and open sites'.
Response: Noted. If permission were granted an advisory note in relation to BS5228 would form part of any decision notice.
- 4.4 SNH and Scottish Power Energy Networks had no objections or comments to make in relation to the application.

5 Representation(s)

- 5.1 The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours in the East Kilbride News on 22 January 2020.

Following this advertisement, 1 letter of representation has been submitted with the following concerns:-

- a) Ensure all flora and fauna are protected as part of the application. If there is excavation, moles should also be protected.

Response: The application site is within a consented wind farm which required a full Environmental Impact Assessment to be carried out prior to approval. A condition requiring the submission of a Construction Environmental Management Plan would be added to the consent if issued. It is considered that the cabling route and substation would have no additional impact upon the ecology of the site.

- 5.2 This letter has been copied and is available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 The application seeks consent for the provision of underground cabling and a substation to serve the extension to the Kype Muir windfarm. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 6.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore, the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. For the purposes of this report, SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.
- 6.3 National Planning Framework 3 (NPF3) sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”. Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.” The 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). It is considered that, given the proposals are to enable a wind farm to transmit the electricity they will generate, the proposals accord with national policy.

- 6.4 In terms of the adopted South Lanarkshire Local Development Plan, the site is within the rural area where Policy 3 'Green Belt and Rural Area' states that support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location. Policy 3 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. In this case, the proposals are associated with the Kype Muir Wind Farm and extension which have planning consent. It is, therefore, considered the proposals can demonstrate a required need at this specific location.
- 6.5 Policy 2 'Climate Change' of the SLLDP states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. Given the proposed development is ancillary development for the electricity generated from a wind farm and, therefore, benefits carbon reduction, the proposed development is considered to be in accordance with the aims of this Policy.
- 6.6 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The cabling is to be underground and, therefore, will have no impact upon the landscape. The substation building is to be located adjacent to an existing substation building (serving Kype Muir Wind Farm) and, therefore, its visual impact will be negated as it will be viewed in relation to this existing development rather than being a standalone development within the landscape.
- 6.7 Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected natural and historic designations. There are no natural or historic designations within the application site. An Environmental Appraisal was submitted as part of the planning application. It noted that the majority of the cabling would be located within the verges of the access tracks that have been approved as part of the wind farm consent. The original wind farm application carried out a full scale Environmental Impact Assessment for the development including the access roads. It is, therefore, considered that the cabling within the verges of the tracks would have no further impact upon the environment. The remaining cables are located on commercial forestry and on land that fell within the wind farm application. It is considered that the installation of underground cabling would have no further impact upon the environment. The proposed substation building is to be located on land that has already been developed as a construction compound area and therefore it is considered that the proposed building would not have any further impact upon the environment.
- 6.8 The consent for the wind farm requires a Construction Environmental Management Plan to be followed for all construction activities and it is considered that in this instance it would be prudent to mirror this requirement to further minimise the

proposal's impact. It is, therefore, considered that, subject to a CEMP being implemented the proposals accord with this policy.

- 6.9 Policy 17 'Water Environment and Flooding' states that on sites where flooding or surface water may be an issue, development shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 – Flood Risk and SDCC 3 – Sustainable Drainage Systems. After consultation, SEPA had no objections to the proposals. It is, therefore, considered that the proposals comply with the relevant criteria of the Development Plan in this respect.
- 6.10 Policy 19: Renewable Energy states that applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular, the considerations set out at paragraph 169 and, additionally, for onshore wind developments, the terms of Table 1: Spatial Frameworks. The proposals are required to facilitate a large scale renewable energy development (Kype Muir Wind Farm Extension) which benefits from planning permission and are therefore in line with the aims of Policy 19. The proposals are solely for the installation of cabling and a substation building within an already consented wind farm and do not include any wind turbines. It is, therefore, considered there is no further need for the proposals to be assessed against the specific wind turbine criteria within this policy.
- 6.11 In conclusion, the proposed development complies with planning policy and would not be detrimental to the environment. The cabling and substation building are all within the boundary of a consented wind farm and the proposals will ensure transmission of the electricity generated from this windfarm. It is, therefore, recommended that planning permission is granted subject to the imposition of the attached planning conditions.

7 Reasons for Decision

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment subject to the attached conditions. It complies with Policies 2, 3, 4, 15, 17 and 19 of the adopted South Lanarkshire Local Development Plan 2015 and Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design and Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 6 April 2020

Previous references

- ◆ P/18/1013
- ◆ P/19/0011/PAN
- ◆ P/19/1621

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification advert dated 22.01.2020

▶ Consultations

Environmental Services	23.01.2020
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WOSAS	28.01.2020
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SEPA West Region	15.01.2020
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▶ Representations

Dated:

Mr Joe Allan, 94 Franklin Place, East Kilbride, G75 8LS	31.01.2020
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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

Detailed planning application

Paper apart – Application number: P/19/1850

Conditions and reasons

01. That the development hereby approved shall be for 33 years from the date of this decision unless otherwise approved in writing by the Council, as Planning Authority. For the avoidance of doubt, a restoration plan shall be submitted for the written approval of the Council, as Planning Authority, detailing the restoration of the site after this 33 year period and shall be submitted no later than 32 years from the date of decision. Once approved the restoration plan shall be implemented following the end of the 33 year period hereby approved.

Reason: In the interests of maintaining control of the development.

02. No development work shall commence until a Construction Environmental Management Plan (CEMP) including a Peat Management Plan and Ground Water and Surface Water Management Plan has been submitted to and approved by the Planning Authority in consultation with SEPA. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out.

Reason: In the interests of protecting the environment

03. That no development hereby approved shall commence 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. For the avoidance of doubt the archaeological works are only in relation to breaking new ground through track widening or other requirements and the existing access tracks and roads would not be included in any programme.

Reason: In the interests of archaeology.

04. That before any work starts on site, details of all external finishes of the substation control building shall be submitted for the written approval of the Council, as Planning Authority. Once approved all external materials shall be maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of visual amenity.

P/19/1850

Kype Muir Wind Farm, Kype Highway, Strathaven



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Scale:
1:50,000
Date:
08/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development