

Report

Report to: **Planning Committee**
Date of Meeting: **14 May 2019**
Report by: **Executive Director (Community and Enterprise Resources)**

Application no. P/18/1861
Planning proposal: Erection of 15 wind turbines (131m maximum height to tip) access tracks, temporary construction compounds, sub-station and associated works (S42 application to amend condition 1 of Planning Ref CL/12/0042 to increase maximum tip height of 11 of the 15 turbines to 149.9m (Turbines 4,5,6,7,9,10,11,12,13,14 and 15))

1 Summary application information

Application type: Further application

Applicant: Dalquhandy Wind Farm Limited
Location: Dalquhandy Opencast Coal Site
Middlemuir Road
Coalburn
ML11 0NN

2 Recommendation(s)

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

- (1) Approve the planning application subject to Conditions (based on the conditions overleaf)

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Legal Agreement securing:

- A contribution to the Council's Renewable Energy Fund
- The funding of a Planning Monitoring Officer
- Control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

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

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/ developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Legal Agreement.

3 Other information

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

Supplementary Guidance 1: Sustainable Development and Climate Change

Supplementary Guidance 2: Green Belt and Rural Area Appendix 2

Supplementary Guidance 3: Development Management, Placemaking and Design DM1 – Design

Supplementary Guidance 9: Natural and Historic Environment NHE2 - Scheduled monuments and their setting NHE3 - Listed buildings NHE4 - Gardens and designed landscapes NHE5 - Historic battlefields NHE 6 Non-scheduled archaeological sites and monuments NHE7 – Conservation Areas NHE9 - National Nature Reserves and Sites of Special Scientific Interest

NHE10 - Prime agricultural land
 NHE11 - Ancient semi-natural woodland
 NHE15 – Peatlands
 NHE18 – Walking, cycling and riding routes
 NHE19 - Protected species

Supplementary Guidance 10: Renewable Energy

RE1 - Spatial Framework for Wind Energy
 RE2 - Renewable Energy Developments

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 1 Spatial Strategy
 Policy 2 Climate Change
 Policy 5 Development Management and Placemaking
 Policy 13 Green network and greenspace
 Policy 14 Natural and Historic Environment
 Policy 16 Water Environment and Flooding

DM1 New Development
 SDCC2 Flood Risk
 SDCC3 Sustainable Drainage Systems

♦ **Representation(s):**

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

♦ **Consultation(s):**

Prestwick Airport

Coal Authority Planning Local Authority Liaison Dept

CAA

RSPB Scotland

MoD (Windfarms)

Scottish Water

SP Energy Network

NATS

Transport Scotland

Coalburn CC

SNH

Environmental Services

Historic Environment Scotland

Scot Wildlife Trust

TRANSCO Use [Www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk)

Arquiva

British Telecom

Douglas Community Council

Forestry Commission Central Scotland Conservancy

Joint Radio Company

RT Services Traffic And Transportation

WOSAS

Roads Development Management Team

SEPA West Region

Roads Flood Risk Management

Countryside And Greenspace

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 1km west of Coalburn, 3.8km north-west of Douglas and 3.7km south of Lesmahagow in South Lanarkshire. The application site largely comprises the now restored Dalquhandy surface coal mine with the southernmost areas of the site used for commercial forestry. The application site covers an area of 409.2 hectares and generally falls to the north east from a high point at the southern edge of the site of approximately 320m Above Ordnance Datum (AOD). An area of approximately 55 hectares, 13.5% of the total site area, is required to construct the proposed development. It is located within Plateau Farmland Open Cast Mining and Rolling Moorland Forestry, Landscape Character Types.
- 1.2 The site is located on land designated as rural within the Adopted South Lanarkshire Local Development Plan (SLLDP) (2015) and is also located on land defined as a Development High Risk Area by the Coal Authority.
- 1.3 Vehicular access to the site is from an existing private access road which extends from the public road network at the roundabout at Junction 11 of the M74 and runs past the John Dewar bonded warehouse site and on into the restored surface mine area.

2 Proposal(s)

- 2.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition or conditions attached to a previous planning permission.
- 2.2 In this instance, the applicant wishes to vary condition 1 of planning permission Ref: CL/12/0042 (hereon referred to as the Original Permission). Planning permission Ref: CL/12/0042 granted planning approval for 'erection of 15 wind turbines (maximum height to tip 131m), access tracks, substation and associated works'. This application was granted subject to 49 conditions and a legal agreement covering:-
 - Submission of a Bond for the Restoration and Aftercare of the site
 - A package of community benefit including a contribution to the Council's Renewable Energy Fund
 - The provision of an Ecological Clerk of Works
 - The funding of a Planning Monitoring Officer
 - Control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

The Original Permission permitted turbines up to 131m each with an output of approximately 3MW. The installed capacity of the Original Permission wind farm development would be up to a maximum of 45MW.

2.3 Condition 1 of planning permission CL/12/0042 states:-

‘That the development is carried out strictly in accordance with the terms of the application and the accompanying ES and SEI, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.’

2.4 The applicant has requested that condition 1 be amended to read:-

‘That the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Impact Assessment Report, dated December 2018, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.’

2.5 Taking account of the above, the applicant, in summary, is requesting to amend this condition in order to revise the scale of the wind turbines permitted by the Original Permission. The proposed condition, if approved, would amend the Original Permission from 15 wind turbines each with a maximum height to tip of 131m to a development comprising 15 wind turbines, 11 of which would have a maximum tip height of 149.9m (Turbines 4,5,6,7,9,10,11,12,13,14 and 15) and 4 turbines with a maximum tip height of 131m (Turbines 1,2,3 and 8). In essence, this Section 42 application is a request to allow 11 of the 15 turbines to be increased in height from 131m to 149.9m. Turbines 1, 2, 3 and 8 are to remain at the Original Permission maximum height of 131m. As part of this application, it is also requested that Turbine 3 (which would not increase in height) be relocated 50m west of its approved Original Permission location. The position of the other 14 turbines are to remain the same as per the Original Permission.

2.6 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development again but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. As a new planning permission would then be issued for the whole development, any legal agreements attached to the previous permission would not be valid for the new permission and, therefore, a new legal agreement reflecting the new planning permission would be required to be entered into. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

2.7 Therefore, as outlined in paragraph 2.6, whilst this application is to amend a condition on a previous planning permission, it is in essence for the following proposals. A revised planning permission for the erection of 15 wind turbines, 11 with a maximum tip height of 149.9m and 4 with a maximum tip height of 131m

and the relocation of Turbine 3 50m west of its previous location. The proposed wind farm development will comprise the following components:-

- 15 wind turbines and their foundations
- Crane hardstanding areas adjacent to each turbine
- On site access tracks between wind turbines
- Watercourse crossings and drainage
- Sub-station and associated compound
- Temporary construction compounds

- 2.8 The installed capacity of the proposed wind farm development would be up to a maximum of 49.9MW (4MW more than the Original Application). It is anticipated that the development would take approximately 24 months to construct and the wind farm would operate for a further 25 years at which point decommissioning would take place, unless further consent was granted. The proposed wind farm site would be reinstated in accordance with the approved restoration plan.
- 2.9 During the 24 month construction period, personnel would travel to and from the development site by private car, light vehicle or minibus accessed from the M74 at Junction 11 or via B7078. The construction delivery route proposed in the Traffic and Transportation section of the ES is from the M74 Junction 11 or from the B7078. The proposed abnormal load route is from King George V Dock in Glasgow to Junction 11 of the M74 where the site entrance is located at the Poniel roundabout.
- 2.10 It should be noted that the application makes reference to amending other conditions on the permission should the increase in height be acceptable. The proposed amendments relate to ensuring previous conditions are altered to take account of the use of taller turbines in relation to noise levels and micro-siting on site. It is considered that, should the Planning Authority consider the increase in turbine height is acceptable, the full suite of conditions shall be reviewed to ensure that they are still fit for purpose taking into account the increase in height. It is considered the Planning Authority's role is to ensure a competent planning permission is issued and, therefore, any review and further amendment to the conditions will be carried out as part of this assessment rather than the changes proposed by the applicant.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015".

- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 3.1.3 Scottish Government’s Specific Advice Sheet for Onshore wind turbines was last modified on 28 May 2014. It supports the policy in SPP 2010 by providing information and best practice on renewable energy developments. It also gives advice on areas for planning authorities to focus upon, technical information, and typical planning considerations to be taken into account in determining planning applications for onshore wind turbines. This advice is currently being updated in line with SPP 2014.
- 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 Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10, Onshore Energy, requires proposals to accord with local development plans. With regard to this proposal it is noted that the majority of the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development, by its nature, contributes to developing low carbon energy, and its visual, landscape and cumulative impact is assessed below in Section 6 below.
- 3.2.2 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:-
- Policy 2: Climate change
 - Policy 3: Green belt and rural areas
 - Policy 4: Development management and placemaking
 - Policy 15: Natural and historic environment
 - Policy 17: Water environment and flooding

- Policy 19: Renewable energy

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

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Supplementary Guidance 9: Natural and Historic Environment
- Supplementary Guidance 10: Renewable Energy

3.2.4 All these policies and guidance are examined in the assessment and conclusions section of this report.

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

Volume 1

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

Volume 2

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

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

3.3 Planning Background

3.3.1 Planning permission (Ref: CL/12/0042) for the erection of 15 wind turbines (126.5m maximum height to tip) access tracks, temporary construction compound, sub-station and associated works was approved subject to the conclusion of a legal agreement by Planning Committee in January 2015. The legal agreement was concluded by July 2018 with the permission being granted on 30 of July 2018.

- 3.3.2 A non-material variation (P/18/0047/V) to the above permission was approved on 4 October 2018 allowing an increase in maximum tip height from 126.5m to 131m.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Traffic and Transportation)** – no objection subject to replication of the Roads conditions (relating to Traffic Management Plan, Travel Plan, vehicle parking on site, signage, wheel wash facility, Abnormal Loads Route Assessment) that were attached to the Original Permission and an agreement to secure control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

Response: If planning consent is granted, the previous requirements of Roads and Transportation Services can be incorporated into planning conditions and a new legal agreement entered into with the same Heads of Terms. The recommendation requires a new legal agreement (with the same terms as the Original Permission) and replicates the previous Roads conditions.

- 4.2 **Environmental Services** – no objection subject to conditions. Environmental Services recommended conditions in relation to noise, deliveries of materials, operational noise levels (including cumulative noise), construction noise levels, validation testing of noise levels, dust mitigation and complaint investigation.

Response: Noted. If planning consent is granted, appropriate conditions can be imposed to control operations and construction to ensure the works are conducted in a way that minimises noise, pollution and dust to meet the requirements of Environmental Services.

- 4.3 **Transport Scotland** - no objection subject to conditions. The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered, must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

Response: Noted. If planning consent is granted appropriate conditions shall be attached.

- 4.4 **National Air Traffic Services Ltd (NERL Safeguarding)** – no objections subject to the use of conditions 30 and 31 from the Original Permission.

Response: Noted. These conditions would be replicated on the new permission, if approved.

- 4.5 **Defence Estate Organisation (MOD)** – no objection. As part of the Original Permission, the MOD required conditions to be attached to the planning permission regarding information to be provided to the MOD; and in the interests of air safety the MOD requests that the turbines are fitted with aviation lighting. The MOD have no objections to the proposals subject to the replication of these conditions.

Response: If approved, the MOD conditions would be replicated on the new permission, if approved.

- 4.6 **Scottish Environmental Protection Agency (SEPA)** – no objections subject to replication of the condition requiring a Construction Environmental Management Plan to be submitted prior to development commencing.
Response: Noted. This condition would be replicated on the new permission, if approved.
- 4.7 **Scottish Natural Heritage (SNH)** – no objection. SNH are content with the findings of the EIA Report subject to the mitigation measures being conditioned to any planning permission and the replication of the requirement of a 50m buffer zone between each turbine and any woodland.
Response: Noted. Conditions requiring the implementation of all the mitigation measures within the EIA report form part of this recommendation and the 50m woodland buffer zone from the Original Permission has been replicated.
- 4.8 **The Coal Authority** – no objection subject to a condition requiring site investigation works prior to commencement of development. The Coal Authority considers that the content and conclusions of the Mining Risk Assessment Report are sufficient for development on land falling within the defined 'Development High Risk Area'. In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings or identify the need for mitigation works to ensure the safety and stability of the proposed development, these require to be undertaken prior to commencement of development.
Response: Noted. Any consent granted shall be subject to an appropriate condition.
- 4.9 **Scottish Water** – no objection. The response provided detailed advice for the applicant regarding Scottish Water assets
Response: Noted. The applicant has received the detailed advice.
- 4.10 **Historic Environment Scotland** – no objection and are content that the impacts would not raise issues of national significance and would not warrant an objection.
Response: Noted. Historic Environment is assessed in paragraphs 6.5.11 to 6.5.12 and 6.5.18 to 6.5.19 below.
- 4.11 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals subject to the replication of the Original Permission's archaeological condition.
Response: If approved, the archaeological condition would be replicated on the new permission.
- 4.12 **Glasgow Prestwick Airport** - no objection, the turbines are terrain shielded from the Primary Radar and therefore will not create any radar issues.
Response: Noted.
- 4.13 **Forestry and Land Scotland (formerly Forestry Commission (Scotland))** – no objections to the proposals subject to the replication of the Original Permission's replanting condition.
Response: If approved, the replanting condition would be replicated on the new permission.

4.14 **Joint Radio Company**– no objections. No radio links to be affected by the proposals.

Response: Noted.

4.15 **SP Energy Networks** – no objections to the proposals but note that they have apparatus within the vicinity and reserve the right to protect and/ or deviate their cable/ apparatus at the applicant's expense if required.

Response: Noted. This would be a matter between SP Energy Networks and the applicant if any issue arose.

4.16 The following consultees had no comments to make on the proposed amendments:-

Arqiva
BT
CAA
Transco
Roads Flood Risk Management
Countryside and Greenspace
Scottish Wildlife Trust
RSPB Scotland
Coalburn Community Council
Douglas Community Council

5 Representation(s)

5.1 Statutory neighbour notification was undertaken and the proposal was advertised in the Lanark Gazette (9.01.2019) and the Edinburgh Gazette (11.01.2019).

5.2 No representations have been received following the neighbour notification or advertisements.

6 Assessment and Conclusions

6.1 **Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended**

6.1.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 42 of the Act states that:

'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.'

6.1.2 Consideration of this type of application, therefore, does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent and whether it is acceptable to amend or delete as requested. Whilst in essence this is an application to vary condition(s) on the existing permission if granted, the process requires a new, stand alone planning permission to be issued for the original development but with a new suite of conditions, including all those still thought to be relevant as well as the varied condition(s). However, it is noted that the nature of the legislation would require all conditions to be revisited as they may be linked or connected to these specific condition(s). Should the proposed amendment to the condition(s) not be

acceptable, a Section 42 application is to be refused but without affecting the status of the original permission.

6.1.3 The main matters for consideration are, therefore, whether the proposed amendment to the condition proposed would undermine the reasons for the original conditions or the Development Plan position; and if it is considered this Section 42 application does undermine either of these, whether there are material considerations which would outweigh this to allow permission to be granted.

6.1.4 The request to amend condition 1 (in essence to allow a revised planning permission for the erection of 15 wind turbines, 11 with a maximum tip height of 149.9m and 4 with a maximum tip height of 131m and the relocation of Turbine 3, 50m west of its previous location) of the Original Permission is assessed below.

6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997

6.2.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and its associated Supplementary Guidance. As noted in 3.2.5 above, 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 (LDP2) is now a material consideration. Again, it is noted that LDP2 is only referenced if there is a change in policy context from the Approved SLLDP.

6.2.2 Whilst this Section 42 application seeks to amend a planning condition, the proposals are in essence for the erection of 15 wind turbines (11 with a maximum tip height of 149.9m and 4 with a maximum tip height of 131m) and associated infrastructure to replace an approved scheme of 15 smaller wind turbines (with a maximum tip height of 131m). The main issues in determining the application are whether the amended proposals continue to comply with National and Development Plan Policy and the implications of the amended scheme in terms of landscape and visual impact, cumulative impact, impact on the water environment, aviation and defence, ecology, ornithology, residential amenity and communities and traffic and road safety.

6.3 National Planning Policy and Guidance

6.3.1 In relation to planning policy guidance, the proposal can be assessed as follows.

6.3.2 NPF 3 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”. SPP Policy Principles (page 9) state that there will be “a presumption in favour of development that contributes to sustainable development.” At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer

term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169). SPP also requires planning authorities to prepare supplementary guidance and set out a spatial framework for onshore wind farm developments. The considerations set out in SPP at paragraph 169 and the Council’s approved SG Renewable Energy 2016 are assessed at section 6.4 below.

6.3.3 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises distinct areas into groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes areas described as ‘community separation for consideration of visual impact’ and is relevant to this proposal. SPP indicates that this represents an area not exceeding 2km around settlements. This distance, however, is to be determined by the planning authority based on landform and other features which restrict views out from the settlement. Visual impact, including the impact on settlements, is assessed at paragraphs 6.5.37 to 6.5.45. 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 6.4 and 6.5. 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, the principle of development being established by the Original Permission and for the reasons set out in sections 6.4 and 6.5, it is considered the proposed development accords with SPP.

6.4 Glasgow and Clyde Valley Strategic Development Plan 2017

6.4.1 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10, Onshore Energy, requires

proposals to accord with local development plans. With regard to this proposal, it is noted that the majority of the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development, by its nature, contributes to developing low carbon energy, and its visual, landscape and cumulative impact is assessed below in Section 6 below. Consequently, it is considered that the proposal accords with Policy 10 of Clydeplan, and is subject to detailed consideration against the terms of the Local Development Plan. This is dealt with in the following section.

6.5 Adopted South Lanarkshire Local Development Plan 2015

- 6.5.1 In the Adopted South Lanarkshire Local Development Plan (SLLDP) 2015, there are five policies and associated supplementary guidance relevant to this proposal which relate to climate change, the rural area, natural and historic environment, water environment and renewable energy. The SLLDP's 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.'
- 6.5.2 Policy 2: Climate change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources, (vii) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks.
- 6.5.3 Taking into account the contribution of up to 49.9MW of renewable electricity that would be generated by this proposal (an increase of 4MW from the previous capacity of the Original Permission) and the assessment at paragraphs 6.5.22 to 6.5.45 and 6.5.35 to 6.5.36 respectively on the above matters, it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change.
- 6.5.4 Policy 3: Green Belt and rural area, this states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. The proposal is located within the rural area. SG 2: Green Belt and rural area lists in Appendix 2 renewable energy as an appropriate use within this area and refers to the SG Renewable Energy, and SG Sustainable Development and Climate Change for further guidance. Sustainable development and climate change has been assessed above and the guidance set out in the Proposed SG Renewable Energy is assessed at section 6.5.29 to 6.5.71 below.
- 6.5.5 It is considered that the principle of the development has already been deemed acceptable within the Rural Area and the proposed alterations to the planning conditions have no further implications for the countryside strategy set out within the Development Plan.
- 6.5.6 SLLDP Policy 4 'Development Management and Placemaking' states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. It is concluded elsewhere

in the report that the proposals would have no adverse impact on any of these features. The site is located on land defined by the Coal Authority as a 'Development High Risk Area' due to its legacy of underground coal mining in the area. A Mining Risk Assessment was submitted and, following agreement from the Coal Authority, approved as part of the Original Permission subject to a condition requiring intrusive site investigations as part of the development proposals. Again, a Mining Risk Assessment has been submitted as part of this application and been agreed by the Coal Authority subject to a replication of the site investigation condition. This condition would be replicated if approval were granted.

- 6.5.7 It is, therefore, considered that the application meets this criteria of the development and further assessment of the proposed amendments impacts on landscape character, built heritage, habitats and species, biodiversity, protected species, amenity, and water environment is undertaken throughout the remainder of Section 6.5 of this report.
- 6.5.8 Policy 15, Natural and Historic Environment, assesses all development proposals in terms of their effect on the character and amenity of the natural and built environment. Policy 15 seeks to protect important natural and historic sites and features as listed in Table 6.1 of the SLLDP from adverse impacts resulting from development, including cumulative impacts. Each of the natural and historic environment designations are assessed in turn below.
- 6.5.9 Policy 15 states that, in Category 1 areas, development which could affect Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) 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 a designated area and the Muirkirk and North Lowther SPA and Muirkirk Uplands Site of Scientific Interest (SSSI) are located approximately 4.7km to the south and west of the application site and are designated for their breeding populations of peregrine falcon, hen harrier, golden plover, short eared owl and merlin. The EIA Report submitted as part of the application identifies that birds recorded on the application site are not directly connected to the Muirkirk and North Lowther SPA or any other specially protected sites in the area. SNH concur and confirm that they do not anticipate any direct or indirect effects on nationally or internationally important natural heritage sites. It is therefore considered that the proposal would not affect Category 1 designations.
- 6.5.10 Policy 15 states that, in Category 2 areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of further policy and guidance provided in the SG on the Natural and Historic Environment.
- 6.5.11 SG Natural and Historic Environment contains a number of policies on the historic environment covering category 2 national designations (Category A listed buildings and their setting fall within this designation) and includes:-
- Policy NHE 2 Scheduled Monuments and their setting states that developments which have an adverse effect on scheduled monuments or

their settings shall not be permitted unless there are exceptional circumstances.

- Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and not diminish its interest.
- Policy NHE 4 Gardens and designed landscapes aims to protect the quality and historic integrity of designed landscapes and avoid damage to their special character.
- Policy NHE 5 Historic battlefields requires development to take cognisance of the battlefield and demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site.

6.5.12 The EIA Report submitted with the planning application contains a cultural heritage assessment for the amended proposals. This assessment also draws on the previous assessment carried out as part of the Original Permission Application. There are no scheduled monuments, listed buildings or Inventory Gardens and Designed Landscapes (GDL) within the application site but the assessment took in a 20km radius from the site boundary. The cultural heritage assessment concluded that there would only be effects of minor significance on any cultural heritage asset within 20km of the application site. Historic Environment Scotland have also reviewed the cultural heritage assessment and have stated that they are content with it and that they do not object to the application. WOSAS have no objections to the proposals subject to the replication of the requirement by condition on the Original Permission for the further approval of an archaeological scheme of works. It is considered that this requirement is still valid and should be replicated on any new permission. It is therefore considered that the proposed amendments would accord with the relevant criteria of the Development Plan in this regard.

6.5.13 Other policies within SG Natural and Historic Environment that relate to category 2 national designations are Policies NHE 9, NHE 10 and NHE 11. Policy NHE 9 states that development which affects a Site of Special Scientific Interest (SSSI)/National Nature Reserve will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. Coalburn Moss SSSI and Birkenhead Burn SSSI are within 5km of the application site. Coalburn Moss SSSI lies approximately 2.2km north east of the application site and is designated for its raised bog. Birkenhead Burn SSSI lies approximately 2.5km north-west of the application site and is designated for its vertebrate fossil-bearing rocks. It is considered that an increase in turbine height would have no impact upon the qualifying interests of these designations. It is considered that the proposed development complies with SG Natural and Historic Environment policy NHE 9.

6.5.14 Policy NHE 10 requires the protection of prime agricultural land and also land of lesser quality that is locally important. The application site does not contain any prime agricultural land as identified in SLLDP Strategy Map, therefore Policy NHE 10 is not relevant.

6.5.15 Policy NHE 11 states that development proposals that involve the loss or fragmentation of areas of ancient semi-natural woodland (categories 1a and 2a on SNH Ancient Woodlands Inventory) will only be supported where any significant adverse effects are clearly outweighed by social or economic benefits of national importance. The proposal will not result in loss or fragmentation of areas of ancient semi-natural woodland identified in the SLLDP Strategy Map, therefore Policy NHE11 is not applicable.

6.5.16 SG Natural and Historic Environment contains guidance on the water environment under category 2 national designations and refers to Policy 17 of the SLLDP. The impact of the proposed development on the water environment has been assessed in terms of Policy 17 at paragraphs 6.5.22 to 6.5.23 below. Given these assessments, it is considered that subject to mitigation measures the proposal would not affect Category 2 designations.

6.5.17 In Category 3 areas, development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. Where possible, any development proposals which affect natural and historic designations should include measures to enhance the conservation value of the site affected. The Category 3 local designations are taken in turn below with further policy and guidance provided in the SG Natural and Historic Environment.

6.5.18 SG Natural and Historic Environment contains the following policies on the historic environment under category 3 local designations. (Category B and C listed buildings and their setting fall within this designation):

- Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and ensure that proposals will not diminish its interest.
- Policy NHE 6 Non-scheduled archaeological sites and monuments requires these assets to be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.
- Policy NHE 7 Conservations areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.

6.5.19 As noted in 6.5.12 above, there are no listed buildings within the application site. Category B and C listed buildings were included in the cultural heritage assessment and as previously noted it was concluded that the proposed amendments would not have any impact upon any cultural heritage assets within a 20km radius of the site. The proposed amendments are, therefore, considered to comply with SG Natural and Historic Environment policies NHE 3, NHE 6 and NHE 7.

6.5.20 Special Landscape Areas (SLA) are included within category 3 local designations under Policy 15 of the SLLDP; and the SG Natural and Historic Environment contains further guidance on SLAs and the wider landscape. There are 3 SLAs within 10km of the application site. The Douglas Valley SLA is the nearest and is located approximately 1.1km to the south of the site. Further afield are the Middle

Clyde Valley SLA and Upper Clyde Valley and Tinto SLA, approximately 6km to the north-east of the site and approximately 8.6km to the east of the site respectively. The application site is not located within an SLA. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the EIA Report. The LVIA concluded that the proposals would have minor/moderate or negligible effects on the surrounding SLAs. The LVIA notes that there is an extant permission for 15 turbines up to 131m in height and, therefore, as with any Section 42 application, any landscape assessment has to be taken in the context of the difference in impact between the 131m height and the increased 149.9m height rather than assessing a blank landscape. Landscape and Visual Impact is assessed in more depth below at paragraphs 6.5.37 to 6.5.45 below.

6.5.21 Policy NHE 15 in the SG Natural and Historic Environment (category 3 local designations) states that development on undesignated peatland will only be supported where any significant adverse effects are clearly outweighed by significant social or economic benefits. It adds that renewable energy development will be assessed on the basis of the specific guidance on peat contained in the Renewable Energy Supplementary Guidance. The site is a restored coal mine and is, therefore, predominantly previously developed ground with little peat at depth in the site. A Construction Environmental Management Plan (CEMP) is required by condition on the Original Permission and one aspect of this CEMP would be to carry out peat surveys prior to construction in case there is unidentified peat deposits within the site. Replication of this condition on any new permission would be required and therefore forms part of the recommended suite of conditions below. SEPA have stated that they have no objections to the proposals subject to the replication of the CEMP condition.

6.5.22 Policy 17: Water environment and flooding states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. SG Sustainable development and climate change contains guidance on the water environment, and the water environment falls under category 2 national designations within Policy 15 of the SLLDP. As with the peat management outlined in 6.5.21 above, the Original Permission has a condition requiring the preparation of a CEMP, which would include surface water pollution prevention measures, peat management, and construction method statements as part of it. Thereafter the CEMP has to be approved by the Planning Authority in consultation with SEPA and implemented during construction, operation and decommissioning. SEPA are satisfied that the proposed increase in turbine height would have little difference on the ground in relation to water courses and Groundwater Dependent Terrestrial Ecosystems (GWDTE) in comparison to the Original Permission and therefore do not object subject to the replication of the CEMP condition. As noted in 6.5.21 above, replication of the CEMP condition forms part of this recommendation.

6.5.23 On the basis of the above assessment, it is considered that subject to conditions the proposal complies with Policy 17 Water environment of the SLLDP.

6.5.24 Policy 19: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular the considerations set out at paragraph 169 and additionally for onshore wind developments the terms of Table 1: Spatial Frameworks. The policy also requires the Council to produce statutory supplementary guidance which accords with SPP. The Council has now published its approved SG on Renewable Energy (SG10). The proposed development will be assessed against Table 7.1 Assessment checklist for wind energy proposals of SG10, which includes the Spatial Framework and the principles set out in paragraph 169 of SPP. Each is taken in turn below.

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

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

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

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

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

6.5.26 National and international designations have been previously assessed at paragraphs 6.5.8 to 6.5.15 and it is considered that subject to conditions there are no adverse effects on national and international designations. Other nationally important mapped environmental interests include areas of wild land as shown on the 2014 SNH map of wild land areas and carbon rich soils, deep peat and priority peatland habitat. There are no areas of designated wild land within South Lanarkshire. SNH has prepared a consolidated spatial dataset of carbon-rich soil, deep peat and priority peatland habitats in Scotland derived from existing soil and vegetation data. There are no areas of carbon rich soils/peatland within the site boundary of the proposed development. The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact. This is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. The 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area. There is one settlement (Coalburn) within 2km of the application site. The settlement boundary of Coalburn has not changed

substantially since the Original Permission and therefore was within 2km of the wind farm site during the assessment of the Original Permission. There therefore has not been any change in circumstances that would require a reassessment of the principle of the development in relation to this Section 42 application in relation to this criteria. The assessment, therefore, again rests solely on the acceptability of the height increase of the 11 turbines. Landscape and Visual Impact is assessed in detail at paragraphs 6.5.37 to 6.5.45 below.

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

6.5.28 Policy RE2 Renewable Energy Development replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Therefore the development proposals are collectively assessed against the criteria of both policies at paragraphs 6.5.29 to 6.5.71 below. On the basis of the assessment below, it is considered that subject to conditions and mitigation measures being implemented, the proposed amendments to conditions comply with Policies RE1, RE2 and Group 3 of the Spatial Framework as set out in SPP.

6.5.29 The Table 7.1 criteria is taken in turn as follows;

6.5.30 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.5.8 to 6.5.15 and it is considered that subject to conditions there are no adverse effects on national and international designations.

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

This has previously been assessed in paragraphs 6.5.20 and again in 6.5.26.

6.5.32 Community separation for consideration of visual impact.

This is examined in detail in paragraphs 6.5.44 to 6.5.45 below.

6.5.33 Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Section 11 of the EIA Report presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development still represents a major investment in South Lanarkshire and has the opportunity to deliver a range of positive economic impacts through construction and operation. It also notes that taller turbines would have a larger output in MW than the Original Permission which would increase community benefit payments which are based on electricity generated.

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

It is considered that turbines with an increased electricity generating capacity would create more renewable energy than the Original Permission. The proposed increase in height does not require the additional loss of any trees (carbon absorption) or disturbance of large depths of peat (carbon sinks) which again minimises the carbon footprint of the development.

6.5.35 Effect on the natural heritage, including birds - Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats.

This criterion, in line with Policy NHE19 in the SG Natural and Historic Environment, states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. Protected species surveys have been carried out on the site and are contained within Chapter 5 of the EIA Report. No ecological change was found from the surveys of the Original Permission and it is considered that the previous mitigation conditions would still be fit for purpose including the requirement for a Habitat Management Plan (HMP) and a Habitat Management Group (HMG). The increased height of the turbines has also been taken into account in terms of potential additional impact upon birds and bats. The EIA Report concludes that in relation to birds there will be no significant, additional impact. With regard bats, the increased height is not considered to have any impact on their roosting or habitats. The Original Permission required a 50m buffer zone between all turbines and woodland to protect potential bat roosts within the trees. Since the Original Permission, new woodland has been planted resulting in the original position of turbine 3 (T3) being within 50m of woodland and, therefore, it is required to be moved a further 50m west of its original position to ensure that there is still an adequate distance from any woodland. It is considered that this new position is acceptable and allows replication of the condition requiring a buffer of at least 50m between any turbine and woodland. It should also be noted that T3 is one of the turbines that is not to be increased in height and therefore moving it 50m is not considered to require any further visual assessment. SNH have no objections to the proposals subject to the replication of all ecological mitigation conditions from the Original Permission. These conditions form part of the recommendation of approval of this application. On the basis of the above assessment, it is considered that subject to conditions and mitigation measures the proposed amendments to conditions accord 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 and Policy NHE19.

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

As noted above, the Original Permission required, through a planning condition, the submission of a HMP on the basis that potential impacts on biodiversity over the proposed wind farm's lifetime could be mitigated through the preparation and implementation of an approved HMP. It is considered that this condition would be replicated on any new planning permission if issued.

6.5.37 Landscape and visual impacts

It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. First the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Secondly the visual impact is assessed followed by the impact on visual residential amenity. The assessment takes into account cumulative impacts. SPP makes reference to wild land which is a consideration when assessing landscape impacts. There are no areas of designated wild land within South Lanarkshire and there will be no impact on areas of wild land outwith South Lanarkshire from the proposed development.

6.5.38 As previously noted, this is a Section 42 application to amend/ vary conditions attached to a planning permission. The landscape and visual assessment is therefore not solely related to the impact of a scheme for 11 No. Turbines at a maximum height of 149.9m and 4 at 131m but is instead an assessment on the impacts the increase in height of 11 turbines would have compared to the previously approved Original Permission (15 No. Turbines with a maximum height of 131m); and whether the proposed amendments would result in additional significant, adverse visual effects that would not allow an amended permission to be issued. Section 7 of the EIA Report contains an LVIA of the proposed amended scheme

6.5.39 The restoration of the application site's former land use as an opencast mine has resulted in the creation of a landscape which predominately comprises an open landscape of regenerating grassland. An area of commercial plantation woodland extends across the southern sector of the application site. The proposed development is located within Rolling Moorland Forestry and Plateau Farmland Opencast Mining landscape character types (LCT) as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). The majority of the site (approximately two thirds) is located within the Plateau Farmland Opencast Mining LCT. The key characteristics of this LCT are an extensive, gently undulating landform with a dominance of pastoral farming with limited and general tree cover. The LCA recognises this LCT has recently become dominated by extensive wind farm development which has led to significant changes in views from the farmlands. The LCA establishes a number of guidelines for this LCT, including discouraging the erection of wind turbines in prominent locations, particularly adjacent to lower ground, and instead favour areas where turbines would be provided with a backcloth to reduce their visual and landscape impacts.

6.5.40 The remaining third of the application site is located within the Rolling Moorland Forestry LCT. The key characteristics of this LCT are a distinctive upland character created by rolling or undulating landform and moorland vegetation. The LCA establishes guidelines for this LCT including, locating developments away from prominent ridgelines and skylines to again provide turbine development with a backcloth to reduce their visual impact.

6.5.41 The application site is located within an area that, including the Original Permission, has been deemed suitable for wind farm development with several operational, under construction and approved wind farms located within a 5km radius of the site. To the west of the site are the Nutberry and Cumberhead wind farms. To the south, running east to west are the wind farms of Galawhistle, Hagshaw Hill and extension, and Douglas West. With the exception of the original Hagshaw Hill wind farm which is reaching the end of its 25 year lifetime all the turbines are between 75m to 150m. A cumulative study has, therefore, been included within the LVIA assessing the proposed increase in height in relation to the surround wind farms.

6.4.42 The LVIA states that the Original Permission was considered to result in a direct significant effect on the LCTs within which the site is located. However, the sense of openness experienced across the wider landscape area would not be greatly altered by the introduction of turbines in this proposed location. The LVIA states that the proposed amendments to the Original Permission, therefore, do not diminish this direct significant effect but do not increase it to any significant degree. The LVIA considers that within this context the proposed amendment to conditions would not lead to a development that would diminish the overall scale of the local landscape, although in the immediate vicinity of the turbines the presence of the turbines would be clearly dominant, but again not to any degree of scale that would be significantly different from the Original Permission. SNH are content with the findings of the LVIA and whilst noting that the development would have a significant landscape impact they appreciate that it is unlikely that any wind farm development would not have a significant landscape impact in any landscape area. They are aware that the main impact is from the Original Permission and not a result of any proposed increase in height. SNH, therefore, do not object to the proposals.

6.5.43 It is, therefore, considered that, whilst increasing the visibility of 11 of the 15 turbines by increasing their height, the proposals would not alter the landscape impact the Original Permission has on the landscape. The open nature of the application site is minimised in that it rises to the rolling moorlands which creates a background and backcloth in which to frame turbines within the application site. The increase in height does not remove this backcloth to the turbines and even at an increased height they would still be in scale of the rolling moorland. The turbines positions, excepting the T3 minor alteration, are not to change from the Original Permission which ensures that they are still read as a single wind farm within a larger, extended area of wind farm development and the topography of the surrounding area ensures that an increase in height of 18.9m would not result in these turbines dominating the area or being overly prominent in relation to the other wind farms. It was acknowledged that there would be a significant impact on the immediate landscape character from the Original Permission. However, taking account of the Original Permission and having regard to the presence of operational wind farms in the current landscape and those consented, it is considered that, in this context, the proposed amendments to condition 1 would not create an unacceptable impact on the landscape character, in relation to the Original Permission.

6.5.44 The visual impact and cumulative visual impact of the proposed amendment to condition 1 is assessed in the LVIA. A detailed viewpoint assessment of the operational effects of the proposal is presented in Section 7.10 of the EIA Report. There is one settlement (Coalburn) within 2km of the proposed turbines. As stated at paragraph 6.5.26, developers are required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation.

6.5.45 The application site is located 0.9km west from Coalburn with the nearest turbine being approximately 1km from the nearest residential properties. It should also be noted that planning permission currently exists for a residential development south of Middlemuir Road in Coalburn, named, Gunsgreen. The closest proposed turbine is 800m from the consented residential development. This consent has been taken into account in assessing the impact of the proposed amendments to conditions in terms of visual impact, noise, amenity and shadow flicker. Turbines 1, 2 and 3 are located on the eastern portion of the site and are the closest to the settlement. Given this proximity to Coalburn the proposed increase in height has not been requested for these turbines and they would remain unaffected and in line with the Original Permission with the exception of the location of T3 which as noted in 6.5.35 above is to be moved 50m west of its original position which takes it slightly further away from Coalburn. Turbine 8 is also to remain the same height as the Original Position and this is again to minimise the proposed site's visual impact on residential properties to the west of the site (Stockhill Farm). It is considered that these 4 turbines would be the ones assessed as having the most visual intrusion to Coalburn and Stockhill Farm. Their impact will therefore be no different to that of the Original Permission and it is considered that this is acceptable given their locations. With regard the remaining turbines, it is considered that given their location further west of Coalburn and south east of Stockhill Farm, they are at a distance where the increase in height would not have an immediate and dominating effect on this settlement and residential property. It is considered that in the open landscape with the backdrop of rolling moorland the increase in height would not have a further significant effect in visual amenity term than that of the Original Permission. It is therefore considered that the level of visual effect from the proposed amendments to conditions has not altered from the Original Permission and therefore is deemed acceptable in this instance. Taking into account the above assessment at paragraphs 6.5.37 onwards, the assessment in the EIA Report, SNH comments and the existing operational and consented developments, as well as the context of the impact of the Original Permission, it is considered that in terms of landscape and visual and cumulative effects the amendments to conditions are acceptable.

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

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

The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of Table 7 of SG. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraph 6.5.45 above.

6.5.48 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the EIA Report. The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and consider appropriate conditions can be attached which require the noise limits to be validated, if consent is granted to ensure the required levels are met. In addition a suitable condition will be attached, if approval is granted, to address the required procedure in the event of there being a noise complaint from the proposed development. Shadow flicker is assessed at section 10 of the EIA Report. With the increase in turbine height and blade length an additional 4 residential receptors (from the original 4) fell within the new study area of the assessment. The Gunsgreen housing development was included as a receptor as it may be built in the near future. The shadow flicker analysis within Chapter 10 of the EIA report modelled potential shadow flicker based on 10 rotor diameters from each of the proposed turbines and within 130 degrees either side of north. The results of the flicker analysis showed that the maximum potential occurrence of flicker was to Stockhill Farm where the effect amounts to approximately 13 hours per year or a maximum of 10 minutes per day which falls within the accepted limits for shadow flicker (either 30 minutes a day or less than 30 hours per year). The assessment does not take into account consideration of any local screening from vegetation, blinds or curtains, or window orientation relative to the turbines that would further minimise shadow flicker. The residential receptors are mainly orientated with the main living areas facing an easterly, westerly or northerly direction and therefore are not directly towards the proposed turbines. There are also small areas of woodland between the proposals which will reduce further the potential for the receptors to experience shadow flicker. Taking account of the above, effects from shadow flicker are considered not to be significant. Nevertheless it is considered that where shadow flicker is found to cause a nuisance, mitigation measures should be implemented in order to reduce its occurrence. Therefore if planning consent was granted an appropriate condition should be imposed to control this matter.

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

This consideration set out in criteria 2 of Table 7 of SG Renewable Energy and SPP has previously been assessed in paragraphs 6.5.20, 6.5.26 and again in 6.5.34.

6.5.50 Impact on Public Access.

This consideration set out at criteria 12 of Table 7 of the SG Renewable Energy aligns with Policy 15 Natural and Historic Environment of SLLDP and Policy NHE 18 in the SG Natural and Historic Environment which contains guidance on core paths and rights of way. The Original Permission required the creation of an access management plan to ensure the creation of walking routes through the wind farm site. The increase in turbine height does not preclude creating access paths through the site and it is considered appropriate to replicate this requirement to ensure that the development still provides suitable public access. It is considered that subject to conditions the proposed development accords with the consideration set out at criteria 12 of Table 7 of the SG Renewable Energy.

6.5.51 Impacts on the historic environment.

This consideration set out at criteria 13 of Table 7 of the SG Renewable Energy has previously been assessed under Policy 15 Natural and Historic Environment of SLLDP at paragraphs 6.5.11 to 6.5.12 and 6.5.18 to 6.5.19. On the basis of the above assessment it is considered that subject to conditions the proposed development accords with the consideration set out at criteria 13 of Table 7 of the SG Renewable Energy.

6.5.52 Impacts on tourism and recreation.

The EIA Report assesses the likely effects of the proposed amendments to conditions on tourism and recreation in Chapter 11. The assessment in the EIA Report concludes the proposed development would not generate any significant adverse effect on any of the tourist and recreational assets. The New Lanark World Heritage Site and Falls of Clyde Visitor Centre and Wildlife Reserve are national and regional attractions located approximately 12km from the application site. It is considered that the overall effect of the proposed amendment to condition 1 on these attractions would not be significant. There are a number of walking routes within the area however it is considered that due to the existing wind farms in the area that there is already a high expectancy for walkers or cyclists visiting the area to see a wind farm. Therefore the proposed amendment to condition 1 is not considered to be significant in this respect. Overall the effects are considered not to be significant on tourism and recreation. Having taken account of and considered the above, it is concluded that overall the effects on tourism or recreation, would not be significant and subject to conditions the proposed development accords with the consideration set out at criteria 14 of Table 7 of the SG Renewable Energy.

6.5.53 Impacts on aviation and defence.

The EIA Report in Chapter 12, assesses what the potential impact of the proposed amendment to condition 1 may be on radar and defence systems within the vicinity of the site. NATS Safeguarding has no objections to the proposed amendments to conditions subject to the replication of their conditions from the Original Permission. The Ministry of Defence (MOD) does not object to the proposals subject to the replication of their conditions from the Original Permission. On this basis it is considered that a technical solution is established with NATS and MOD and appropriate conditions can be attached if planning consent is granted. Therefore, it is considered that subject to these conditions the proposed development accords with the consideration set out at criteria 15 of Table 7 of the SG Renewable Energy.

6.5.54 Impacts on transmitting or receiving systems.

Chapter 12 of the EIA Report assesses the potential impact of the proposed amendments to conditions on telecommunications. Any adverse effects with regard to television and radio interference, as a direct effect of the proposed development, can be resolved through technical solutions. Appropriate conditions shall be attached if consent is granted. Taking account of the above and having considered the conclusions in the EIA Report, the proposed development accords with criteria 16 of Table 7 of the SG Renewable Energy.

6.5.55 Impact on road traffic and on trunk roads.

The EIA Report in Chapter 13 provides an analysis of the proposed amendment to condition 1 with respect to the potential impact it may have on the road network. The assessment concludes that with the increase in turbine size the abnormal loads route approved under the Original Permission is still fit for purpose. The proposed route for turbine delivery is to use the M74 motorway, exiting at junction 11, then exiting the Poniel interchange western roundabout on to the existing Dalquhandy private access road leading to the proposed site; and the construction traffic accesses the site from the north via M74 Junction 11 and from the south Junction 12 of the M74 via a short stretch of the B7078 to Junction 11. Roads and Transportation Services therefore has no objection subject to a replication of the conditions and legal agreement that were attached to the Original Permission. On the basis of the above, it is considered the proposed development complies with criteria 17 of Table 7 of the SG Renewable Energy.

6.5.56 Impacts on hydrology, water environment and flood risk

This consideration covers criteria 18 of Table 7 of the SG Renewable Energy. The water environment and flooding under Policy 17 of SLLDP has been assessed at paragraph 6.5.22 to 6.5.23 above. On the basis of the above assessment, it is considered that subject to conditions and mitigation measures the proposed development accords with the consideration of effects on hydrology, the water environment and flood risk.

6.5.57 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust; and any consent granted will require a decommissioning and restoration condition attached. The EIA Report sets out a brief summary of the decommissioning proposals which includes all components being removed from site and disposed of and/or recycled as appropriate, and in accordance with regulations in place at that time. If required, exposed parts of the concrete turbine foundations would be ground down to below sub-soil level with the remaining volume of the foundations left in situ. The turbine base area and crane pads would be returned to their original appearances unless further consents were granted. If consent is granted conditions shall be attached requiring that a decommissioning and restoration plan is submitted to the Council no later than 24 months prior to the end of consent and a condition to secure a decommissioning bond that satisfies the Council's requirements. On the basis the above requirements can be secured through conditions if consent is granted, the proposed development complies with criteria 19 and 21 of Table 7 of the SG Renewable Energy.

6.5.58 Opportunities for energy storage.

The proposed development does not include opportunities for energy storage and, therefore, is not assessed.

6.5.59 Site decommissioning and restoration bond.

As noted at paragraph 6.5.57 above there is a requirement for decommissioning and restoration bond or financial guarantee to 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.

6.5.60 Forestry and woodland removal.

Criteria 22 of Table 7 of SG Renewable Energy requires the effect proposals may have on forestry and woodland to be fully assessed. In line with the Original Permission felling of commercial forestry is proposed at Turbines 11, 14 and 15. The area of forestry to be removed by these amended proposals are unchanged (8.1 hectares) and replacement planting of 9.4 hectares of forestry within the application site is proposed which fully negates the 8.1 hectare loss. The replanting requirement has been conditioned as part of the application's recommendation of approval.

6.5.61 Impact on Prime Agricultural Land.

As noted in paragraph 6.5.14 there is no Prime Agricultural Land within the application site.

6.5.62 Borrow pits.

Criteria 24 of Table 7 of SG Renewable Energy requires borrow pits associated with windfarms to comply with the requirements in paragraph 243 of SPP. No borrow pits are proposed as part of this application.

6.5.63 Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licenses under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. A condition requiring the submission and approval by the Planning Authority in consultation with SEPA and SNH of a Construction Environmental Management Plan (CEMP) including site specific Construction Method Statement, Site Waste Management Plan (SWMP), Pollution Prevention Plan and surface water management plan, therefore, requires to be attached to the consent if granted.

6.5.64 Notifiable installations and exclusion zones

There are no notifiable installations and exclusion zones in or adjacent to the site.

6.5.65 Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report the application was submitted with a robust EIA Report containing appropriate mitigation measures which have been conditioned as part of the recommendation where required.

6.5.66 Legal agreement

Criteria 28 of Table 7 of SG Renewable Energy requires, where appropriate the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance a legal agreement to secure a community benefit payment (as discussed in paragraph 6.5.68 below), a Planning Monitoring Officer and for control over turbine transportation, and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements will be required to be entered into if planning permission is granted.

6.5.67 Environmental Impact Assessment (EIA)

Criteria 29 of Table 7 of SG Renewable Energy requires all applications for all renewable energy developments which fall within the scope of the Environmental Assessment Legislation to be accompanied by an Environmental Statement. As noted throughout Section 6.5 of this report an Environmental Impact Assessment Report accompanied the planning application submission.

6.5.68 Other considerations.

The considerations set out at Table 7 of SG Renewable Energy and SPP at paragraph 169 are assessed above at paragraphs 6.5.29 to 6.5.71. In addition to this, another principle set out in the SG Renewable Energy at paragraph 2.10 and at SPP at paragraph 173 relates to community benefit. SPP states that, where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit. The applicant has confirmed that should consent for the proposed development be granted and implemented the applicant will provide a package of community benefit to the South Lanarkshire Council Renewable Energy Fund, equivalent to £5,000 per MW per annum for the lifetime of the development. This equates to approximately just over £6 million over the lifetime of the windfarm development if approved. The level of contribution is not a material consideration in the assessment of the application.

6.6 **Conclusion**

6.6.1 In conclusion, the proposals to vary condition 1, of planning permission CL/12/0042 result in an amended 15 turbine wind farm development comprising 11 wind turbines each with a maximum height to tip of 149.9m (an increase in overall height of 18.9m) and 4 with a maximum tip height of 131m. It is considered that, taking account of the Original Permission, the additional turbine height and blade length of the remaining turbines would not have any significant, additional impact on the landscape and environment compared to the originally approved scheme. It is, therefore, recommended that the application be approved subject to the replication of the full suite of planning conditions attached to the Original Permission including those that have been slightly modified to take account of the height increase and the conclusion of a legal agreement.

7 **Reasons for Decision**

7.1 The proposals to vary condition 1 of planning permission Ref: CL/12/0042 are considered acceptable and the updated suite of approved documents appropriate. The increase in turbine height for 11 of the 15 turbines are considered to not have any significant, adverse impact in relation to the previous planning approval and accord with National Policy and the relevant provisions of the Development Plan subject to the imposition of the attached environmental conditions as allowed under Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 18 April 2019

Previous references

- ◆ CL/12/0042

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 28 December 2018

- ▶ Consultations
 - Prestwick Airport 21.01.2019
 - Coal Authority Planning Local Authority Liaison Dept 05.04.2019
 - MoD (Windfarms) 14.01.2019
 - Scottish Water 15.01.2019
 - SP Energy Network 07.01.2019
 - NATS 14.01.2019
 - Transport Scotland 14.01.2019
 - SNH 11.02.2019
 - Environmental Services 24.04.2019
 - Historic Environment Scotland 24.01.2019
 - Forestry Commission Central Scotland Conservancy 07.01.2019
 - Joint Radio Company 11.01.2019
 - WOSAS 11.01.2019
 - Roads Development Management Team 13.03.2019
 - SEPA West Region 30.01.2019

Contact for further information

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

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

Phone: 01698 455903

Email: james.wright@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/18/1861

Conditions and reasons

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Impact Assessment Report, dated December 2018, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

Reason: For the avoidance of doubt and to specify the drawings upon which the decision was made.

02. That consent is granted for a period from the date of this consent until 25 years from the date of final commissioning of the development. No later than 5 years prior to the end of said 25 year period, the decommissioning scheme referred to in condition 36 of this consent shall be submitted to and approved in writing by the planning authority. Written confirmation of the date of commencement of Phase 1 felling and thereafter the date of commencement of development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.

Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

03. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-
- i. be granted in favour of the planning authority
 - ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development
 - iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
 - v. come into effect on or before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.
- No work shall begin at the site with the exception of Phase 1 felling until (1) written approval of the Planning Authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the planning authority.
- In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Planning Authority.

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

04. Prior to the commencement of the development intrusive site investigations work shall be undertaken. Details of ground conditions and the final foundation design shall be submitted at least 1 month prior to commencement of development unless agreed in writing with the Planning Authority, for the written approval of the Planning Authority, and thereafter adhere to and implement as approved in the report.

All imported material that is required to be brought onto site shall be accompanied by certification from a suitably U.K.A.S accredited laboratory to confirm that it is free from contamination. If any off-site borrow pit(s) are proposed, information relating to the quantities, proposed vehicle trips and delivery routes between the proposed borrow pit site(s) and the wind farm site shall be submitted to the Planning Authority. Should these routes not be covered by the approved route for this application the developer will be required to provide an amended legal agreement to reflect any changes. Thereafter the changes require to be adhered to and implemented.

Reason: To ensure compliance with all commitments made in the Environmental Statement, in the interests of amenity and in order to retain effective planning control.

05. **Noise Imission**

a) In Accordance with ETSU- R- 97

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 document titled "Proposed Wind Farm Development at Dalquhandy, South Lanarkshire Environmental Statement (ES) – Noise and Vibration" as submitted by WSP Environment & Energy / WYG Planning & Environment October 2012 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application. The cumulative assessment should take account of the following as evaluated within the Environmental Statements.

- Nutberry Wind Farm (See- ES Section 7.4.5 to 7.4.8 and Technical Appendices part 3 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)
- Galawhistle Wind Farm (See- ES Section 7.4.9 to 7.4.10 and Technical Appendices part 3 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)
- Hagshaw Hill Wind Farm (See- ES Section 7.4.11 to 7.4.13 and Technical Appendices part 3 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)

- Yonderton Farm Wind Turbine (See- ES Section 7.4.14 to 7.4.15 and Technical Appendices part 3 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)
- Holmhead Farm Wind Turbine (See- ES Section 7.4.16 to 7.4.17 and Technical Appendices part 3 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)
- Cumberhead Wind Farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)
- Douglas West Wind Farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)
- Stockhill Wind farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)
- North Cumberhead Farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)
- Low Whiteside Farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)
- Hazelside Farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)

b) Night Time Noise

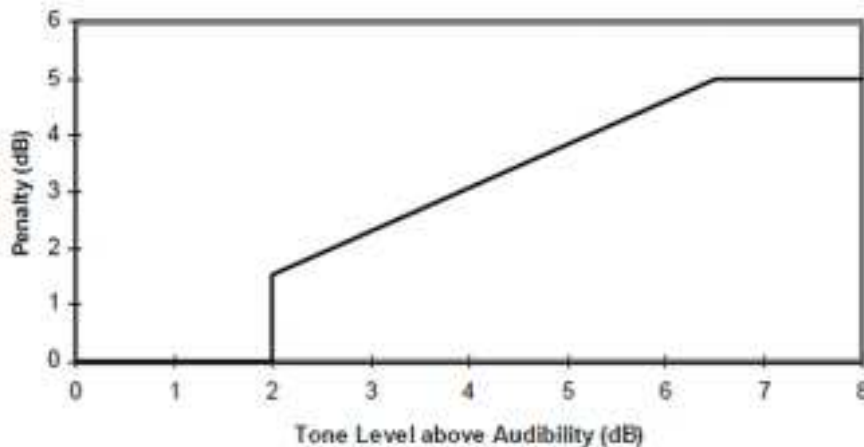
The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site. This is based on document titled “Proposed Wind Farm Development at Dalquhandy, South Lanarkshire Environmental Statement (ES) – Noise and Vibration” as submitted by WSP Environment & Energy / WYG Planning & Environment October 2012 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report for Section 42 Application. Statement and Technical Appendices, part 3.

- Nutberry Wind Farm (See- ES Section 7.4.5 to 7.4.8 and Technical Appendices part 3 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report for Section 42 Application).
- Galawhistle Wind Farm (See- ES Section 7.4.9 to 7.4.10 and Technical Appendices part 3 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report for Section 42 Application).
- Hagshaw Hill Wind Farm (See- ES Section 7.4.11 to 7.4.13 and Technical Appendices part 3 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report for Section 42 Application).
- Yonderton Farm Wind Turbine (See- ES Section 7.4.14 to 7.4.15 and Technical Appendices part 3 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report for Section 42 Application).
- Holmhead Farm Wind Turbine (See- ES Section 7.4.16 to 7.4.17 and Technical Appendices part 3 and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application).
- Cumberhead Wind Farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application).
- Douglas West Wind Farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application).

- Stockhill Wind farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report for Section 42 Application and Dalquhandy 2018 Energy Project Environmental Impact Assessment Report for Section 42 Application).
- North Cumberhead Farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application).
- Low Whiteside Farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)
- Hazelside Farm (Dalquhandy 2018 Energy Project Environmental Impact Assessment Report For Section 42 Application)

c) 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 conditions 1a and 1b shall be reduced by the penalty level identified within section 28 of 'The Assessment and rating of Noise from Wind Farms- ETSU-R-97 (See Figure below). The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.



d) **Revised Noise Assessment**

Prior to the commencement of works on site a revised noise assessment based on the final choice of turbines for the Dalquhandy wind farm and also those developments as detailed within condition 1 a- 1c shall be submitted to and approved in writing by the Local Authority.

The assessment shall present total predicted cumulative wind farm noise levels arising from wind farms operating concurrently and compare them to noise limits established as detailed within conditions 1a - 1c

For the purposes of this condition background noise levels are defined as the levels presented in the Environmental Statements as submitted with the application.

For the purposes of these conditions, a “noise sensitive premises” is a building within Use Classes 7, 8 and 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

Unless otherwise agreed, the revised assessment shall

- Demonstrate that the cumulative noise imissions at Cumberhead, South Cumberhead, Broom Knowe and Stockhill Farm are not influenced by the development. These receptors have no available headroom resultant from the smaller turbine units at Stockhill Farm and North Cumberhead.
- The revised assessment shall detail a curtailment strategy which demonstrates the ability of the development to meet noise limits when considered cumulatively with other schemes.

Complaint Investigation

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.

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 described in condition 1a-1d 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. [Reason: to mitigate excessive noise]

Substation- BS4142

Between the hours of 0800 and 2000 the measured noise level emitted from the substation (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90 (1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:2014 at buildings where people are likely to be affected. Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (15mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:2014 at buildings where people are likely to be affected.

Reason: In the interests of amenity

06. 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, 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
- 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.

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

07. All construction work associated with the development must be carried out in accordance with the current BS 5228, 'Noise control on construction and open sites' and all audible construction activities shall be limited to:

Monday to Friday 7.00am to 7.00pm,

Saturday 7.00am to 1.00pm;

With no audible activity taking place on Sunday, local and national bank holiday. Outwith these periods, works at the site shall be limited to emergency works and dust suppression, unless otherwise approved in writing by the local planning authority. The local planning authority shall be informed in writing of emergency works within three working days of occurrence.

Subject to condition 5, any noise solely attributable to construction noise (where borrow pits are not operational) should not exceed 65dB(A) LAeq to include both stationary and mobile plant as described within Annex F- Code of practice for noise and vibration control on construction and open sites - Part 1: Noise (BS 5228-1:2009)

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

08. Complaints Investigations - 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.

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 described in condition 1 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.

Reason: In order to retain effective planning control

09. Substation BS4142 - Between the hours of 0800 and 2000 the measured noise level emitted from the substation (LAeq (1hour)) shall not exceed the pre-existing background noise level (LA90 (1/2hour)) by more than 4dB (A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected. Between the hours of 2000 and 0800 the noise emitted from the premises (LAeq (5mins)) shall not exceed the pre-existing background noise level (L A90 (1/2hour)) by more than 4dB(A) when measured in accordance with BS4142:1997 at buildings where people are likely to be affected.

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

10. There shall be no commencement of development until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.

Reason: To offset impacts of shadow flicker on residential and commercial property amenity.

11. Prior to commencement of development works the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads Authority, and thereafter adhere to and implement the TMP within the timescales set out. The TMP shall be produced in consultation with Roads & Transportation Services, Police Scotland and the Council's Access Officer and include a programme indicating phasing of construction of the project. Proposals shall include signage at conflicts with the Council's Core Path and Wider Network and arrangements for such signage. The developer shall also submit a Travel

Plan as part of their TMP, to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and also for those attending through the course of site inspections and site meetings. No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.

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

12. The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. The developer will consult with the Council and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes within the timescale set out.

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

13. The developer shall undertake all work associated with the approved planning consent and any subsequent amendments in accordance with the approved TMP. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment. The developer shall notify the Planning Authority in writing should they propose to remove any excess material from site. Any such notification shall include details of proposed traffic routes and phasing of such operations all for the approval of the Council as Roads Authority.

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

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

Reason: In the interest of road safety

15. That prior to commencement of construction works a full Safety Audit for all infrastructure to be constructed and adopted, or altered, on the public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority.

Reason: In the interest of road safety

16. Prior to the commencement of development the developer shall enter into a Section 96 Legal Agreement to the satisfaction of the Council as Roads Authority in advance of any construction works taking place.

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

17. Prior to the commencement of development a Compensatory Planting and Forest Plan ("the Replanting Scheme") to compensate for the removal of 8.1 hectares of existing woodland shall be submitted for the written approval of the Planning Authority in consultation with Forestry Commission Scotland. .

The tree felling consented is solely for the key hole and infrastructure areas as outlined in Figure DQ002 Site Layout Plan to permit the development of three turbines and associated access tracks.

The Replanting Scheme must comply with the requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Replanting Scheme for approval. The Replanting Scheme must include-

- (a) details of the location of the area to be planted;
- (b) details of land owners and occupiers of the land to be planted;
- (c) the nature, design and specification of the proposed woodland to be planted;
- (d) details of all consents required for delivery of the Replanting Scheme and timescales within which each will be obtained;
- (e) the phasing and associated timescales for implementing the Replanting Scheme;
- (f) proposals for the maintenance and establishment of the Replanting Scheme, including annual checks, replacement planting, fencing, ground preparation and drainage; and
- (g) proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme.

Unless otherwise agreed in writing by the Planning Authority, the Development shall not be commissioned to supply electricity on a commercial basis unless all relevant consents necessary for implementation of the approved Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained.

The approved Replanting Scheme (or, as the case may be, an approved amended Replanting Scheme) shall be implemented in full, unless otherwise agreed in writing by the Planning Authority after consultation with Forestry Commission Scotland.

Reason: To ensure replanting to mitigate against effects of deforestation arising from the development.

18. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Peat Management Plan and Ground Water and Surface Water Monitoring Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The CEMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the ES and SEI supporting the application. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The method statement shall include the following:

- a) A plan of the construction operations at an appropriate scale;
- b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
- c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
- d) Track design approach
- e) Maps of tracks indicating double and single tracks and position of passing places.
- f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
- g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
- h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
- i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and SNH and SEPA guidance.
- j) A management plan for minimising the emission of dust from the construction and operation of the development.
- k) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
- l) Compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
- m) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.
- n) Peat Management Plan (PMP) - a PMP shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH and thereafter all work will be carried out in accordance with the plan within the required timescales.
- o) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
- p) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be

appropriately sized and overland flow routes shall be provided in the event of culvert blockage.

q) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.

r) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during high periods of high rainfall.

s) Timing and extent of any necessary re-instatement.

t) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.

u) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.

v) Ground Water and Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by component qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.

w) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.

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

19. Prior to commencement on site any impacts on the Scottish Power and Scottish Water Radio Links shall be identified and a mitigation solution shall be submitted to and approved by the Planning Authority, in consultation with Scottish Power and Scottish Water and thereafter implemented prior to the erection of turbines.

Reason: In order to retain effective planning control

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

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

21. Each turbine shall be erected in the position indicated (Drawing DQ27686). 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 variation is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:
- bring a turbine any closer to an uninvolved property than is already approved
 - bring a turbine outwith the planning application boundary.
 - breach the 50m water buffer zones

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

22. 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

23. That during the construction of the development:-
- a) All works shall be carried out in a manner consistent with The Water Environment (Controlled Activities) (Scotland) Regulations 2005
 - b) No work shall be undertaken within a 20 m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing with the Planning Authority.
 - c) Track layout shall minimise disruption to water courses
 - d) Existing drainage routes shall be maintained through sensitive placement of soil heaps and where necessary temporary drains.
 - e) Silt traps shall be provided on all existing drainage routes affected by site works.
 - f) Bridge crossings across watercourses should, where possible, be used instead of culvert designs where existing culverts do not already exist or require to be upgraded; and/or where CAR authorization cannot be achieved for new culverts.

Bridge crossings and culvert design shall be put forward and agreed in writing with the planning authority in consultation with SEPA.

- g) Any disturbance of watercourses shall be minimised utilising cofferdam temporary works.
- h) Cable trenches shall only be constructed in limited sections to reduce drainage of groundwater and prevent additional drainage routes being created.
- i) Cable trenches shall be plugged to prevent the creation of new drainage paths.
- j) The scheduling of works shall minimise disruption and working within wet weather
- k) Temporary works interception drains shall be constructed to prevent potential contamination of runoff and groundwater
- l) Stockpiling of materials on wet ground and near drainage channels shall not take place, unless agreed in writing with the Planning Authority
- m) Backfilled trenches shall be re-vegetated
- n) Temporary silt traps shall be constructed to treat runoff
- o) Sulphate resistant concrete shall be used to prevent leaching of chemicals.

Reason: To minimise environmental impact on watercourses and in order to retain effective planning control.

24. No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by South Lanarkshire Council in order to avoid the impact of the development on the Primary Radars of the Operator located at Lowther Hill and Cumbernauld and associated air traffic management operations.

Reason: In the interest of public safety

25. No part of any turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme as referred to in condition 24.

For the purpose of this condition and condition 24;

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Lowther Hill and Cumbernauld primary radars and air traffic management operations of the Operator.

Reason: In the interest of public safety

26. In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of 12 months, unless otherwise agreed with the Planning Authority, the turbine(s) shall be replaced (in the case of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and

access roads shall be reinstated within three months of the end of the twelve month period of non-generation in accordance with a scheme agreed with the Council as Planning Authority, all to the satisfaction of the Council.

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

27. Prior to delivery of turbines details of the confirmed turbine layout, colour, height and manufacture, including illustrations as well as details of size, shall be submitted to, and approved in writing by, the Planning Authority. The turbines:
- i) Shall have blades that rotate in the same direction.
 - ii) Shall have no large 'logos' or other symbols or writing unless for reasons of health and safety or as agreed in writing by the Planning Authority.

Only the approved type shall be installed.

Reason: In order to retain effective planning control

28. The development site shall not be illuminated by lighting unless:
- a) the Planning Authority has given prior written approval
 - b) lighting is required during working hours which has been approved by the Planning Authority; or
 - c) an emergency requires the provision of lighting

Reason: In order to retain effective planning control

29. Only mechanical means of snow clearance shall be used to clear access tracks, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval.

30. One month prior to Phase 1 felling and three months prior to the commencement of the development, an Ecological Clerk of Works (ECoW) shall be in place. The Planning Authority shall approve the ECoW for the period from prior to commencement of development to final commissioning of the development. The scope of work of the ECoW shall include:
- Monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the EIA Report
 - Advising the developer on adequate protection of nature conservation interests on the site;
 - Directing the micro-siting and placement of the turbines, bridges compounds and tracks and,
 - Monitoring compliance with the Construction Environmental Management Plan and Method Statement required by condition 18.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.

31. A minimum of 6 months prior to the commencement of decommissioning an Ecological Clerk of Works (ECoW) shall be appointed by the Company and approved by the Planning Authority after consultation with SNH until the completion of aftercare or such earlier date as may be agreed in writing by the Planning Authority. The scope of work of the ECoW shall include those elements identified in condition 30 with the exception of the third and fourth bullet points of that condition.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.

32. No later than 5 years prior to the end of the period of this planning permission, or by such date later as may be agreed by the Planning Authority, the applicant shall submit a Restoration and Aftercare Plan including a method statement for the decommissioning of the wind farm and the restoration of the application site for the approval of the Planning Authority in consultation with SEPA and SNH. Additional consultation will be carried out to ensure that it takes into account changes in the environmental conditions, laws and techniques over the anticipated 25 year operational period. Decommissioning in accordance with the approved method statement shall be completed within 24 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development. The approved Decommissioning Plan and Method Statement shall be implemented and the works monitored by an ECoW.

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

33. Within 24 months of the end of the period of this consent (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the Restoration Plan and Aftercare Scheme referred to in Condition 32. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the Planning Authority, in consultation with SNH, shall review the retention of pads, foundations, cable/ducts and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement.

Reason: In order to retain effective planning control

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

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

35. At least one month prior to the commencement of development the developer shall submit for the Council's approval in consultation with West of Scotland Archaeology Service a written scheme of investigation. Thereafter the developer shall ensure that the approved 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 minimise adverse impacts on archaeology on site.

36. No later than 3 months prior to starting on site a Habitat Management Plan (HMP) and Bird Protection Plan (BPP) for the entire application site shall be prepared in consultation with the Council's Local Biodiversity Officer, RSPB, SWT and SNH, and submitted to the Planning Authority for approval. The HMP and BPP shall include:
- (i) monitoring at the site to collate any bird collisions
 - (ii) confirm the significance of the losses
 - (iii) identify any potential mitigation to minimise the potential for bird strike
 - (iv) monitor flight paths of SPA species and other species and recommend any mitigation measures required for approval of the Habitat Management Group. Thereafter implement approved measures.
- Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP and BPP and within the timescales set out in the approved HMP and BPP.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.

37. A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council, RSPB and SWT and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims, and notwithstanding the above,
- a) Site clearance activities and where possible, construction, will take place outwith the bird breeding season (March to July inclusive). If site clearance activities commence during this period ECoW supervision is required.
 - b) The HMP will operate for the full lifespan of the wind farm, including decommissioning
 - c) The mitigation 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, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.

38. That no part of any turbine blade shall be closer than a minimum of 50m from the nearest woodland (forest edges) unless otherwise agreed in writing with the Planning Authority and that a European Protected Species licence has been obtained from SNH.

Reason: To safeguard impacts on species, to ensure development conforms to Environmental Statement and maintain effective planning control.

39. Not more than 3 months prior to commencement of development a pre-construction survey for otter, badger and water vole shall be submitted to and approved by the Planning Authority in consultation with SNH. Thereafter any required works will be carried out in accordance with the approved mitigation measures and timescales set out. Should any otter, badger and/or water vole be recorded a licence shall be obtained from SNH prior to works commencing.

Reason: To safeguard impacts on species, to ensure development conforms to Environmental Statement and maintain effective planning control.

40. Prior to development commencing on-site, details of materials, external finishes and colours for all ancillary elements (including access tracks, transformers, switchgear/metering building, compound, and fencing) shall be submitted to and approved in writing by the Planning Authority. If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning Authority shall be used.

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

41. Prior to the erection of any turbines, the requirement to meet MoD aviation lighting shall be submitted to, and approved in writing by the Planning Authority, in consultation with MoD, thereafter implemented and maintained over the life of the wind farm. Turbines are to be fitted with 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration, and cardinal turbines should be fitted with 25 candela red and IR combination lighting at the highest practicable point or as agreed in writing with MoD. The developer shall provide the MoD with the 'as built' turbine locations within 1 month of installation of turbine erected.

Reason: In the interest of public safety

42. Prior to the erection of turbines or cranes on site the company shall provide to the Planning Authority, Ministry of Defence, Defence Geographic Centre, Civil Aviation Authority, and NATS with the following information, and has provided evidence to the Planning Authority of having done so;
- date of the expected commencement of turbine or crane erection
 - height above ground level of the tallest structure forming part of the Development;
 - the maximum extension height of any construction equipment; and
 - grid co-ordinates of the turbines and masts positions in latitude and longitude.

Reason: In the interest of public safety

43. Where a complaint of deterioration in television signal is received by the Local Authority or applicant the wind farm operator shall undertake appropriate investigations as agreed in writing with the Planning Authority to confirm the deterioration and occurrence within 1 month of the complaint or otherwise agreed in writing with the Planning Authority. If the applicant's wind turbines are deemed to be the cause of the deterioration of television signal the applicant will implement within 2 months of the complaint or otherwise agreed with the Planning Authority, an agreed technical mitigation measure with the Planning Authority to prevent any re-occurrence.

Reason: In the interests of amenity.

44. The developer shall be responsible for any alterations required to statutory undertaker's apparatus.

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

45. There shall be no commencement of development unless a method statement has been submitted to and approved in writing by the Planning Authority, detailing all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the development. The method statement shall include water quality sampling methods and shall specify abstraction points. The approved method statement shall thereafter be implemented in full.

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

Dalgunahy Opencast Coal Site, Middlemuir Road, Coalburn



1. *Phragmites australis* (Common reed)
2. *Scirpus americanus* (Common sedge)
3. *Eleocharis acicularis* (Spikerush)
4. *Sagittaria arifolia* (Arrowhead)
5. *Sparganium angustifolium* (Broadleaf sparganium)
6. *Najas* (Mosses)



Model: 1.15.022
 Date: 1.01.2019



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development