

Report

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| Report to: | Planning Committee |
| Date of Meeting: | 4 December 2018 |
| Report by: | Executive Director (Community and Enterprise Resources) |

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| Application no. | P/18/0072 |
| Planning proposal: | Erection of 9 wind turbines and associated infrastructure, including 4 borrow pits and new access track (Section 42 application to vary planning conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 of permission CL/08/0727) |

1 Summary application information

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| Application type: | Further application |
| Applicant: | Brookfield Renewable UK Limited |
| Location: | Proposed Windfarm At Penbreck & Carmacoup Forest Glentaggart Road Glespin |

2 Recommendation(s)

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

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

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure the following issues are addressed:
 - Submission of a Bond for the Restoration and Aftercare of the site
 - 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 applicant will be responsible for meeting SLC'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: Jo Cottin
- ♦ Council Area/Ward: 03 Clydesdale East
- ♦ 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 15 Travel and Transport
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):

Roads Transportation Services Bridges Structures Section

Douglas Community Council

Roads Flood Risk Management

CAA

Scottish Wildlife Trust

Countryside And Greenspace

Environmental Services

RSPB Scotland

MoD (Windfarms)

Arquiva

Transport Scotland

Scottish Water

West of Scotland Archaeology Service

SP Energy Network

NATS

Roads Development Management Team

Scottish Gas Networks

BAA Glasgow

SEPA West Region

Ofcom

Forestry Commission Central Scotland Conservancy

Historic Environment Scotland

Prestwick Airport

Scottish Natural Heritage

East Ayrshire Council

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 11km south west of Douglas and 7km south west of Glespin in South Lanarkshire and 5km south of Muirkirk in East Ayrshire. The site is located in plateau moorland character type and is predominantly used for commercial forestry. The site is located on land designated as rural within the Adopted South Lanarkshire Local Development Plan (SLLDP) (2015). The application site also extends into the East Ayrshire Local Authority Boundary with 3 of the 9 turbines located outwith South Lanarkshire. The proposals in this application solely relate to the 6 turbines that are located within South Lanarkshire's administrative boundary. Therefore, any references throughout this report to proposals to wind turbines only relates to those within South Lanarkshire.

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 conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 of planning permission Ref: CL/08/0727 granted in 2014 (hereon referred to as the Original Permission) for the erection of 9 wind turbines and associated infrastructure, including 4 borrow pits and new access track. This application was granted subject to 54 conditions and a legal agreement covering:
- Submission of a Bond for the Restoration and Aftercare of the site
 - 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 permitted turbines had a maximum blade tip height of 125m and a typical generating capacity of up to 3.0MW each. The installed capacity of the approved wind farm development would be up to a maximum of 27MW.

- 2.3 A description of each of the extant conditions the applicant seeks to vary and the changes proposed to be made to the wording is set out as follows;

Condition 1 requires that the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Statement and Supplementary Environmental Information, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. The original application sought consent for turbines with a maximum blade to tip height of 125m. The applicant has requested that this condition is amended to allow for an increase in the turbines maximum height to blade tip to 145m.

Condition 8 limits construction activities to between 8am and 7pm Monday to Friday and 8am to 1pm on Saturdays 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. The applicant has requested that the working hours are amended to 7.00am to 7.00pm Monday to Friday and 7.00am to 4.00pm on Saturdays.

Condition 9 relates to blasting during the excavation of the borrow pits and, in particular, limits blasting to between 10.00 - 12.00 and 14.00 - 16.00-Mondays to Fridays and 10.00- 12.00 Saturdays. The applicant has requested that the Monday to Friday blasting hours are amended to 10.00am to 4.00pm.

Conditions 17 and 18 deal with the submission of a Construction Environmental Management Plan (CEMP) including Peat Management Plan, Peat Slide Risk Assessment, Site Waste Management Plan and Ground Water and Surface Water Monitoring Plan. The applicant has requested that the Surface Water Monitoring Plan requirement is substituted by a requirement for a Surface Water Management Plan.

Condition 20 relates to how proposals for the micro-siting of turbines will be dealt with and includes the requirement for the Council to consult with various bodies. The condition goes on to state that any variation shall not bring a turbine any closer to an uninvolved property than is already approved. The applicant has requested that condition 20 be amended minor changes to who will be consulted on these proposals and that reference to bringing a turbine any closer to an uninvolved property than is already approved be removed.

Condition 32 requires that 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. The applicant has requested that 'unless agreed in advance with the Planning Authority' be added at the end of this requirement sentence.

Condition 35 requires a Habitat Management Group (HMG) to be established to oversee the preparation and delivery of the Habitat Management Plan and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council, RSPB and FCS and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims. The applicant has requested that the condition be amended to state that the Company shall within one month following the date of Commissioning invite the Planning Authority, SNH and RSPB to participate with them in a Habitat Management Group (HMG). The purpose of the HMG will be to oversee the delivery of the HMP and to review and assess the results from on-going monitoring. The HMG shall have the power to review the terms of the HMP but changes to the HMP shall only take effect once approved in writing by the Planning Authority.

Condition 36 states 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. The applicant wishes to add 'if required' at the end of the condition and 'in consultation with SNH.

Condition 45 requires that the developer shall be responsible for any alterations required to statutory undertaker's apparatus. The applicant wishes to clarify in this condition that the developer's responsibility only relates to alterations required by the construction, operation or decommissioning of Penbreck Wind Farm.

- 2.4 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(s) 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 should be refused. Refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

- 2.5 A separate application to amend the means of delivering turbines to the site has been submitted by the applicant and is the subject of another report on this agenda (P/18/1145).

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.
- #### **3.2 Development Plan Status**
- 3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal it is noted that part of the site is

located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan.

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 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

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

3.3 Planning Background

3.3.1 Planning permission was originally granted in 2014 (Ref: CL/08/0727) for the erection of 9 wind turbines (with a maximum blade tip height of 125m) and associated infrastructure, including 4 borrow pits and new access track (the Original Application).

The application was granted subject to 54 conditions and a legal agreement covering the following:

- Submission of a Bond for the Restoration and Aftercare of the site
- 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.

3.3.2 Due to its scale and nature, the Original Application constituted an EIA development and an Environmental Statement (ES) was submitted as part of the planning application. This Section 42 application also constitutes an EIA development as set out within The Town and Country Planning (Environmental Impact Assessment)(Scotland) Regulations 2017. As part of this planning submission, the original ES has been updated to reflect any baseline changes and to assess the implications the increase in turbine height may have on the Environment.

4 Consultation(s)

4.1 **Roads and Transportation Services (Flood Prevention)** - no objection subject to replication of previous conditions to comply with the Council's Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.

Response: Noted. The previous conditions relating to water management and drainage form part of this recommendation to be incorporated into planning conditions if planning permission is granted.

4.2 **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.

4.3 **Roads and Transportation Services (Structures)** – no objection subject to replication of the Roads conditions (relating to Traffic Management Plan, Travel Plan, 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.

- 4.4 **Environmental Services** – no objection subject to conditions in relation to noise, blasting, 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.
- 4.5 **Countryside & Greenspace (C&G)** – no comments to make.
Response: Noted. The increase in turbine height is considered to have no further impact in relation to access and wildlife subject to the use of the previous mitigation conditions, namely the setting up of a Habitat Management Group. All mitigation conditions from the Original Permission are replicated within the recommendation and would form part of the planning permission, if granted.
- 4.6 **Transport Scotland** – do not advise against planning permission being granted.
Response: Noted. 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. If planning consent is granted, appropriate conditions shall be attached.
- 4.7 **BAA Aerodrome Safeguarding (Glasgow)** - no objection. The proposal has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria.
Response: Noted.
- 4.8 **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 the turbines 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.
- 4.9 **National Air Traffic Services Ltd (NERL Safeguarding)** – no objections subject to the use of the NERL Safeguarding conditions from the Original Permission.
Response: Noted. These conditions would be replicated on the new permission, if approved.
- 4.10 **Scottish Environmental Protection Agency (SEPA)** – no comments to make given there are no changes to the turbine bases and infrastructure.
Response: Noted. All previous conditions relating to the turbine infrastructure etc. are replicated within the recommendation and would be attached to any permission, if approved.
- 4.11 **Scottish Natural Heritage (SNH)** – no objection. SNH provide comments on protected species, special landscape designations, habitat management and landscape and visual effects. Subject to mitigation and enhancement measures set out in the Environment Report and the Original Permission which include the preparation of a protected species plan and a habitat management plan SNH conclude there will be no additional adverse impacts on ecological and natural heritage interests. SNH consider that there will only be a limited change to the overall visibility of the turbines following the increase in turbine height.

Response: Noted. All mitigation measures from the Original Permission have been replicated as part of this recommendation and would be attached to any permission if granted. The comments provided in relation to landscape and visual and cumulative impacts are assessed throughout section 6 of the report below.

- 4.12 **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.

- 4.13 **Historic Environment Scotland** – no objection.

Response: Noted.

- 4.14 **Scottish Water** – no objection. Provide detailed advice for the applicant regarding Scottish Water assets

Response: Noted. The applicant has received the detailed advice.

- 4.15 **SP Energy Networks (Acting for Scottish Power)** – No objections but note that they have infrastructure within the vicinity of the proposals and reserve the right to protect and/ or deviate cable/ apparatus at the applicant’s expense.

Response: Noted. This is a civil matter that is outwith the remit of the Planning Authority. The applicant is aware of this advice should permission be granted.

- 4.16 **Forestry Commission Scotland** – no objections to the proposals subject to a forestry/ woodland management plan.

Response: Noted. A forestry/ woodland Management Plan was a condition to the Original Permission. If approved, this condition would be replicated on the new permission.

- 4.17 **East Ayrshire Council** – originally objected on lack of information of landscape and visual assessment in relation to views from their administrative area. Following this, additional information was submitted and East Ayrshire Council removed their objection and considered that the increase in turbine height would not result in a significant effect on receptors. East Ayrshire also noted that noise conditions should still be imposed to ensure that acceptable noise levels are maintained with the increased height of the turbines.

Response: Noted. The noise conditions form part of this recommendation.

- 4.18 The following consultees had no comments to make in relation to the proposed development:

Arquiva
RSPB
Scotia Gas Networks
Scottish Wildlife Trust
Ofcom
Douglas Community Council
Prestwick Airport
CAA

5 Representation(s)

- 5.1 Neighbour notification was carried out on 26 April 2018. The proposal was publicised as an application requiring advertisement due to the scale or nature of operations and for the non-notification of neighbours in the Lanark Gazette on 9 May 2018. The application was also advertised in accordance with the EIA Regulations 2017 with

adverts being placed in the Lanark Gazette (9 May 2018) and the Edinburgh Gazette (11 May 2018).

- 5.2 No representations have been made following this publicity.

6 Assessment and Conclusions

- 6.1 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.'

This type of application therefore does not permit the revisit of 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 proposed. The granting of consent in these circumstances results in a new, stand alone planning permission for the original development but with a new suite of conditions. Should the proposed amendment to the condition(s) not be acceptable the application is to be refused but without affecting the status of the original permission. In this instance the applicant has requested that conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 be amended. However the nature of the legislation requires the necessity and/or the wording of all conditions to be revisited as they may be linked or connected to these specific conditions.

- 6.2 As is described in 2.3 above, most of the changes proposed relate to minor amendments to the wording of conditions which are considered acceptable. The proposed amendments to conditions 8 and 9 seek to extend the hours during which construction activity and blasting respectively may be carried out. A noise impact assessment has been submitted and reviewed by Environmental Services and they have no objections to the small extensions to the timing of these activities.
- 6.3 The main change sought by the applicant is to allow the maximum height of the turbines to be increased from 125m in the original consent to 145m. This requires a change to condition 1 which relates the consent granted in 2014 to the detail submitted and approved at that time. Any deviation from these details requires the approval of the Council. The following assessment is, therefore, focused on the proposed request to amend condition 1 and allow an increase in turbine height. The main matters for consideration are therefore whether this 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. 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.
- 6.4 In terms of National Planning Policy and Guidance NPF 3 notes in paragraph 3.8 that the Government seeks to meet at least 30% of overall energy demand from renewables by 2020 – 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 are now established in the Council’s approved SG on Renewable Energy 2016 and are assessed at section below.

- 6.5 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises areas into three 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. The visual impact, including the impact on settlements, is assessed at later in the report. Group 3, identifies ‘areas with potential for wind farm development’. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. 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 Original Permission and for the reasons set out later in the report, it is considered the proposed development accords with SPP.
- 6.6 The Scottish Government Specific Advice Sheet – Onshore Wind Turbines - was last modified 28 May 2014 and describes typical planning considerations to be assessed when determining applications for onshore wind turbines. The advice covers the consideration and assessment of: landscape, wildlife, habitats, ecosystems, biodiversity, communities, aviation and defence matters, historic environment, road traffic, cumulative impacts, good practice during construction and decommissioning. The Environmental Statement (ES) submitted as part of the application covers the impacts listed above and this has been taken into consideration in the assessment of the development against the Development Plan.
- 6.7 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10 the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including

local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal, it is noted that 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. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse effect. Consequently it is considered that the proposal accords with Policy 10 of Clydeplan.

- 6.8 In the Adopted South Lanarkshire Local Development Plan (SLLDP) 2015 the overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' Policy 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. Taking into account the increase in turbine size would increase the amount of electricity they can generate in line with Governments targets on renewable energy generation it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change.
- 6.9 Policy 3: Green Belt and Rural Area states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. 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. 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.
- 6.10 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. The principle of the turbines has already been established and is therefore still acceptable under this policy. Detailed assessment of the increase in height of the turbines in relation to the natural environment and amenity is contained throughout Section 6.5 of this report.
- 6.11 Policy 15: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features as listed in Table 6.1 of the SLLDP from adverse impacts resulting from development, including cumulative impacts. The policy categorises each of the natural and historic environment designations within three distinct groups and are assessed in turn below.
- 6.12 Category 1 areas include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) where development will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation

measures. The application site is not located within but is adjacent to the Muirkirk and North Lowther Uplands Special Protection Area (SPA). This SPA is classified for its breeding and wintering populations of hen harrier and breeding populations of merlin, peregrine, short-eared owl and golden plover. The Original Permission took cognisance of the site's proximity to this SPA and the setting up of a Habitat Management Group was required by condition to mitigate the turbines impact on the SPA. SNH do not consider the increase in turbine height adversely affecting the SPA subject to the replication of the previous mitigation that were conditions on the Original Permission.

- 6.13 SNH also advise that the site's proximity to the SPA requires an appropriate assessment under the Habitats Regulations to be carried out the Council with specific regard to the impact the development may have on the qualifying interests of this SPA (breeding and wintering hen harriers and breeding populations of merlin, peregrine, short-eared owl and golden plover). The applicant has provided data on the likely impacts of the development on the qualifying interests of the SPA as part of the planning submission and SNH are content with the information provided. It is considered that an increase in height of the turbines from 125m to 145m is unlikely to have any additional effect on the bird population of the SPA and therefore it is considered that the proposals would not adversely affect the integrity of the SPA. It is, therefore, considered that the Council have carried out an appropriate assessment of the proposals in relation to the qualifying interests of the SPA.
- 6.14 Category 2 areas include Scheduled Monuments and their setting, Category A listed buildings and their setting Gardens and Designed Landscapes and Historic Battlefields where 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 ES provides full details of the assessment of the proposed development on the historic environment in section 10. There are no scheduled monuments, listed buildings or Inventory Gardens and Designed Landscapes (GDL) within the application site. A cultural heritage assessment forms part of the planning submission and states that the increase in height will not have any additional impact upon any heritage designation given the distance of the site to the nearest designations. Historic Environment Scotland (HES) have no objections to the proposals. The turbine base locations remain as previously approved and therefore the previous archaeological assessment and Original Permission conditions are valid subject to the conditions being replicated on any new permission.
- 6.15 Other category 2 national designations include Sites of Special Scientific Interest (SSSI) and National Nature Reserve where development 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. The site is adjacent to the Muirkirk Uplands Site of Scientific Interest (SSSI) which is designated for its blanket bog, wet and dry heaths and acid grassland and palaeontology. It is considered that an increase in turbine height would have no impact upon these features or hydrology. Category 2 land includes 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. In addition, the water environment falls within the definition of category 2 national designations. The impact of the proposed development on the water environment has been assessed in terms of SLLDP Policy 17 below and finds there would be no adverse effect.

- 6.16 Category 3 areas include Category B and C listed buildings and their setting, Non-scheduled archaeological sites and monuments and Conservations areas where 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. There are no listed buildings within the site boundary. The cultural assessment submitted as part of the planning submission carried out a predicted visibility study that demonstrates that no heritage assets within 5km of the application site would be impacted upon by the increase in turbine height. Historic Scotland has no objections to the proposals.
- 6.17 Special Landscape Areas (SLA) are included within category 3 local designations however the application site is not within any designated SLA. The nearest SLA is several kilometres to the east of the site (Douglas Valley SLA) and it is considered that the increase in turbine height would not be perceptible within the context of this SLA. In addition the proposed windfarm at Kennoxhead to the east of the site which was granted by the Scottish Government Energy Consents Unit comprised turbines with a maximum height to blade tip of 145m. This sets the context for the capacity of the landscape in this part of the Council's area to accommodate windfarm developments. The Environmental Report carried out a revised landscape and visual assessment which concurs with this. Therefore having considered the scale and location of the proposed amendments to conditions it is considered that it will not adversely affect the overall quality of any SLA designated landscape area. Category 3 local designations include peatland where development 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. Section 11 of the ES assesses Hydrology, hydrogeology and geology. The Original Permission contained conditions relating to the management and protection of peat. Again the increase in height would not have any additional impact on peat given the turbine bases are in the same location as the Original Permission. Finally category 3 local designations relate to core paths and rights of way. There are no rights of way or core paths that would be affected by the increase in turbine height. The Original Permission included paths and tracks that could be used by the public following construction of the wind farm and again these requirements would be replicated for any new permission.
- 6.18 Policy NHE 19 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. European Protected Species were assessed in the original ES and an update of this baseline information has been carried out through further protected species surveys to inform the Environmental Report submitted as part of this planning application. The surveys show that there are no additional protected species within the application site. The turbine bases and infrastructure approved through the Original Permission are not to be altered through this application and therefore the increase in turbine height would only have any additional impact on species such as bats and birds and not ground dwelling ones. The Environmental Report concludes that subject to the previously approved mitigation measures such as the Habitat Management Group and creating a 50m buffer between the turbines and tree canopies the increase in turbine height would not have any additional impact on protected species than the previous turbine heights. SNH are satisfied that surveys for habitats and species have been undertaken using the appropriate methodologies and agree with the conclusions of the Environment Report. It is considered that if all the Original Permission's wildlife

and habitat mitigation conditions are fully implemented there will be no additional adverse impacts on protected species. SNH consider the bird surveys to have been undertaken appropriately and confirmed there is no further significant impact on protected bird species and connectivity the Special Protection Area (SPA). On the basis of the above and subject to replication of the mitigation conditions being attached, the proposed amendments to conditions would be considered to comply with Policy NHE 19 protected species.

- 6.19 Policy 17: Water Environment and Flooding states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. The SG on Sustainable Development and Climate Change contains guidance on the water environment, and the water environment falls under category 2 national designations within Policy 15 of the SLLDP. The increase in turbine height would not have any impact on the water environment. South Lanarkshire Council's Transportation Flooding Team have no objection to the proposals subject to the replication of previous drainage conditions. In the Original Permission a condition requiring the preparation of a Construction Environment Management Plan (CEMP), which would include surface water pollution prevention measures, peat management, and construction method statements, would be included. Thereafter the CEMP has to be approved by the Planning Authority in consultation with SEPA and implemented during construction, operation and decommissioning. On the basis of the above assessment it is considered that subject to replication of the previous CEMP and drainage conditions the proposal complies with Policy 17 Water environment of the SLLDP.
- 6.20 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. As noted above at paragraph 3.2.4, the Council has prepared SG on Renewable Energy (SG10). The proposed development will be assessed against Table 7.1 Assessment checklist for wind energy proposals which includes the Spatial Framework and the principles set out in paragraph 169 of SPP. Each is taken in turn below.
- 6.21 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
- 6.22 Group 1 areas comprise of National Parks and National Scenic Areas (NSA). There are no National Parks or NSA that will be affected by the proposed development. 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

National and international designations have been previously assessed above 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 are no settlements within 2km of the application site.

- 6.23 Within 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.
- 6.24 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 as follows;

Impact on international and national designations.

National and international designations have been previously assessed above and it is considered that subject to replication of previous conditions there are no adverse effects on national and international designations.

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

This has previously been assessed in paragraph 6.17 above.

Community separation for consideration of visual impact.

This is examined in detail in paragraphs 6.5.41 to 6.5.52 below.

Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. It is considered that the increase in turbine height would have a neutral impact on the socio-economic benefits of the Original Permission.

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

The increase in height would increase renewable electricity generation and therefore the proposals will have a greater contribution to renewable energy generation than the Original Permission.

Effect on the natural heritage, including birds

Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats. This consideration has previously been assessed under Policy 15 Natural and historic environment of SLLDP above and it is considered that subject to replication of the Original Permission's 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.

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

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.

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. 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 9 No. Turbines but is instead an assessment on the impacts the increase in turbine height would have compared to the previously approved Original Permission (maximum height of 125m); and whether the proposed amendments would result in additional significant, adverse visual effects that would not allow an amended permission to be issued.

The impact on the nearest landscape designation, in this case the Douglas Valley SLA, has been assessed above and it concludes the proposed development will not adversely affect the overall quality of the SLA's designated landscape area. Section 3 of the Environmental Report contains a Landscape and Visual Impact Assessment (LVIA) submitted as part of the planning submission. The proposed development is located within Rolling Moorland and Plateau Moorland landscape character types (LCT) with the 6 South Lanarkshire turbines located in the Rolling Moorland LCT. The LVIA finds that the landscape sensitivity for wind turbines is low/medium. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands. The Original Development (and therefore this application) is located within an area that is currently identified to be of medium sensitivity and medium landscape value in relation to wind turbine development. A cumulative visual assessment of wind farms in the surrounding area has been carried out within the LVIA but again in the context solely in relation to the increase in height of the turbines given an approval already exists for the development.

The 6 turbines within South /Lanarkshire are located on undulating ground between approximately 380m and 440m above Ordnance datum (AOD) and therefore comparative heights of the turbines are not easily recognised or appreciated. The rolling aspect of the landscape does not provide natural features on which turbine heights can be compared to and therefore it is considered that the increase in height of turbines will not be perceptible within the wider landscape. This and the low/medium sensitivity for wind development in the landscape therefore leads to the consideration that the increase in turbine height shall not have any additional adverse landscape and visual impact upon the landscape than that already approved. SNH advise that in their view the increase in height of the turbines would not have any additional landscape and visual impact. There are no communities within 2km of the proposals and therefore the increase in height of the turbines will not introduce any residential visual impact issues.

In addition, the proposed windfarm at Kennoxhead to the east of the site which was granted by the Scottish Government Energy Consents Unit comprised turbines with a maximum height to blade tip of 145m. This sets the context for the capacity of the landscape in this part of the Council's area to accommodate windfarm developments. Taking into account the above assessment, the assessment in the Environmental 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.

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. A noise assessment has been submitted as part of the planning submission. 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. Due to the application site being 3.2km away from the nearest residential property, shadow flicker is assessed as not being a concern with the increased height of the turbines. Environmental Services have no issues regarding this approach. Therefore it is considered that individual properties would have no adverse significant effects and it is concluded that the proposed development complies with criteria regarding the impact on communities and individual dwellings.

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

This has previously been assessed in paragraph 6.17 above.

Impact on Public Access.

As assessed earlier in this section it is considered that the increase in turbine height would not impact on public access.

Impacts on the historic environment.

A detailed assessment of the impact of the increase in turbine height on the historic environment is set out above. 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.

Impacts on tourism and recreation.

It is considered that an increase in turbine height would not have any additional impact upon tourism or recreation within the local area.

Impacts on aviation and defence.

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.

Impacts on transmitting or receiving systems.

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.

Impact on road traffic and on trunk roads.

The Original Permission was subject to a legal agreement to account for the route and any potential damage to public roads and structures the abnormal loads transporting the turbines to site may have created. The increase in turbine height results in their still being a requirement for abnormal load transportation of turbines and therefore the requirement for a new legal agreement for these issues forms part of the recommendation.

Impacts on hydrology, water environment and flood risk

On the basis of the assessment of the impact of the proposals on these features 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.

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 Original Permission had conditions requiring a decommissioning and restoration plan to be submitted to the Council no later than 5 years 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 again 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.

Opportunities for energy storage.

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

Site decommissioning and restoration bond.

As noted 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.

Forestry and woodland removal.

The increase in turbine height does not affect the approved forestry/ woodland plan and therefore replication of this condition results in compliance with this criteria.

Impact on Prime Agricultural Land.

There is no Prime Agricultural Land within the application site.

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 additional borrow pits are proposed as part of these proposals.

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.

Notifiable installations and exclusion zones

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

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 ES containing appropriate mitigation measures which have been conditioned as part of the recommendation where required.

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, a Planning Monitoring Officer, Ecological Clerk of Works 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.

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 in paragraph 3.3.2 the proposals constitute development that falls within the scope of the Environmental Assessment Legislation and as referenced throughout Section 6 of this report an Environmental Statement accompanied the planning application submission.

6.6 Conclusion

- 6.6.1 The key issue in determining this application is whether the increase in the maximum turbine height from 125m as per the original consent to 145m now proposed is acceptable. A detailed assessment against development plan policy and supplementary guidance has been carried and it is concluded overall that the increase in height would accord with the assessment criteria and would not have any significant, additional impact on the landscape and environment subject to the

replication of the Original Permission's mitigation conditions. The minor changes to other conditions proposed in the application also raise no issues. It is, therefore, recommended that the section 42 application be granted subject to the conclusion of a legal agreement to address the issues set out on the front page of the report.

7 Reasons for Decision

- 7.1 The proposals to vary conditions 1, 8, 9, 17, 18, 20, 32, 35, 36 and 45 of planning permission Ref: CL/08/0727 are considered acceptable and the updated suite of approved documents appropriate. The increase in turbine height is 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: 12 November 2018

Previous references

- ◆ None

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 26 April 2018

- ▶ Consultations
 - Roads Transportation Services Bridges Structures Section
 - Douglas CC
 - Roads Flood Risk Management 10.05.2018
 - CAA
 - Scot Wildlife Trust
 - Countryside And Greenspace
 - Env Services Econsult
 - RSPB Scotland
 - MoD (Windfarms) 04.05.2018
 - Arquiva
 - Transport Scotland 17.05.2018
 - Scottish Water 01.05.2018
 - West Of Scotland Archaeology Service
 - SP Energy Network 08.05.2018

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| NATS | 03.05.2018 |
| Roads Development Management Team | |
| SGN | 30.04.2018 |
| BAA Glasgow | 21.05.2018 |
| SEPA West Region | |
| Ofcom | |
| Forestry Commission Central Scotland Conservancy | 10.05.2018 |
| HES | 21.05.2018 |
| Prestwick Airport | 14.05.2018 |
| SNH | |
| East Ayrshire Council | 24.05.2018 |

Contact for further information

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

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Email: james.wright@southlanarkshire.gov.uk

Conditions and reasons

01. That the development is carried out strictly in accordance with the terms of the application and the Environmental Report (March 2018) and approved Environmental Statement and Supplementary Environmental Information associated with Ref: CL/08/0727, including all mitigation and monitoring measures stated in all said documents, 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: To ensure compliance with all commitments made in the Environmental Report (March 2018).

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 31 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: In order to define the terms of the permission and retain effective planning control.

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 restoration and in order to retain effective planning control.

04. A minimum of 2 months prior to the commencement of the development a Desk Study of the whole site, including the confirmed Borrow Pit location, shall be undertaken to confirm that there has been no previously potentially contaminating use of land. If any such previous usage is confirmed then a Phase 2 intrusive investigation and risk assessment is required. This shall detail any methods of proposed remediation required. This shall be submitted to the Planning Authority for prior approval and thereafter implemented within the timescales set out. The developer shall undertake intrusive site investigations to identify the availability of suitable stone material from the proposed borrow pit on site and submit this information to the planning authority. 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 abnormal load route assessment approved for this application the developer will be required to provide an amended abnormal load route assessment to reflect any changes. Thereafter the changes require to be adhered to and implemented.

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

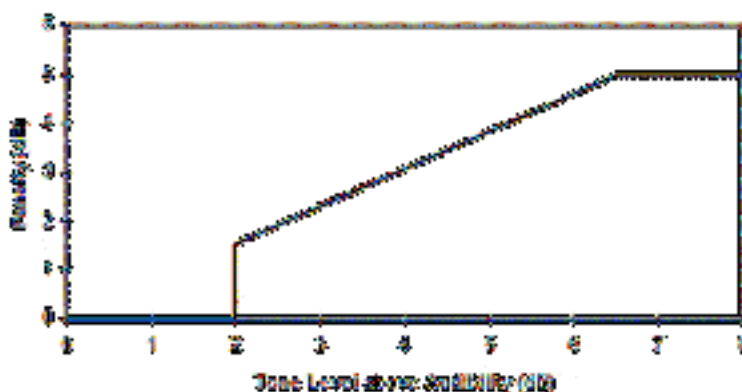
05. Noise Immission

The noise from the wind turbines must not exceed a noise level of 35dB measured as an LA90,10 min or background Level measured as an 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 10 metres per second as measured within the site.

The emissions from the development shall not contribute to the cumulative noise levels at any receptor (<0.3dB) as detailed within section 1.4 of document 3055-N02-EXT3, 20th December 2017 submitted in support of the application.

Reason: In order to retain effective planning control and to safeguard the noise amenity of local residents in accordance with ETSU-R-97

06. 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 the (relevant) condition 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.

Reason: In order to retain effective planning control and to safeguard the noise amenity of local residents in accordance with ETSU-R-97

07. At the reasonable request of the Planning Authority and following a complaint to it relating to noise imissions arising from the operation of the wind turbine or wind farm, the wind turbine operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise imission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97. The Planning Authority shall inform the wind turbine operator whether the noise giving rise to the complaint contains or is likely to contain a tonal component or an amplitude modulation. Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, is found to be in breach of the noise limits the wind turbine operator 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. In the event of amplitude modulation being established, the wind turbine operator shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority. At this time this would be in keeping with the Institute of Acoustics, IOA Noise Working Group (Wind Turbine Noise) Final Report, A Method for Rating Amplitude Modulation in Wind Turbine Noise, 9 August 2016, Version 1. Thereafter the approved mitigation measures require to be implemented within the timescales agreed.

Reason: In order to retain effective planning control and to safeguard the noise amenity of local residents in accordance with ETSU-R-97

08. Construction Works

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 4.00pm;

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.

b) 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.

09. Blasting

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 - 16.00-Mondays to Fridays and;

10.00- 12.00 Saturdays, with no blasting taking place on a Sunday or on national public holidays, unless otherwise agreed in advance in writing by the Planning Authority.

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

10. That at times during which the Borrow Pit is operational, then the noise levels at the nearest noise sensitive properties shall be restricted to 65dB LAeg (1hr) or background LA90 (1hr) + 10dBA, whichever is the greater, and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, shall be considered as Borrow Pit noise.

Reason: In order to retain effective planning control and to safeguard the noise amenity of local residents

11. Prior to commencement of development details of the following items should be submitted to and agreed in detail with the Council as Roads Authority [also in conjunction with Transport Scotland, as Trunk Roads Authority, regarding item a)], and implemented on site as required in accordance with the approved drawings and programme.
- a) Junction alteration work at A70 to site access entrance (former coal access)
 - b) At the site access visibility splays of 4.5m by 215m be provided with the A70.
 - c) Site compound to provide sufficient parking and a turning area to ensure all vehicles exit in a forward gear.

Reason: In the interests of road safety

12. 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 and Police Scotland and include a programme indicating phasing of construction of the project. 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

13. 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

14. 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.

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

15. 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.

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

16. That prior to commencement of internal wind farm 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 interests of road safety and in order to retain effective planning control

17. No later than 2 months prior to commencement of development a Construction Environmental Management Plan (CEMP) including Peat Management Plan, Peat Slide Risk Assessment, Site Waste Management Plan and Ground Water and Surface Water Management Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The CEMP 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.

If, during construction works, the CEMP requires to be modified this shall be agreed in writing with the Planning Authority, SEPA and SNH, and thereafter implemented within the timescales set out.

The CEMP 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 minimizing 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) A scheme of working for the borrow pit including method of works, drainage, implementation and restoration and aftercare.
- m) Compliance with the Council's Sustainable Drainage Systems 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.
- n) 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.
- o) 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. The PMP shall be in accordance with SEPA current guidance on development on peat.
- p) Peat Slide Risk Assessment (PSRA) - a PSRA that describes how important areas of peat will be protected during construction and thereafter the approved measures shall be undertaken in accordance with the terms of the approved assessment. The assessment should be carried out in accordance with current best practice.

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

18. Continuation of condition 17. The CEMP shall include the following:

- q) Site Waste Management Plan (SWMP) that sets out the management of waste from the site in accordance with SEPA guidelines and sets out timescales for implementation.

- r) A description of and measures to mitigate impact on surface water courses and the hydrology.
- s) 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. SEPA's current guidance on construction of river crossings and good practice advice for selecting and installing watercourse crossings shall be adhered to.
- t) 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.
- u) Timing and extent of any necessary re-instatement.
- v) 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 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.
- w) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.
- x) Ground Water and Surface Water Management Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. The Management Plan is to include a risk assessment and provisions for monitoring as required. The scope of groundwater monitorings shall be informed, but not limited to, by the results of ground investigation works. All works require to be carried out by component qualified professional. The methodology of such monitoring including locations frequency, gathering of information baselines 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.
- y) A monitoring plan shall be submitted to the Planning Authority setting out 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 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.
- z) Private Water Supplies (PWS) - all PWS to be identified within 1km radius of the site and shall be appropriately assessed in terms of the likely impact on the PWS from construction work.

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

19. A minimum of 2 months prior to the construction of the borrow pit and once ground investigation is complete, hydrology and hydrogeology information requires to be submitted to and approved by the Planning Authority in consultation with SEPA. Thereafter any required works will be carried out strictly in accordance with the approved mitigation measures and timescales set out.

Reason: In order to retain effective planning control.

20. Each turbine shall be erected in the position indicated (CL/08/0727 ES Amendment - Figure 1.2 Site Layout). 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 25 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with the Council, as Planning Authority (b) if the variation is of between 25 metres and 50 metres it shall only be permitted following written approval of the Planning Authority in consultation with the Council's Environmental Services, 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 order to retain effective planning control.

21. 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 the interests of retaining effective planning control.

22. 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: In the interests of the water environment.

23. 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 Radar of the Operator located at Lowther Hill and associated air traffic management operations.

Reason: In the interests of aviation safety.

24. No blades shall be fitted unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of conditions 23 and 24 above;

"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 primary radar and air traffic management operations of the Operator.

Reason: In the interests of aviation safety.

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

26. Prior to delivery of turbines details of the confirmed turbine layout 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 a light grey colour with a semi matt finish as stated in the ES.
- ii) Shall have blades that rotate in the same direction.
- iii) 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 the interests of visual amenity and in order to retain effective planning control.

27. 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 the interests of visual amenity and in order to retain effective planning control.

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

Reason: In the interests of environmental impact and controlling the use of salts and chemicals.

29. 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 ES and SEI and the Habitat Management Plan;
 - Advising the developer on adequate protection of nature conservation interests on the site;
 - Directing the micro-siting and placement of the turbines, borrow pits, bridges compounds and tracks and,
 - Monitoring compliance with the Construction Environmental Management Plan and Method Statement required by condition 17 and 18.

Reason: In the interests of habitat management and protected species.

30. 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 29 with the exception of the third and fourth bullet points of that condition.

Reason: In the interests of environmental management.

31. 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: In the interests of restoration.

32. 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, unless agreed in advance and in writing by the Council, as Planning Authority. 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 adverse impacts on any noise sensitive receptors in the vicinity of the site.

33. 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 an archaeological mitigation strategy. Thereafter the developer shall ensure that the approved strategy 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: In the interests of archaeology.

34. No later than 12 months after Phase 1 felling and three months prior to the commencement of the development is started the Habitat Management Plan shall be prepared in consultation with the Council's Local Biodiversity Officer, RSPB, SEPA, SNH and FCS, and submitted to the Planning Authority for approval. Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP within the timescales set out in the approved HMP. The finalised HMP is required:
- to support and commit to the restoration objectives in the HMP
 - to ensure that the use of forestry wastes at the site take due cognisance of the 'Joint Position Statement and Guidance' document for the use of trees cleared to facilitate development on afforested land
 - to set out monitoring of ornithological and habitat
 - to set out long term management for the HMP area relating to the positive habitat management for upland moorland species including the restoration/enhancement of heathland, establishment of areas of native broadleaved woodland, including riparian woodland, and restoration woodland edge.

Reason: In the interests of habitat management.

35. The Company shall within one month following the date of Commissioning invite the Planning Authority, SNH and RSPB to participate with them in a Habitat Management Group (HMG). The purpose of the HMG will be to oversee the delivery of the HMP and to review and assess the results from on-going monitoring. The HMG shall have the power to review the terms of the HMP but changes to the HMP shall only take effect once approved in writing by the Planning Authority. 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 impacts on species and maintain effective planning control.

36. 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 Council,

as Planning Authority in consultation with SNH and that a European Protected Species licence has been obtained from SNH if required.

Reason: To safeguard impacts on species and maintain effective planning control.

37. Prior to commencement of development (including the felling of timber) a pre-construction survey for red squirrel 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 red squirrels dreys be recorded within the trees to be felled, a licence shall be obtained from SNH prior to felling taking place.

Reason: In the interests of habitat management.

38. 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: In the interests of habitat management and protected species protection.

39. Prior to commencement of development a Deer Management Plan 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.

Reason: In the interests of species protection.

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 order to define the terms of the consent.

41. Prior to commencement of development unless otherwise agreed by the Planning Authority detailed plans a method statement, including a timetable for restoration of the borrow pit, construction compound and hard standing areas shall be submitted to, and approved in writing by the Planning Authority, in consultation with SNH. The approved plans shall be implemented in accordance with the approved timetable within 6 months of final commissioning of the development unless otherwise agreed by the Planning Authority to the satisfaction of the Planning Authority.

Reason: In order to retain effective planning control.

42. 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 31.

Reason: In the interests of restoration.

43. 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 at the highest practicable point or as agreed in writing with MoD. The developer shall provide the MoD with the 'as built' turbine locations.

Reason: In the interests of aviation safety.

44. 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 Local Planning Authority to confirm the deterioration and occurrence within 1 month of the complaint or otherwise agreed in writing with the Local 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 Local Planning Authority, an agreed technical mitigation measure with the Local Planning Authority to prevent any re-occurrence.

Reason: In order to retain effective planning control.

45. The developer shall be responsible for any alterations required to statutory undertaker's apparatus solely in relation to the construction, operation or decommissioning of the development, hereby approved.

Reason: To safeguard impacts on species and maintain effective planning control.

46. Prior to the commencement of the development Bridge Assessments require to be submitted to and approved by South Lanarkshire Council for the bridges on the approved route and any remedial works implemented in accordance with a programme, to be approved by the Planning Authority prior to work commencing on site (with the exception of Phase 1 tree felling). These assessments shall be in accordance with the Design Manual for Roads and Bridges and shall include the full Technical Approval process, the assessment, the assessment check appropriate to the category of structure, assessment certificate, assessment check certificate appropriate to the category of structure and preparation of the assessment report. Preliminary results shall be submitted to South Lanarkshire Council for approval before finalising the report.

Reason: In the interests of road safety.

47. Prior to commencement on site, if a bridge has been assessed as not capable of carrying the proposed loads then these loads shall not cross the bridge until remedial measures have been approved by the Council and completed.

All remedial measures will be carried out in accordance with the Design Manual for Roads and Bridges and the relevant Eurocodes. This will include the full Technical Approval process, the design, the design check appropriate to the category of structure, design certificate, the design check certificate appropriate to the category of structure and the procurement of the physical works through to completion on site. South Lanarkshire Council will be the Technical Approval Authority.

Reason: In the interests of road safety.

48. All of the bridges on the approved route will be monitored for defects during the period that the loads are transported in accordance with the Design Manual for Roads and Bridges with Principal Inspections being carried out jointly between the applicant and South Lanarkshire Council on the occasions detailed below;-
- (i) Prior to the transportation of the first load
 - (ii) At four weekly intervals for the duration of the contract
 - (iii) After the transportation of the last load

Following the first inspection a report will be prepared by the applicant for each bridge and will include a full description of the condition of all the bridge elements. The type and extent of any defects will be clearly marked on drawings and supported by photographs. This report will form the basis for the defects monitoring regime and will be updated after every inspection.

If, during an inspection, a defect is observed that gives the Council cause for concern no further loads will be permitted to cross the bridge until the issue has been resolved by the applicant to the satisfaction of South Lanarkshire Council.

Reason: In the interests of road safety.

49. Any proposals, including calculations, for a bridge requiring to be overlaid with a steel plate or similar to ensure that the load exerted on the structure does not exceed that from normal Construction and Use Vehicles will be forwarded by the applicant to the Council for approval prior to loads being transported over the bridge.

These loads must cross the bridge at a maximum speed of 5mph. No braking, gear changing or manual steering of the rear trailer is permitted on the bridge. Only one load will be permitted on the bridge at any one time. No other vehicle will be permitted on the bridge at the same time as the load.

Reason: In the interests of road safety.

50. Prior to commencement on site the developer shall inform MOD the estimated construction start date and the maximum height of construction equipment. Prior to the installation of turbines the latitude and longitude of every turbine shall be submitted to MOD.

Reason: In the interests of aviation safety.

51. Prior to the commencement of any deforestation associated with the construction of the development a Long Term Forest Management Plan (LTFMP) must be prepared in consultation with Forestry Commission, SNH and RSPB which will distribute the lost planting ground across the woodland as a whole and result in no net loss of woodland cover. LTFMP must be submitted for the written approval of the Planning Authority, in consultation with Forestry Commission Scotland, SNH and RSPB and the approved plan must thereafter be implemented.

Reason: In the interest of forest management.

52. No development shall commence unless and until such time as the Planning Authority receives confirmation from the Airport Operator that: (a) a Radar Mitigation Scheme has been identified; and (b) the Radar Mitigation Scheme can be implemented and maintained for the lifetime of the development.

Reason: In the interests of aviation safety.

53. No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as the Planning Authority receives confirmation from the Airport Operator that: (a) all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented; and (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator that the Radar Mitigation Scheme is acceptable mitigation for the development and has been satisfactorily implemented by the Airport Operator.

Reason: In the interests of aviation safety.

54. No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme approved under the terms of condition 52 and 53.

Definitions:

"Airport Operator" means Glasgow Prestwick Airport Limited or any successor as holder of a licence under the Air Navigation Order 2000 from the Civil Aviation Authority to operate Glasgow Prestwick Airport.

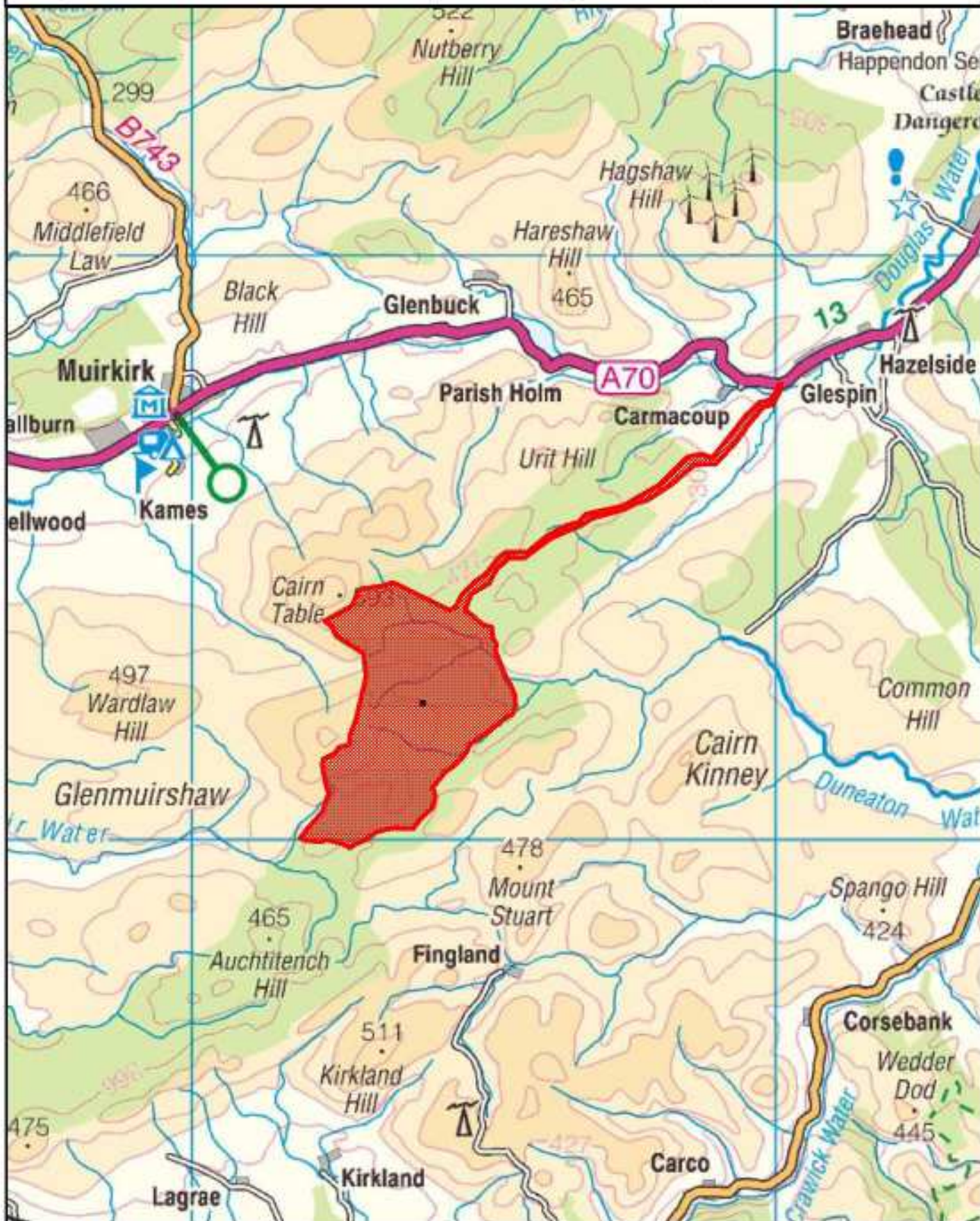
"Radar Mitigation Scheme" means such equipment, procedural or technological measures, as the Airport Operator identifies as necessary and sufficient to prevent the operation of the development or of any turbines forming part of the development impacting adversely on radar performance or on the performance of other navigational aids at Glasgow Prestwick Airport or on maintaining safe and efficient air traffic control services or procedures or airspace and which the Airport Operator is willing and able to implement and maintain for the lifetime of the development or for such shorter period as may be agreed in consultation with the Airport Operator as necessary to mitigate any such adverse impact.

"Testing Protocol" means the protocol to control the operation of any turbine or turbines forming part of the development for the purposes of testing of the Radar Mitigation Solution.

Reason: In the interests of aviation safety.

P/18/0072

Proposed Wind Farm at Penbreck and Carmacoup Forest, Glentaggart Road, Glespin, Lanark



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Date:
08/11/2018



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development