

	<h1>Report</h1>	<b>Agenda Item</b>  <h1>14</h1>
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Report to: **Planning Committee**  
 Date of Meeting: **3 November 2009**  
 Report by: **Executive Director (Enterprise Resources)**

Application No HM/08/0298  
 Planning Proposal: Erection of 2 Wind Turbines (100 metres in Height to Blade Tip)

## 1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : A7 Energy Ltd
- Location : Land at Lochhead Farm  
Carlisle Road  
Stonehouse

## 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 Listed)
- (2) That planning consent shall be withheld until the submission of a bond for the restoration of the application site.

### 2.2 Other Actions/Notes

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

## 3 Other Information

- ◆ Applicant's Agent: N/A
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (Adopted)**  
Policy STRAT 3 – Urban Settlements in The Green Belt Policy  
Policy ENV 14 – Potential Windfarm Areas of Search Policy  
Policy ENV 38 – Renewable Energy Site Assessment Policy  
Policy DM1 – Development Management Policy.

- ◆ Representation(s):  
 ▶ 0 Objection Letters

- ◆ Consultation(s):

BAA

Civil Aviation Authority

Environmental Services

Ministry of Defence

National Air Traffic Services

Roads and Transportation Services (Hamilton Area)

SEPA

Scottish Natural Heritage

Stonehouse Community Council

West of Scotland Archaeology Service

# **Planning Application Report**

## **1 Application Site**

- 1.1 The application relates to an area of agricultural land located adjacent to the M74 Motorway approximately 2.5 km to the south of Larkhall and 2 km to the east of Stonehouse. The site is surrounded by agricultural land with the farm buildings associated with Lochhead Farm and Broomfield Farm being located further to the south and east respectively.
- 1.2 The site is accessed via an unclassified road off the B7078 which runs roughly parallel with the motorway to the west. Several residential properties are located on the B7078 approximately ½ km from the site.

## **2 Proposal(s)**

- 2.1 This is a detailed planning application for the erection of two wind turbines and associated apparatus. Each turbine would measure a total of 100 metres in height to blade tip consisting of a 59 metre high tower with 82 metre diameter blades and would be finished in a semi-matt pale grey. The two wind turbines would in effect form an extension to three turbines which were granted planning consent and recently constructed at the same location (HM/05/0147 & HM/06/0889).
- 2.2 The development also incorporates additional on site tracks to facilitate access to the proposed turbines in addition to areas of hardstanding to accommodate cranes during the construction process. The turbines would be connected through a single electrical system linked to the existing consented windfarm and on to the control building. Access to the site would be via an unclassified road off the B7078.
- 2.3 A Planning Statement, Bat Survey, Ecological Assessment and Hydrological Assessment were submitted with the application as supporting documents. A screening opinion was undertaken by the Planning Service at the request of the applicant during the submission of the planning application under Regulation 7 (1) of the Environmental Impact Assessment (Scotland) Regulations 1999 (as amended) to assess whether the proposed development is, or is not an Environmental Impact Assessment (EIA) development. Due to the nature and location of the development it was considered that the proposal is likely to have no significant environmental effects and, therefore, no EIA was required. It is worth noting that the Scottish Ministers determined that an EIA was not required in relation to the previous planning application for the erection of three wind turbines at the site (HM/05/0147).

## **3 Background**

### **3.1 Local Plan Status**

- 3.1.1 The application site is located within an area designated as Green Belt land in the adopted South Lanarkshire Local Plan. The relevant policies in this instance are Policies STRAT 3 – Urban Settlements in The Green Belt, ENV 14 – Potential Windfarm Areas of Search Policy, ENV 38 – Renewable Energy Site Assessment Policy and DM1 – Development Management Policy. The content of the above policies and how they relate to the proposal is assessed in detail in Section 6 of this report.

### **3.2 Relevant Government Guidance/Advice**

- 3.2.1 Scottish Planning Policy (SPP) 2 – Economic Development – notes that one of the key aims of the Government is to encourage continued economic development in a way which is compatible with stated environmental objectives. It recognises the need for sustainability in industry and business and states that planning policy should support Scotland's economic competitiveness in a way which is consistent with other policies in the Scottish Executive.
- 3.2.2 Scottish Planning Policy (SPP) 6 – is primarily concerned with larger scale renewable energy projects and wind farms. However, the document highlights the importance of renewable sources for the regeneration of electricity as being an integral part of the UK Government's energy policy. The summary states that the Scottish Ministers will continue to support the full range of renewable generation technologies, including microrenewables, to enable Scotland to realize its considerable renewable generation technologies, including microrenewables, to enable Scotland to realise its considerable renewable energy potential.
- 3.2.3 Scottish Planning Policy (SPP) 21 - Green Belts confirms there is a strong presumption against inappropriate development in green belts. If a proposed use would not normally be consistent with green belt designation, it may still be considered appropriate in exceptional circumstances, either as a national priority or to meet an established need but only if no other suitable site is available.
- 3.3 **Structure Plan Policy**
- 3.3.1 The approved Glasgow and Clyde Valley Joint Structure Plan became operational in April 2008 and identifies 'potential' areas for large scale windfarm development. These encompass the previous 'preferred' areas but are more extensive. In addition to the areas in the south and west of South Lanarkshire a new area around Forth is also now identified. The Plan states that outwith the potential areas of search, windfarm developments would raise strategic planning issues and priority should be given to the protection of strategic environmental resources and the amenity of local communities, particularly Green Belt sensitivities. The plan also includes a 'threshold of strategic significance' for windfarms – this has been set at 20mw.
- 3.3 **Planning History**
- 3.3.1 Detailed planning consent was granted to A7 Energy Ltd following an appeal to the Scottish Government against non-determination of an application for the erection of three 91 metre high wind turbines on 6 June 2006 and included permission for associated infrastructure, including access roads, transformers and switchroom (P/PPA/380/316 & HM/05/0147).
- 3.3.2 Detailed planning consent was granted to A7 Energy Ltd following an appeal to the Scottish Government against non-determination of an application for an increase in height of the above three wind turbines from 91 metres to 100 metres on 29 October 2007 (P/PPA/380/359 & HM/06/0899).
- 3.3.3 A detailed planning application was submitted and later withdrawn by A7 Energy Ltd on 18 March 2009 for the formation of an alternative access road to the site (HM/06/0897).
- 3.3.4 Detailed planning permission was granted to A7 Energy Ltd for the erection of a substation (Amendment to details approved under HM/05/0147) at the site on 25 February 2008 (HM/07/0553)

## **4 Consultation(s)**

- 4.1 **BAA** – have no objections to the application as the proposal does not conflict with safeguarding criteria.  
**Response:** Noted
- 4.2 **Civil Aviation Authority** – advised that the proposed development may have the potential to impact upon operations associated with Glasgow International Airport (GIA). It is possible that associated environment documentation addresses any potential GIA concerns. However, without access to any ES the Civil Aviation Authority cannot comment further other than to highlight the importance of the Council providing the Airport Licensee (BAA) the opportunity to comment on the application as a whole. It is also recommended that both the MOD and NATS are consulted and that any concerns expressed are taken into account.  
**Response:** Noted. BAA, NATS and the MOD were consulted on the application and none of these consultees raised any adverse comments in relation to the proposal.
- 4.3 **Environmental Services** – have no objections to the application. While it is not anticipated that noise will be an issue with the operation of these turbines, prior to planning consent being granted a written statement requires to be submitted by the applicant detailing what remedial actions will be taken should noise nuisance occur.  
**Response:** Noted. In response to the above the applicant advised that in the event of a noise complaint the turbines would be inspected within 48 hours for any defects that could cause increased noise. If this did not resolve the problem the affected property would be asked to complete a record for a one week period indicating the times on each day that disturbance was experienced and this information would be investigated. The applicant proposes to undertake the above informally and directly with the affected property without formally involving the Planning Authority. If this did not resolve the problem then the resident could escalate the enquiry to involve Planning Service. Environmental Services confirmed that they considered the above procedures to be acceptable and that any consent granted could be conditioned appropriately to address this matter.
- 4.4 **Ministry of Defence** – have no objections to the proposal subject to appropriate aviation lighting being fitted to the turbines. The light should be steady and have a setting of 200 candelas. It should be placed at the highest practicable point and be visible from any angle.  
**Response:** Noted and any consent granted would incorporate an appropriately worded condition to address this matter.
- 4.5 **National Air Traffic Services (NATS)** – have no objections to the application as the proposal does not conflict with safeguarding criteria.  
**Response:** Noted.
- 4.6 **Roads and Transportation Services (Hamilton Area)** - have no objections to the application subject to conditions requiring acceptable visibility splays onto Broomfield Road, adequate surfacing of the proposed access track and the culverting of the drainage ditch onto Broomfield Road.  
**Response:** It should be noted that since the above comments were made the access road has been formed as part of the existing consented wind farm which is now operational. Appropriate visibility splays were put in place at that time and appropriate ducts and drainage were specified and installed at the location of the ditch.
- 4.7 **SEPA** – initially objected to the proposal on the basis of a lack of information in terms of construction and completion drainage information and a suitable construction method statement. However, SEPA has reviewed its position with regard to this

application and now considers that the matters previously raised in their consultation response can be dealt with by condition on any planning permission granted. Given the proximity of the watercourse SEPA would ask that the applicant contacts their local area team at an early stage to discuss the detail of their pollution prevention proposals.

**Response:** Noted. Any consent granted would incorporate appropriately worded conditions to address all matters raised.

- 4.8 **Scottish Natural Heritage (SNH)** – have no objections to the application. SNH initially recommended locating the turbines so that their blade tips are at least 50 m from the highest part of hedges, tree-lines or woodland in the vicinity in order that adverse impacts on bats are reduced when they use these features for foraging and commuting. The developer has looked into the issue of moving the first turbine further away from the hedgerow and SNH are satisfied with the distance of 48 metres as other constraints do not allow for the 50 metres that good practice guidelines recommend. The submitted Ecological Assessment found a number of badger setts on Lochhead Farm but they are far enough away that a licence will not be needed to work within close proximity to them. However, contractors working at the site should be made aware that they are present and of the legislation that protects them. The report also mentioned that a hedgerow may be affected by the proposal and therefore nesting birds should be taken into consideration if hedge work is to be undertaken within the main bird breeding season. Hedgerow removal should also be kept to a minimum. SNH agree with the recommendation made in the Ecological Assessment report but would add that if planning permission is granted a pre-construction check for protected species should be undertaken no more than six months before work starts on site. Japanese Knotweed is close to a watercourse and a Site of Special Scientific Interest (SSSI) and it should be treated or disposed of in an appropriate manner.

**Response:** Noted and any consent granted would incorporate appropriately worded conditions and informatives to address the matters raised.

- 4.9 **Stonehouse Community Council** – no response to date.

**Response:** Noted.

- 4.10 **West of Scotland Archaeology Service** – have no objections to the proposal as no known archaeological issues are raised by the application.

**Response:** Noted.

## **5 Representation(s)**

- 5.1 Statutory neighbour notification procedures were undertaken and the application was advertised in the Hamilton Advertiser under Article 12 (5) due to the scale or nature of operations and as Development Potentially Contrary to the Development Plan. No letters of representation were received in relation to this application.

## **6 Assessment and Conclusions**

- 6.1 The determining issues that require to be addressed in respect of this application are compliance with national, structure and local plan policy, the visual impact of the proposal, the impact on both civic and military aviation and the impact on natural heritage.
- 6.2 The application relates to the erection of two wind turbines and associated apparatus. In terms of national policy guidance, SPP 2 - Economic Development supports economic competitiveness and renewable energy technologies and SPP 6 – Renewable Energy highlights the importance of renewable sources for the

regeneration of electricity as being an integral part of the UK Government's energy policy. The summary states that the Scottish Ministers will continue to support the full range of renewable generation technologies, including microrenewables, to enable Scotland to realize its considerable renewable energy potential. In terms of the site's location within the Green Belt, SPP 21 - Green Belts confirms there is a strong presumption against inappropriate development in green belts. If a proposed use would not normally be consistent with green belt designation, it may still be considered appropriate in exceptional circumstances, either as a national priority or to meet an established need but only if no other suitable site is available.

- 6.3 As discussed previously, the two wind turbines proposed would in effect form an extension to the three turbines which were granted planning consent following appeals to the Scottish Ministers against non-determination of planning applications HM/05/0147 & HM/06/0889 and which were recently constructed and are now operational. It should be noted that in relation to the initial planning appeal for the development the Scottish Government Reporter considered that the three turbines would benefit the local economy during construction and operational phases, that the turbines would not detract from the landscape setting of nearby towns in the Green Belt and that they would cause no significant detriment. He concluded that the development would be consistent with national planning policy guidance on renewable energy. Given the above and the Scottish Government's continued support for the full range of renewable generation technologies, including microrenewables, I am satisfied that the application for an additional two turbines at the site conforms with national planning policy guidance.
- 6.4 In terms of Structure Plan Policy the application requires to be assessed against the approved Glasgow and Clyde Valley Joint Structure Plan which became operational in April 2008. The Structure Plan identifies 'potential' areas for large scale windfarm development. These encompass the previous 'preferred' areas but are more extensive. In addition to the areas in the south and west of South Lanarkshire a new area around Forth is also now identified. The Plan states that outwith the potential areas of search, windfarm developments would raise strategic planning issues and priority should be given to the protection of strategic environmental resources and the amenity of local communities, particularly Green Belt sensitivities. The application site does not lie within a 'potential area of search' as defined in the 2006 Structure Plan. The plan also includes a 'threshold of strategic significance' for windfarms – this has been set at 20mw. In this instance, the proposed turbine development at Lochhead Farm is below the threshold of significance, and would not require to be assessed against the Structure Plan but should be assessed on local planning grounds.
- 6.5 In terms of local plan policy, the application site is located within an area designated as Green Belt land in the adopted South Lanarkshire Local Plan and the proposal requires to be assessed against Policy STRAT 3 – Urban Settlements in The Green Belt Policy. The proposal also requires to be assessed against Policies ENV 14 – Potential Windfarm Areas of Search Policy, ENV 38 – Renewable Energy Site Assessment Policy and DM1 – Development Management Policy.
- 6.6 Policy STRAT 3 seeks to direct development to within these settlements whilst allowing the Green Belt to continue to function as an area for agriculture, forestry recreation and other appropriate uses. There shall be a general presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation, establishments and institutions standing in extensive grounds or other uses considered by the Council to be appropriate to the Green Belt. Policy ENV 14 states that in accordance with the Structure Plan and

SPP6, the potential areas of search identified on the Strategy Plan should be the focus for investment in significant wind farm developments. Proposals within the potential areas of search will be assessed against the criteria set out in Policy ENV 38 – Renewable Energy Site Assessment Policy. Outwith the broad areas of search, the criteria in Policy ENV 38 will be followed to consider applications on their merits, mindful of the overall policy of support for renewable energy developments. I am satisfied that the erection of a further two turbines at the site will not detract from the landscape setting of the Green Belt and that the proposal generally conforms with the thrust of Policy STRAT 3. In terms of Policy ENV 14 the proposal is not considered to be a significant wind farm development and the site is located outwith the broad areas of search. The proposal, therefore, requires to be assessed on its own merits against the criteria contained within Policy ENV 38 mindful of the overall policy of support for renewable energy developments.

- 6.7 Policy ENV 38 states that all proposals for wind farms and other renewable energy developments will be assessed against the under noted criteria: The main considerations are:

(A) International and National Heritage Designations and the Green Belt.

(B) Other Natural and Built Heritage Resources.

(C) Other Considerations;

The above criteria are set out below and addressed in turn.

**(A) International and National Heritage Designations and the Green Belt.**

**Response:** The application site is located within the Green Belt, however, there are no heritage designations that would be directly affected by the proposals. Cander Moss SSSI is located to the south of the site and as the turbines in this application would be closer to the SSSI than those previously consented the applicant commissioned a Bird Survey to ascertain whether the development would have any potential impact upon birdlife at Cander Moss. SNH were consulted on the Survey and consider the proposal to be acceptable subject to conditions relating to pre-construction surveys and nesting birds. It should be noted that the previous appeal decisions concluded that there would be no adverse impact on the SSSI due to the distance between the turbines and the SSSI and the lack of a hydrological link between the turbines and the SSSI.

**(B) Other Natural and Built Heritage Resources.**

**Response:** The development does not have a direct impact on any listed buildings, ancient monuments, etc. Landscape and visual impact diagrams were submitted as part of the application which indicate that it is unlikely that the proposal would have an adverse impact on the environment.

**(C) Other Considerations;**

**1. The development will not unacceptably affect the amenity of residents of nearby towns, villages and other properties by means of noise, smell, visual dominance, shadow flicker, reflected light or other emission.**

**Response:** There are few residential properties located in the surrounding area and it is considered that residential amenity would not be significantly affected by noise, shadow flicker, electromagnetic disturbance or visual impact. Whilst it is not anticipated that noise, smell reflected light or any other emission would be an issue with the operation of these turbines an appropriately worded condition would be attached to any consent granted to address the matter of potential noise nuisance as discussed in Section 4.3 of this report. A condition would also be incorporated to address the matter of potential shadow flicker. With regard to visual impact, landscape and visual impact diagrams were submitted with the application which



depict the impact of the proposal in conjunction with the three previously consented turbines at the site. Due to the limited scale of the proposal and the surrounding development in the form of the motorway, various farmsteads and the three recently constructed turbines it is considered that the additional two turbines will not have a significant effect on the landscape character of the area and will not result in any significant further impact beyond the existing turbines the effects of which were considered to be acceptable in the previous planning appeal decisions.

**2. Views from key tourist routes and visitor attractions will not be adversely affected to an unacceptable degree.**

**Response:** I am satisfied that views from key tourist routes and visitor attractions will not be significantly affected by the development. Due to the small scale of the proposal and its distance from existing and proposed wind farms it is considered that cumulative impacts are unlikely to be significant. It should be noted that in relation to the previous appeal decisions at the site the Scottish Government Reporter considered that the development would be seen in the context of the neighbouring motorway and would not cause a significant change to the plateau farmlands landscape character zone. He considered that the landscape in this area has no special protection beyond its green belt status and that the most important viewpoints would be from the motorway itself and the B7078 on the opposite side of the motorway, from where the full height of the towers and blades would be visible. The turbines would be on the skyline, although their bases would be viewed against the backcloth of a higher ridge in the distance where a large wind farm at Black Law draws the eye to the north east. He concluded that the visual impact from this viewpoint would be significant but that the presence of fast moving traffic would lessen the adverse effect of the turbines. The turbines would be prominent to view to north and southbound drivers on the M74 over a distance of about 500 metres where they would dominate views. However, most views from the road are screened by existing embankments, trees and buildings and the Reporter did not consider that the visual impact over this short distance would be significant.

**3. The siting and external appearance of apparatus, including any locational or landscaping requirements, have been designed to minimise the impact of such apparatus on amenity, while taking account of operational efficiency.**

**Response:** The proposal includes a single area of crane hardstanding measuring approximately 800 square metres and switchgear housing 25 square metres in floor area located adjacent to each turbine. I am satisfied that the inclusion of these areas of hardstanding raises no amenity issues.

**4. Access for construction traffic can be achieved without compromising highway safety, residential amenity or causing significant permanent damage to the environment.**

**Response:** It should be noted that the access road has already been formed as part of the existing consented wind farm which is now operational. The site is suitably located for access to the M74 motorway and appropriate visibility splays were put in place at that time of construction. Roads and Transportation Services were consulted on the application and raised no access or road safety issues.

**5. Where there are clear landscape or other sensitivities that will have to be addressed, as agreed with the Council, the environmental effects of all new transmission lines between the development and the point of contact to the grid should have been assessed and shown to have no significant adverse environmental impact, or that such impacts can be suitably mitigated.**

**Response:** It is considered that the proposal raises no issues in this respect as there are no sensitive landscape designations in the immediate area.

**6. No electromagnetic disturbance is likely to be caused by the proposal to any existing transmitting or receiving system or, where such disturbances may be caused, that measures will be taken to remedy or minimise any such disturbances.**

**Response:** There are few residential properties in the area, however, any consent granted would incorporate a condition requiring the submission of a survey identifying any properties that may experience a reduction in the quality of television reception received as a result of the development of the wind turbine and proposed mitigation measures for the Council's approval.

**7. The impact of the proposal on radar performance and other air safety considerations have been satisfactorily addressed and demonstrated to the satisfaction of the relevant technical authorities.**

**Response:** BAA (Safeguarding Team), Civil Aviation Authority (CAA), Defence Estates (Ministry of Defence) and NATS (National Air Traffic Services) have raised no objections to the proposal as detailed above in Section 4 of this report.

**8. Where proposals are shown to have a significant adverse impact in respect of any of the above criteria, the developer will be required to demonstrate that appropriate mitigating measures will be applied.**

**Response:** It is considered that the proposal raises no issues in this respect.

**9. For larger schemes, and for other schemes where specific species/habitats are affected, developers may be required to submit a Habitat Management Plan setting out the means of land management that will secure biodiversity objectives.**

**Response:** It is considered that the proposal raises no issues in terms of adverse impact on species/habitats in the area. Subject to conditions, SNH raised no adverse comments in relation to the application. In the most recent planning appeal decision relating to the erection of 3 wind turbines at the site (P\PPA\380\359) the Scottish Government Reporter was satisfied that the survey results submitted within the associated ecology report indicated that the proposals would not have any adverse impact on protected species.

**10. All windfarm applications should acknowledge the need for decommissioning, restoration and aftercare at the end of the permission or the life of the turbines, if earlier, and not renewed by the Council. Conditions, including a restoration bond where appropriate, will be imposed on any permission granted to this effect, requiring implementation measures to be agreed with the Council in accordance with best practice at the time.**

**Response:** It is considered that the submission of a restoration bond would be appropriate in this instance to ensure that if before the expiry of the 25 years, the turbines become redundant or obsolete and are disused for a period of 6 months, that within 1 month thereafter they shall be removed and the land reinstated to its former condition to the Council's satisfaction. Planning consent would, therefore, be withheld until the submission of such a bond. Furthermore, any consent granted would be conditioned to ensure that the turbines would be removed and the land restored to its former condition within 1 month, at the expiry of 25 years from the date of this permission, unless planning permission has been granted for an extension of the period all to the Council's satisfaction.

**11. The Council will require all applications for renewable energy developments which fall within the scope of the Environmental Assessment legislation to be accompanied by an Environmental Statement, and encourages these to be preceded by a pre-application scoping report.**

**Response:** In response to the applicant's request for a Screening Opinion South Lanarkshire Council advised that the proposal was likely to have no significant environmental effects and, therefore, no Environmental Impact Assessment was required. It is also worth noting that the Scottish Ministers determined that an EIA was not required in relation to the initial planning application for the erection of three 91 metre high wind turbines at the site (HM/05/0147).

**12. Where appropriate, the Council will normally require an applicant to enter into a Section 75 Agreement to address community benefit payments, restoration bond requirements and other matters which cannot be controlled by the imposition of planning conditions.**

**Response:** In this instance, it is considered that a restoration bond can be put in place without the need for a Section 75 Agreement. With regard to community benefit it is considered that the scale of the development does not require such payment in this instance. It should be noted that in the most recent appeal decision at the site the Reporter noted that whilst the applicant was prepared to make a contribution to a community trust he did not consider that this measure was justified by the nature of the proposal or its effect on the community.

**13. Applications should include details of the environmental, social and economic benefits that will arise from the project, both locally and nationally, including the overall number of jobs and economic activity associated with the procurement, construction and operation of the development.**

**Response:** The applicant proposes to set aside community benefit funds of £4,000 per year similar to a similar scheme currently in place at their Greendykeside wind farm where they donate funds to two local Community Halls on an annual basis. In addition to the applicant being willing to make money available for community benefit they have been involved in recent discussions with the Council regarding the most appropriate mechanism for delivering this. The proposal would also benefit the local economy during the construction and operational phases of the development. In the initial planning appeal decision at the site it was concluded by the Scottish Government Reporter that the three turbines relative to that appeal would yield £624,000 in tax over the 25 year life of the project and that the indirect employment effects would be potentially more widespread.

- 6.8 In terms of the detail of the proposal Policy DM 1 requires new development to have due regard to the layout, form, design and local context of the area. For the reasons previously discussed above, I am satisfied that the proposal meets the terms of the above policy.
- 6.9 In summary, it is considered that at a national and local level there is policy support for the efficient use of renewable energy, which, at present, is best provided by wind power. Although planning policies are mainly targeted towards larger wind farms, there is clear policy support for this type of development and I am satisfied that the proposal complies with the appropriate policies, that it will not have a significant effect on the landscape character of the area. I am also satisfied that cumulative impacts with existing and proposed wind farms are unlikely to be significant as a result of the proposal. I, therefore, recommend that planning consent be granted subject to the conditions listed and the submission of a restoration bond.

## **7 Reasons for Decision**

- 7.1 The proposal has no adverse impact on either residential or visual amenity, it complies with national planning policy and is in accordance with Policies STRAT 3, ENV 14, ENV 38 and DM1 of the adopted South Lanarkshire Local Plan.

**Colin McDowall**  
**Executive Director (Enterprise Resources)**

**27 October 2009**

### **Previous References**

HM/07/0553  
HM/06/0897  
HM/06/0899  
HM/05/0147  
P/PPA/380/316  
P/PPA/380/359

### **List of Background Papers**

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
  - Civil Aviation Authority 10/06/2008
  - Environmental Services 04/07/2008
  - Roads and Transportation Services (Hamilton Area) 24/06/2008
  - West of Scotland Archaeology Service 26/06/2008
  - BAA Plc 26/06/2008
  - Scottish Natural Heritage 30/07/2008
  - BAA Plc 18/07/2008
  - NATS - Infratil Airports Europe Limited 23/07/2008
  - Scottish Natural Heritage 16/09/2008
  - NATS - Infratil Airports Europe Limited 03/09/2008
  - S.E.P.A. (West Region) 09/01/2009
  - Scottish Natural Heritage 27/07/2009
  - Scottish Natural Heritage 06/07/2009
- ▶ Representations

**Contact for Further Information**

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

Jim Blake, Planning Officer, Brandon Gate, Hamilton  
Ext 3508 (Tel :01698 453508 )  
E-mail: [Enterprise.hamilton@southlanarkshire.gov.uk](mailto:Enterprise.hamilton@southlanarkshire.gov.uk)

## CONDITIONS

- 1 This decision relates to drawing numbers:  
22454-E01 stanm  
22454-E02 stanm  
22454-E005.dwg stanm
- 2 The development hereby permitted shall be started within three years of the date of this permission.
- 3 At the reasonable request of the Council as Planning Authority and following a complaint to the planning authority relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the planning authority, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97.
- 4 That before any development commences on site or before any materials are ordered or brought to the site, details and samples of all materials to be used as external finishes on the development shall be submitted to and approved by the Council as Planning Authority.
- 5 That no development shall commence until details of surface water drainage arrangements have been submitted to and approved in writing by the Council as Planning Authority; such drainage arrangements will require to comply with the principles of sustainable urban drainage systems and with the Council's Sustainable Drainage Design Criteria and requirements.
- 6 Permission is granted for a period of 25 years from the date of commissioning of the development. Written confirmation of the date of the commissioning of the development shall be supplied in writing to the planning authority.
- 7 The site working area, including plant movements, shall be identified on a suitably scaled plan prior to the commencement of development, and agreed with the planning authority in consultation with SNH. All unnecessary disturbance, or encroachment onto sensitive habitats shall be avoided. The site working area shall be clearly communicated to all site personnel prior to their commencement of work on the site, and demarcated by a temporary fence or barrier for the duration of the work, unless otherwise agreed in writing with the planning authority.
- 8 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 six 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 six month

period of non generation in accordance with the agreed scheme under Condition 34 of this permission, all to the satisfaction of the planning authority.

- 9 The blades of the turbines shall rotate in the same direction.
- 10 Prior to any turbine being erected on site, the colour of the turbines and blades shall require to be approved in writing by the planning authority.
- 11 Each turbine shall be erected in the position indicated on the approved plan. A variation of the indicated position of any turbine on the said plan by less than 50m shall only be permitted following the written approval of the planning authority.
- 12 Prior to the commencement of the development, a scheme showing the details of soil stripping at the site and the storage and proposed use and replacement of soil and subsoil shall be submitted to the planning authority. The scheme shall have regard to the drainage implications of soil movement and storage. All soil stored on site shall be stored in accordance with BS 3882. Thereafter, all soil stripping, storage and replacement operations shall accord with the approved details as approved by the planning authority. In particular the scheme shall incorporate a method statement setting out the measures to protect, store and replace soil and any necessary mitigation measures.
- 13 Prior to the commencement of any works on site, details of any transformers and associated equipment shall be submitted to and approved by the council as planning authority.
- 14 Prior to the commencement of any works on site, details of all road widening and associated works on the access road leading to the site shall be submitted to and approved by the council as planning authority.
- 15 Prior to the commencement of any works on site, a plan to a scale of 1:500 shall be submitted to the planning authority showing the location of any contractor's site compound or contractor's laydown area required temporarily in connection with the construction of the development. Each plan shall indicate the location of the buildings, car parking, material stockpiles, oil storage, lighting columns and boundary fencing. The plans shall detail the surfacing of the site compound, the means of drainage and dust suppression within the compound and shall set out the activities that will take place within the compound. Thereafter any temporary site compound at the site shall be implemented in accordance with the approved plans.
- 16 All temporary contractors' site compounds shall be removed and the land reinstated to its former profile and condition no later than 1 month following the completion of development.
- 17 Prior to the commencement of the development a Desk Study of the whole site shall be submitted to confirm that there has been any previous 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 and a timetable for their completion. This shall be submitted to the planning authority for written approval prior to work commencing and any necessary remediation shall be carried out in accordance with the approved scheme.
- 18 Any 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 any contamination.

- 19 Steps shall be taken to ensure that all vehicles leaving site are in such a condition as not to emit dust or deposit mud, slurry or other deleterious material on the adjoining public road. In particular, but without prejudice to the foregoing, efficient means shall be installed, maintained and employed for the cleaning of wheels and chassis of all vehicles leaving the site. Such means shall include suitable and sufficient wheel wash facilities that operate on a closed cycle basis with no discharge into any water course if so required by the planning authority, the said wheel washes being in a location to be agreed in writing with the planning authority. The applicant or subsequent developer(s)/operator shall at all times be responsible for the removal of mud or other material deposited on any public highway adjacent to the site by vehicles entering or leaving the site. Any waste from any wheelwash facilities shall be disposed of to the satisfaction of the planning authority in consultation with the Scottish Environmental Protection Agency.
- 20 All site access tracks from the wheel wash facility to the public road shall be maintained clear of any mineral derived material, including soils, during the construction of the development.
- 21 The site access road from B7078 shall be maintained clear of any mineral or mineral derived material, including soils, during the construction of the development, to the satisfaction of the council as planning authority.
- 22 Prior to the commencement of the development on site, the developer shall submit to the planning authority a method statement for addressing noise received at any sensitive receptor in the vicinity of the site and surrounding area. Specifically the method statement shall set out the cumulative effects of concurrent construction, operation of the substation and operation of the development and thereafter predict the likely noise impacts from such events both singularly and cumulatively. The method statement shall include the means to ensure that noise generated by the wind farm complies with the guidance set out in the publication 'The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)' as well as the advice contained within Planning Advice Note 56 (PAN56) 'Planning and Noise'.
- 23 No deliveries of materials to and from the development site shall take place outwith the hours of 0730-1900 Monday to Friday and 0730-1300 Saturday with no deliveries on Sunday or local or national public holiday without the prior written approval of the planning authority.
- 24 Noise from the wind turbines shall not exceed 35dB LA90(10min) or background LA90(10min) +5dB, whichever is greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 9 metres per second as measured within the site.
- 25 If the tonal noise emitted by the development exceeds the threshold of audibility by 6.5dB or more, then the acceptable noise specified in Condition 24 shall be reduced by 5dB, always providing that the definition of audibility for the purposes of this condition shall be as described in 'The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)'.
- 26 Fixed and mobile plant and vehicles used within the site during the construction period shall not incorporate bleeping type warning devices that are audible at any



noise sensitive receptor. Details of alternative warning devices shall be submitted to and approved in writing by the Council as planning authority prior to the development starting on site.

- 27 No blasting shall take place outwith the hours of 10.00hrs to 12.00hrs mid-day Monday to Saturday and 14.00hrs to 16.00hrs Monday to Friday and all blasting shall be controlled such that the maximum peak particle velocity in any plane shall not exceed 6mm per second at all sensitive receptors.
- 28 All stockpiles of materials to be used in road construction shall be formed in such a manner that they are capable of facilitating spraying during periods of dry weather.
- 29 Prior to the commencement of construction at the site, the developer shall submit to the planning authority a management plan for minimising the emission of dust from the construction and operation of the development hereby authorised. The dust management plan shall specify the following matters and, after its approval it shall be implemented prior to the commencement of and during the construction of the development:-
  - i) the water spraying of all internal roads and unvegetated soil mounds to suppress dust in periods of prolonged dry weather;
  - ii) the means to ensure that an adequate water supply is available at all times for dust suppression purposes;
  - iii) the steps to be taken to improve efficiency of dust suppression measures in the event of the failure of the regime to prevent the emission of wind borne matter falling out onto adjacent land;
  - iv) the site shall be so operated to ensure that adequate steps are taken at all times to minimise dust propagation from unsurfaced access tracks within the site.
- 30 The applicant/developer shall ensure that vehicles used for the movement of materials within the site do not have downward pointing exhaust pipes.
- 31 No work shall commence on site until the applicant has provided the Ministry of Defence with the following detailed information:
  - date of commencement of each phase of construction
  - date of completion of each phase of construction
  - the height above ground level of the tallest structure
  - the maximum extension height of any construction equipment
  - the position of the masts in latitude and longitude, and
  - site lighting if appropriate.
- 32 No work shall take place and no materials shall be stored within 20m of the Mill Burn to avoid potential impacts on water voles. This 20 metre, 'buffer' shall be suitably protected prior to the start of construction.
- 33 All roads, crane hard standings, and site compounds shall be capped with an appropriate load-bearing rock material (preferably igneous or metamorphic in origin rather than sedimentary rock). Materials shall preferably be won on-site, should local sources be of an appropriate type.
- 34 No development shall commence on site until a Method Statement (or Method Statements) detailing all on-site preparatory, construction, drainage, forest operations and restoration/re-instatement works has been submitted in writing to, and agreed by the planning authority, in consultation with SNH. Details of timing

and phasing of all operations across the year shall be included. Any potential impacts of operations on sensitive habitats and species, together with mitigation measures to avoid or limit the effects, shall be assessed and evaluated. The Method Statement(s) shall integrate 'best practice' methods from the Scottish/UK wind farm industry with the mitigation measures identified in the environmental report supporting the application.

- 35 Without prejudice to the generality of Condition 34 above, prior to the development becoming operational, the restoration plan shall include details of phased decommissioning, the land use prevailing after decommissioning has taken place, the means of disposal of all waste materials and road metal, the dismantling methodologies for each turbine setting out the extent of recovery or of recycling of all metals and other recyclable parts, the means of removing the turbine bases and crane pads and the removal of cabling and ducts within the site.
- 36 Prior to the decommissioning of any turbine, an aftercare scheme for the restored site shall be submitted to and approved in writing by the planning authority and thereafter implemented.
- 37 Prior to the entire development or any section of the development hereby authorised becoming operational, a plan for the restoration of the site shall be submitted to and approved by the planning authority. The restoration plan shall set out the means of reinstating the site following the removal of the components of the development as specified in Condition 36 above. The completed restoration shall conform to the approved plan.
- 38 Within 12 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 and aftercare scheme referred to in Conditions 36 and 37. For the purposes of this condition 'restored' means the removal of all wind turbines, turbines pads, initial layers of foundation and all buildings and ancillary development. Notwithstanding this requirement, no later than one year prior to the commencement of the restoration and aftercare scheme, the planning authority, in consultation with SNH, shall review the retention of pads, foundations, cable/ducts and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement.
- 39 The means of foul drainage from sanitary facilities shall be submitted for the approval of the planning authority in consultation with the Scottish Environment Protection Agency and shall conform with those approved details.
- 40 Any fuel, oil, lubricant, paint or solvent stored on site shall be contained within bunds or double skin tanks which must be locked and capable of containing at least 110% of the largest capacity vessel stored therein and any spillage of any oil shall be dealt with immediately.
- 41 Prior to and during development (including tree felling operations) monitoring of the surface waters shall be undertaken where they enter and leave the site. Confirmation shall be provided that the surface water quality is not being compromised by any on site activities.
- 42 Prior to the commencement of development, details shall be submitted to the planning authority of groundwater management, water treatment and the means of drainage from all hard surfaces and structures within the site. For the purpose of

this condition, 'hard surfaces' include internal access tracks, construction and laydown areas, turbine pads and crane pads. The details to be submitted shall indicate the means of protecting groundwater and diverting surface water run-off. Thereafter the approved measures shall be implemented.

- 43 The applicant/developer shall provide and utilise water bowser facilities to control dust emissions from the site from access tracks and mineral stockpiles.
- 44 That the turbines shall be located so that their blade tips are at least 48 metres in distance from the highest part of any hedges, treelines or woodland in order that adverse impacts on bats are reduced when they use these features for foraging and commuting.
- 45 That before development starts a construction method statement outlining full drainage proposals, both construction and operational, and clearly indicating how the water environment will be protected at all times shall be submitted to and approved by the Council as Planning Authority.
- 46 That before development starts full details of aviation lighting shall be submitted to and approved by the Council as Planning Authority. The light shall be steady and have a setting of 200 candelas. It shall be placed at the highest practicable point and be visible from any angle.
- 47 Prior to the commencement of development a survey shall be undertaken to identify any properties that may experience a reduction in the quality of television reception received as a result of the development of the wind turbine. Within one month of the first generation of electricity by the turbine, a second survey shall be undertaken to ensure that all affected properties have been identified. The results of the second survey shall be submitted to the Local Planning Authority within two months of the first generation of electricity by the turbine, along with a scheme of mitigation. The results of the survey and mitigation measures shall be approved in writing by the Local Planning Authority and shall be implemented in full within one month of approval in writing.
- 48 That before the development hereby approved is completed or brought into use, a visibility splay of 4.5 metres by 120 metres measured from the road channel shall be provided to the west of the vehicular access and 4.5 metres by 215 metres to the east and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 49 That before the development hereby approved is brought into use the access track shall be surfaced for the first 10 metres in a bound or block construction to the satisfaction of the Council as Planning Authority.
- 50 A pre-construction check for protected species shall be undertaken no more than six months prior to work commencing on site.
- 51 If part of a hedgerow is removed in order to construct the turbines this shall not be done in the main breeding bird season (March-August inclusive), if this is not possible a suitably qualified ecologist shall check for any active nests before hedge cutting commences.
- 52 That any Japanese Knotweed within the site shall be treated or disposed of using best practise guidance to the satisfaction of the Council as Planning Authority.

- 53 Prior to development commencing on site, a scheme of dust monitoring shall be submitted to and approved in writing by the Council as Planning Authority. The scheme shall thereafter be implemented in accordance with a programme to be agreed in writing with the Council as Planning Authority.
- 54 That the conclusions and recommendations contained in the Hydrological Assessment by ENTEC UK Ltd (December 2008) shall be adhered to prior to and during construction works and thereafter throughout the lifetime of the development to the satisfaction of the Council as Planning Authority.

## REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 3 To protect the amenity of neighbouring residents from noise and disturbance.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To ensure that the disposal of surface water from the site is dealt with in a safe and sustainable manner, to return it to the natural water cycle with minimal adverse impact on people and the environment and to alleviate the potential for on-site and off-site flooding.
- 6 To ensure the site is satisfactorily decommissioned at the end of the temporary period.
- 7 To ensure that adequate arrangements are made for the restoration of this site on the expiry of the permission.
- 8 To ensure that any environmental effects are adequately monitored.
- 9 In the interest of visual amenity.
- 10 To ensure a satisfactory appearance of the development.
- 11 To ensure that the development is completed in accordance with its permission.
- 12 To ensure that these operations are carried out to a satisfactory standard in the interest of visual amenity.
- 13 In the interest of visual amenity.
- 14 In the interests of amenity.
- 15 To ensure that these temporary works are of a satisfactory standard to protect the amenity of neighbouring occupiers.
- 16 In the interests of visual amenity as these structures would not be acceptable on a permanent basis.
- 17 To ensure that any land contamination is properly remediated.
- 18 To prevent contamination.
- 19 In the interest of visual amenity and road safety
- 20 In the interest of visual amenity and road safety
- 21 In the interest of road safety.
- 22 To protect the amenity of neighbouring residents from noise and disturbance.
- 23 To protect the amenity of neighbouring residents from noise and disturbance.
- 24 To protect the amenity of neighbouring residents from noise and disturbance.
- 25 To protect the amenity of neighbouring residents from noise and disturbance.
- 26 To protect the amenity of neighbouring residents from noise and disturbance.
- 27 To protect the amenity of neighbouring residents from noise and disturbance.
- 28 To protect the amenity of neighbouring residents from dust.
- 29 To protect the amenity of neighbouring residents from dust.
- 30 To protect the amenity of neighbouring residents from dust.

- 31 To ensure that these details are available to the Ministry of Defence at the appropriate time.
- 32 To avoid potential impact on these mammals.
- 33 In the interest of visual amenity and to ensure the satisfactory restoration of the site at the end of the permission period.
- 34 In the interest of visual amenity and to ensure the satisfactory restoration of the site at the end of the permission period.
- 35 In the interest of amenity and to ensure the satisfactory restoration of the site at the end of the permission period.
- 36 In the interest of visual amenity and to ensure the satisfactory restoration of the site at the end of the permission period.
- 37 In the interest of visual amenity and to ensure the satisfactory restoration of the site at the end of the permission period.
- 38 In the interest of visual amenity and to ensure the satisfactory restoration of the site at the end of the permission period.
- 39 To ensure satisfactory drainage of the site.
- 40 To ensure satisfactory drainage of the site.
- 41 To avoid potential contamination.
- 42 To protect these waters from potential contamination.
- 43 To protect the amenity of neighbouring residents from dust.
- 44 To ensure that there is no adverse impact on native habitats and species or watercourses.
- 45 To ensure the protection of the water environment.
- 46 In the interest of public safety
- 47 To safeguard the amenity of the area.
- 48 In the interest of road safety.
- 49 To prevent deleterious material being carried into the highway.
- 50 To ensure there is no adverse impact on Protected Species.
- 51 To ensure there is no adverse impact on bird populations.
- 52 To ensure there is no adverse impact on native habitats and species or watercourses.
- 53 To minimise the risk of nuisance from dust to nearby occupants.
- 54 To ensure that there is no adverse impact on native habitats and species or watercourses.

For information only

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