

	<h1>Report</h1>	Agenda Item <h1>10</h1>
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Report to: **Planning Committee**
Date of Meeting: **26 May 2009**
Report by: **Executive Director (Enterprise Resources)**

Application No EK/08/0427
Planning Proposal: Erection of 3 Wind Turbines with Associated Contractors Compound
Underground Cable Route and Sealing

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Chapelton Renewable Energy Ltd
- Location : Broadlees Farm/A726
West Shawtonhill Farm
Chapelton
ML10 6RR

2 Recommendation(s)

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

- (1) Refuse Detailed Planning Application – Based on Reasons attached.

2.2 Other Actions/Notes

The Planning Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: Allan McEwan Architect
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **Glasgow & Clyde Valley Joint Structure 2006**
Strategic Policy 8: Sustainable Development of
Resources

Adopted South Lanarkshire Local Plan

STRAT3: The Green Belt & Urban Settlements
In The Green Belt

Policy CRE2: Stimulating the Rural Economy

Policy ENV14: Potential Windfarm Areas

Policy ENV15: Renewable Energy Development
Policy

Policy ENV16: Renewable Energy Community
Benefit

Policy ENV38: Renewable Energy Site
Assessment

- ◆ Representation(s):

► 12 Objection Letters

◆ Consultation(s):

S.E.P.A. (West Region) (Flooding)

Strathaven Community Council

NATS - CTC

Environmental Services

Civil Aviation Authority

Scottish Wildlife Trust

Lindsay, Auldhouse & Chapelton Community Council

RSPB Scotland

Scottish Water

West of Scotland Archaeology Service

Power Systems

Defence Estate Organisation

British Telecom

Avondale Civic Society

S.E.P.A. (West Region)

BAA Glasgow Airport

TRANSCO (Plant Location)

Prestwick Airport

Scottish Civic Trust

Scottish Natural Heritage

Roads and Transportation Services (East Kilbride)

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 1km north west of Chapelton, 4km south of East Kilbride and is to the west of the A726, East Kilbride to Strathaven road. To the west of the site is an area of commercial peat extraction. To the south is the Broadlees Golf Course and Golf Driving Range. There are a number of individual properties to the east, north and south of the site.
- 1.2 The application site lies within an area of open farmland and extends to 2.17 hectares. The site is designated as plateau farmland under the Scottish Natural Heritage Landscape Character Types. To the west and south west the landscape is designated as plateau moorland.

2 Proposal(s)

- 2.1 The application is for a 3 turbine windfarm located on open farmland with the turbines in a line running north to south and are spaced approximately 280 metres apart. Details of the development are as follows:

a) Turbines

Each turbine would have a maximum output of 1.3 MW giving the development an overall generating capacity of 3.3 MW. Each turbine would have a height of 85 metres to blade tip, consisting of a hub height of 54 metres and a rotor diameter of 62 metres, three 31 metre blades. Each turbine would be set in concrete foundations octagonal in shape measuring 17.3 metres by 17.3 metres, to a depth of 2 metres below ground level and 1 metre thick.

b) Crane hardstanding

Each turbine would have an adjacent crane hardstanding which would be used as a lay-down area and a base for cranes and other vehicles during turbine construction, maintenance and decommissioning. These curve round the turbine bases in a semicircular form which measures 40 metres by 25 metres at its widest point. These crane hardstandings would be seeded over after the construction phase.

c) Control Building/Electricity Sub-Station

This consists of a control building which houses the control room, switch room, utility metering room, store and external auxiliary transformer compound and secure store. The building measures 19 metres by 6 metres and is 4 metres to ridge height. It will be finished externally in grey roughcast with green profile steel cladding roof. The external compound will be enclosed by a 2.3 metre high galvanized steel fence.

d) Temporary Construction Compound and Wheel Wash Facility

A temporary construction compound measuring 70m by 50m would be located 50m to the west of the A726 to the south of the proposed access road. It would incorporate various temporary offices, meeting room, canteen, toilet block, open storage, refueling area and parking. At the same location to the north of the access road there will be a wheel wash facility located in a lay-by of approximately 31m by 5m.

e) Access and Internal Site Roads

A new access onto the A726 is proposed approximately 1.1 km north of the village of Chapelton. The access would incorporate a slip lane to the north for

vehicles leaving the site. A new internal road of 5m width would be provided by upgrading sections of the existing track and constructing new sections of road to the turbines.

f) Turbine Component transportation and Construction Traffic

Turbines would be transported as abnormal loads with traffic management measures to the site from the M74 exiting at Junction 5 Raith travelling west along the A725 dual carriageway towards East Kilbride turning onto the A726 south towards Chapelton before turning left into the site. Normal site construction traffic during the construction period will range from 12 to 80 movements a day. Of this approximately 2 to 54 movements per day will be larger HGV type vehicles and other material delivery vehicles and approximately 9 to 32 movements per day will be personnel vehicles. Approximately 27,800 tonnes of aggregate would be brought into the site.

g) Grid Connection and Electrical Cabling

This application includes underground grid connection from the on site sub-station on a route 2.2 km to the north to connect to the existing overhead electricity power lines at Drumloch north east of the A726. This cabling would be 33kv cable located at a depth of 0.8m below ground. Each turbine will be connected to the on-site sub-station by similar underground cabling.

h) Wind Monitoring Mast

A 60 m self supporting lattice wind monitoring mast will be located to the south east of turbine 3.

- 2.2 The applicant has submitted a comprehensive Environmental Statement to consider the potential impact of the development and appropriate mitigation measures to reduce adverse impacts. The topics covered include project description, noise, landscape and visual impact, cultural heritage, ecology, transport, hydrology, soils and landuse, communication systems, socio-economics and shadow flicker.
- 2.3 The windfarm has been designed with an operational life of 25 years. At the end of its life, the turbines would be dismantled and removed from the site, sub-station demolished and land re-instated to agriculture.

3 Background

3.1 Relevant Government Advice

- 3.1.1 SPP6: Renewable Energy reaffirms the objective of Scottish Ministers to meet 40% of electricity need through a mixture of renewable sources by 2020. The significant contribution of onshore wind power in meeting this target is expected to continue. The planning system has a significant role to play in resolving conflicts so that progress towards the 2020 target continues to be made in a way that affords appropriate protection to the natural and historic environment without unreasonably restricting the potential for renewable energy development. Natural heritage and other constraints should not unreasonably restrict the development of small scale renewable schemes. With regard to Environmental Impact Assessments the level of detail required is generally dependent upon the scale and sensitivity of the proposal. For smaller schemes the degree of assessment should not be as onerous as that required for large proposals (anything exceeding 20 mw). Impacts upon peat should be minimised. Planning Authorities should take account of cumulative impact, primarily with regards to larger proposals whilst recognizing that smaller schemes could result in adverse cumulative impacts if inappropriately sited. Projects making a small contribution to renewable targets should not be dismissed as of little benefit, as

they may have the potential to make a significant contribution cumulatively, although unacceptable impacts should be satisfactorily mitigated.

- 3.1.2 SPP15: Planning for Rural Development states further diversification of the rural economy should be encouraged and there is enormous scope to exercise initiative and creativity.
- 3.1.3 PAN73: Rural Diversification recognises that wind farms need to be located where there is a sufficient available wind resource.
- 3.1.4 NPPG14: Natural Heritage (1999) emphasises the need to protect and sustain the natural heritage and, in particular, prevent irreversible harm to species and habitats protected at national and international level. Where there are concerns about the potential impact of a development upon the heritage value of an area, a precautionary approach should be adopted. Beyond designated sites, full consideration should be given to the retention and enhancement of features in the wider environment including woodlands, burns, lochs, wetlands, peat lands and unimproved grassland which contribute to ecosystems, the habitat network and people's enjoyment of the natural and landscape heritage.
- 3.1.5 Planning Advice Note 45: Renewable Energy Technologies (Revised 2002) recognises the Government's aim to stimulate further the development of the UK renewable energy industry. It recognises the requirement for windfarms to be located in areas of relatively smooth and rounded topography to maximize the potential wind resource. Public concern over the visual impacts is a recurring theme however experience suggests that these concerns generally diminish once the turbines have been installed. Given the Scottish Ministers commitment to addressing the important issue of climate change and the contribution expected from renewable energy developments, particularly wind farms, it is important for society at large to accept them as a feature of many areas of Scotland for the foreseeable future. In particular significant changes in landscapes not protected by any form of designation may be considered acceptable. The general perceptions of a wind farm in an open landscape, is likely to decrease the greater the distance from it. As a general guide turbines will be prominent at a distance of up to 2 km however in distances between 15-20 km they will appear as a minor element in the landscape.

3.2 Structure Plan Policy

- 3.2.1 The application requires to be assessed against Strategic Policy 8 of the approved Glasgow & Clyde Valley Structure Plan 2006.
- 3.2.2 Strategic Policy 8: Sustainable Development of Resources sets out the approved Structure Plan policy for the sustainable development of natural resources and gives specific support to potential areas of search for windfarms identified in the Structure Plan. These largely 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 identified. These areas are to be the focus for significant windfarm developments. The plan also proposes a 'threshold of strategic significance' for windfarms – this has been set at 20MW. The proposed development is not within the potential areas of search and involves a 3.3MW windfarm and therefore falls below the threshold of strategic significance.

3.3 Local Plan Policy

- 3.3.1 In the Adopted South Lanarkshire Local Plan the following policies are relevant:

- Policy STRAT3: The Green Belt and Urban Settlements In The Green Belt aims to protect the function of the Green Belt and all development should aim to enhance the environmental quality of the area.
- Policy CRE2 aims to maximise job creation outwith settlements by encouraging appropriate uses including energy-related developments if it demonstrates a specific locational need, respects the landscape, countryside amenity and nature conservation interests.
- Policy ENV15: Renewable Energy Development Policy states applications for all other forms of renewable energy, developments not covered by Policy ENV14: Potential Windfarm Areas, will generally be supported by the Council provided that they meet the relevant criteria in ENV37. However, if the proposal can meet criteria set down in Policy ENV37, it will be considered on its merits.
- Policy ENV16: Renewable Energy Community Benefit Policy, states where a proposal is acceptable, then encouragement is given to the developer to contribute towards socio/economic investment in the community affected by a renewable energy development.
- Policy ENV38: Renewable Energy Site Assessment Policy outlines criteria under which windfarms should be assessed, including potential impacts upon wildlife and landscape designations, and priority species and habitats identified in the South Lanarkshire Biodiversity Action Plan. The aim is to ensure that the objectives of the designation and overall integrity of the designated areas is not compromised. The cumulative visual and landscape impacts of windfarms will have to be fully considered. The findings of the South Lanarkshire Landscape Capacity and Sensitivity Study will be taken into account in the assessment of windfarm proposals. Full assessment demonstrating potential impact, to a radius of 35 km unless otherwise agreed with the Council, will be required using a range of techniques including zones of visual influence, wire line diagrams and photo montages where appropriate. The development will have to comply with other local plan policies covering heritage and archaeology. The policy also aims to avoid compromising road safety and causing other unacceptable impacts such as noise disturbance, shadow flicker and electromagnetic disturbance and interference to television reception. It will have to be demonstrated that transmission lines will not result in significant environmental impacts. Any impact upon air safety will have to be satisfactorily addressed. The development should 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 emissions.

3.4 Planning History

- 3.4.1 A previous application, EK/06/0318 for the erection of 4 turbines of 110m blade tip height was taken to appeal for non-determination. The Scottish Government Reporter dismissed the appeal on the 15 August 2007 on various grounds including unacceptable impact on the green belt landscape, unacceptable cumulative impact on the landscape and a lack of a specific locational need.

4 **Consultation(s)**

- 4.1 **NATS (En Route) Safeguarding** – do not object to the proposed development as it does not conflict with safeguarding criteria.

Response: Noted.

- 4.2 **Civil Aviation Authority** – do not give an opinion on the proposals however advise consultation with NATs, airport operators and Mod Defence Estates.

Response: Noted and consultations have been undertaken.

- 4.3 **BAA Safeguarding Glasgow Airport Limited** – objects to the proposal on the grounds that all three turbines would be visible to the Radar at the airport. This would have the potential to create false plots on the radar screens which could be confused with small aircraft. The cumulative effect that would be created with other proposals in the area would lead to an adverse effect on the safe and efficient operations at the airport. The suitability of the mitigation solution used for Whitelee Windfarm is not yet proven in respect of its ability to resolve concerns on other wind turbine sites and BAA on the advice of NATS is not prepared to consider further “radar mask areas” nor support the use of suspensive conditions until the Whitelee solution has been fully proven to the satisfaction of the CAA. More clarity on the suitability of the solution will not be available until 6 months operational testing has been undertaken.
Response: Noted and recognise the possibility of a future solution being proven to be acceptable however at the present time the solution has not been proven and the objection has to be recognised.
- 4.4 **Glasgow Prestwick Airport Limited (Infratil)** – no objection as the three turbines are on terrain shielded from Prestwick’s primary surveillance radar
Response: Noted.
- 4.5 **Ministry of Defence** – no objection to the proposal subject to turbines being fitted with aviation lighting in the interests of air safety.
Response: Noted and agreed.
- 4.6 **SEPA** – no objection in principle subject to conditions relating to mitigation and Construction Method Statements.
Response: Noted and agreed.
- 4.7 **Scottish Natural Heritage** – object to the proposal on the grounds that the adverse landscape and visual impact of the development as proposed are significant and cannot be reduced to any satisfactory level. The proposal would bridge the gap between the two clusters of turbines on the adjacent, higher and less sensitive “Plateau Moorland” landscape character areas removing the windfarm free ‘relief’ on the lower ground causing significant cumulative landscape and visual impact.
Response: Noted and agreed.
- 4.8 **RSPB** – no objection subject to conditions relating to mitigation of impacts on species and habitats.
Response: Noted and agreed.
- 4.9 **Environmental and Strategic Services** – recommend a decision is deferred until further information on noise impact assessment is provided.
Response: Noted. The applicant can provide such information however has opted to wait until such time as other fundamental issues with the proposal have been resolved.
- 4.10 **Roads and Transportation Services** – no objection subject to a number of conditions on a range of issues. Increased sightlines 4.5m x 215m will be required and it is noted that the applicant does not own all the relevant land to the south east.
Response: Noted. Control over the sightlines would require to be formally demonstrated.
- 4.11 **West of Scotland Archaeology Services** – no objection subject to conditions relating to the approval of a written scheme of investigation and programme of archaeological works.

Response: Noted and agreed.

- 4.12 **Scottish Power Networks** – no objection.

Response: Noted.

- 4.13 **Scotland Gas Networks** – no objection.

Response: Noted.

- 4.14 **Scottish Water** – no objection.

Response: Noted.

- 4.15 **Strathaven Community Council** – objects to the proposal on the grounds of cumulative impact of the development combined with other consented and proposed windfarms, potential flooding of the Powmillion Burn in Strathaven, the potential for turbines to be transported through Strathaven has not been assessed or ruled out and the cumulative traffic impact of potential windfarms has not been assessed.

Response: Noted.

- 4.16 **Scottish Civic Trust** – no comments.

Response: Noted.

- 4.17 **Lindsayfield, Auldhous & Chapelton Community Council** – no response.

- 4.18 **British Telecom** – no response.

- 4.19 **Avondale Civic Society** – object to the proposals on the grounds that the turbines will have an adverse cumulative visual impact.

Response: Noted and agreed.

- 4.20 **Scottish Wildlife Trust** – no response.

5 Representation(s)

- 5.1 The proposal was advertised as an Article 12(5) Bad Neighbour Developer requiring advertisement due to the scale or nature of operation (as turbines exceed 20m in height) and as a Development Potentially Contrary to the Development Plan. It was also advertised as an Environmental Statement Development. In response 12 letters of objection were received. The issues raised and their comments thereon can be summarised as follows:-

- a) **CO2 Emissions generated and saved are incorrectly represented in the Environmental Statement. The calculations do not acknowledge emissions generated during construction and operation of the site as located on peat soils. The development would be a net emitter of CO2.**

Response: The estimation and calculation of emissions from a proposed development is not a determining issue in the determination of a planning application.

- b) **The Environmental Statement suggests that the development would generate electricity which would serve local homes and reduce transmission losses however objections argue that the developer would be licensed as an electricity generator, sell its product to a licensed supplier and have no control over who purchases it and therefore benefits.**

Response: The benefits estimated as a result of the development in relation to improved electricity supply are not a determining issue in the assessment of a planning application.

- c) **The potential generation of local employment as set out in the Environmental Statement is disputed in that there are few, if any, local companies able to undertake the specialist contracts involved and no promise is made to give preference to local tenders.**
Response: The level of employment generation, the temporary creation of construction jobs and the source of that employment can not be enforced by planning condition and do not represent a significant determining factor in the assessment of this planning application. As stated by the Scottish Government Reporter in his determination “temporary creation of construction jobs and a small contribution to more permanent employment would not be trivial benefits but they could scarcely amount to an overwhelming advantage”.
- d) **The offer of financial community benefit funds by the applicant causes the local authority to risk a conflict of interest and unduly sways the opinions of local residents.**
Response: The provision of community benefit funds to the local authority is not specifically discussed with the developer until the planning authority has taken a formal decision on the planning application. Any funds provided to South Lanarkshire Council are held in and administered through the South Lanarkshire Community Benefit Fund which has specific distribution criteria. Any funds offered directly to the community by the developer falls out with the control of the local authority.
- e) **The development would result in unacceptable landscape, visual and cumulative impacts given the landscape and proximity of consented windfarms.**
Response: Noted. The cumulative impact, landscape and visual impact of the proposed turbines are considered to be unacceptable. This issue is assessed fully in Section 6 of this report.
- f) **The development will have an unacceptable impact on the village of Chapelton due to its proximity to the settlement.**
Response: Noted. The impact of the proposed development due to its location and scale is considered to be unacceptable. This issue is assessed fully in Section 6 of this report.
- g) **The operation of the turbines will result in an unacceptable level of disturbance to local residents caused by shadow flicker.**
Response: The level of disturbance predicted is not considered to be of a significant level to warrant refusal of planning permission.
- h) **The operation of the turbines will result in interference to television reception.**
Response: Baseline television reception studies have indicated minimal disruption to signals. If consent were to be granted for the development the developer would require to enter into a Section 75 Legal Agreement to ensure signals are fully restored within a specified time period and at the developer’s expense.
- i) **The development would result in an unacceptable increase in construction traffic on the A726 and through the village of Chapelton in terms of road safety.**
Response: Roads and Transportation Services did not consider that the proposed development would give rise to road safety issues and raise no objections to the proposed development.

- j) **The development will result in noise from turbines and the noise assessment set out in the Environmental Statement does not relate to the turbines proposed.**
Response: Noted. Further noise assessment has been requested by Environmental and Strategic Services to enable full assessment of the proposed scheme.
- k) **The proximity of the turbines to the A726 could result in safety issues from ice detaching from turbine blades, hydraulic oil, turbine collapse or blade detaching.**
Response: The turbines are 85m high and located at their closest point approximately 300m away from the road. This distance would prevent any affect on road users should any of these events take place.
- l) **If the Council was minded to grant consent it would set an unwelcome precedent for further windfarm development around the village of Chapelton.**
Response: Each application is assessed on its own merits together with the cumulative impacts of the development.
- m) **Residents of the village of Chapelton were not directly neighbour notified in respect of this development.**
Response: The applicant is not required to notify residents in Chapelton, only those landowners or properties directly adjacent to the site. This process was carried out correctly. As detailed above the application was also advertised in the local.
- n) **The proposed development will have an adverse impact on property values in Chapelton.**
Response: The effect of a development on property values is not a relevant planning consideration.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

- 6.1 The principal determining issues in assessing this proposal relates to conformity with national, structure and local plan policy and landscape and visual impacts. The application is accompanied by an Environmental Report and supplementary Report which assesses the environmental impacts in a detailed manner.
- 6.2 National Planning Policy
- 6.2.1 In terms of relevant Government Policy SPP6: Renewable Energy has set a target of 40% of electricity need through renewable sources by 2020 and on-shore wind farms are expected to make a significant contribution in meeting this target. Planning Authorities should endeavour to facilitate new windfarm proposals whilst giving full consideration to environmental consequences affecting habitat and wildlife interests. Cognisance should be given to visual and cumulative affect whilst recognising that such impacts will inevitably be attributable to larger scheme. This small scale proposal could potentially contribute to renewable energy targets. However, the visual impacts of the turbines are significant when viewed in association with surrounding windfarms. As such the proposal does not fully accord with the terms of SPP6.
- 6.2.2 Policy SPP15: Planning for Rural Development encourages diversification in the countryside. As the proposal is likely to provide additional income to the area and is a form of diversification and therefore complies with this policy.

- 6.2.3 Policy NPPG14: Natural Heritage (1999) states that a key role of the planning system is to ensure that society's land requirements are dealt with sustainably and do not cause irreversible harm to the heritage value of an area. Full consideration should be given to landscape heritage. SNH object to the proposal on the basis that there are cumulative and visual impacts when viewed in combination with the existing Whitelee Windfarm and other proposed windfarms. SNH are unable to confirm that the vantage point work is sufficient to assess the impacts. As such, the proposal as submitted conflicts with the guidance notes.
- 6.2.4 PAN 45: Renewable Energy Technologies (revised 2002) states that the general perceptions of a windfarm in an open landscape, is likely to decrease the greater the distance from it. As a general guide turbines will be prominent at a distance of up to 2km. The planning advice note stresses that the capacity of the landscape to accommodate windfarm development depends on the extent to which this impact can be modified and reduced by design. The open landscape in which the windfarm is proposed does not allow for the redesign of the scheme to a level where the impacts would be acceptable. This is a point stressed by the Scottish Government Reporter in his dismissal of the previous appeal.
- 6.3 Structure Plan Policy
- 6.3.1 The application requires to be assessed against Strategic Policy 8 of the approved Glasgow and Clyde Valley Structure Plan 2006.
- 6.3.2 Strategic Policy 8: Sustainable Development of Resources sets out the approved Structure Plan policy for the sustainable development of natural resources and gives specific support for proposed windfarm areas identified in the Structure Plan. The proposals fall within the potential areas in the Structure Plan, but are below the threshold of significance. The Scottish Government is committed to encouraging renewable energy and in view of this the Structure Plan team has produced a framework which has been incorporated into the 2006 Structure Plan. The framework highlights that major windfarms (20MW and above) should be directed to preferred areas. Those below 20MW should be assessed on their individual merits. As the proposed scheme amounts to a total generating capacity of 3.3MW it is below the 20MW threshold and should be assessed on its own merits, against Local Plan Policy and National Planning Policy and Advice.
- 6.5 Adopted South Lanarkshire Local Plan
- 6.5.1 In the Adopted South Lanarkshire Local Plan (June 2006) there are several policies relevant to this proposal which aim to protect the natural and built heritage and which identify preferred areas for wind farms and, outwith these areas, a stringent and thorough assessment is recommended.
- 6.5.2 Policy STRAT3: The Green Belt and Urban Settlements In The Green Belt aims to protect the function of the Green Belt and all development should aim to enhance the environmental quality of the area. It is not considered that then proposed development enhances the quality of the Green Belt in this location. The proposed development would have an adverse landscape and visual impact on the character of the area and would not comply with this policy.
- 6.5.3 Policy CRE2: Stimulating the Rural Economy encourages renewable development where it demonstrates a specific locational need, respects the landscape, countryside amenity and nature conservation interests. Due to the adverse landscape and visual impact and lack of specific locational need for the proposed development I am of the opinion that it does not comply with this policy.

- 6.5.4 Policy ENV14: Potential Windfarm Areas relates to large scale windfarms 20MV or above. The site is not within the areas potentially appropriate for windfarm development and the proposal falls below that threshold the policy is not applicable.
- 6.5.5 Policy ENV15: Renewable Energy Development Policy states applications for small scale windfarms not covered by Policy ENV14 will be supported as long as it can comply with criteria contained in Policy ENV38 which will be considered below.
- 6.5.6 Policy ENV16: Renewable Energy Community Benefit encourages developers to make contributions towards the South Lanarkshire Community Fund. No specific discussions have taken place in respect of community benefit payments to date but would be undertaken if the Council were minded to grant consent.
- 6.5.7 Policy ENV22: Ancient Monuments and Archaeology aims to avoid adverse effects upon archaeological resources. For reasons previously discussed I believe issues pertaining to archaeology can be effectively covered by conditions. Therefore I conclude that the proposal does not contravene Policy ENV 22.
- 6.5.8 Policy ENV38: Renewable Energy Assessment indicates that the objectives and overall integrity of wildlife and landscape designations should not be compromised. The policy also aims to avoid compromising road safety and causing other unacceptable impacts such as noise disturbances, shadow flicker and electromagnetic disturbance and interference with television reception. Other local plan policies will have to be complied with. Any impact upon air safety will have to be satisfactorily addressed, larger schemes should include a habitat management plan and all schemes must contain a decommissioning, restoration and aftercare statement. It will have to be demonstrated that transmission lines will not cause adverse environmental impacts.
- 6.5.9 As previously stated, there are air traffic safety issues to be addressed. The concerns over landscape and visual impact cannot be satisfactorily resolved and there will undoubtedly be cumulative impacts with existing, consented and proposed windfarms located nearby. Television interference, shadow flicker, noise and smell are not anticipated and it is expected that the road network can cope with additional construction traffic. Aftercare and habitat management issues could be covered by condition if consent is granted. However, for various reasons, but primarily because of irresolvable landscape and visual impacts, I am of the opinion that this proposal contravenes Policy ENV38.
- 6.5.10 After fully considering the policies of the current local plan, I am of the opinion that the development should be considered as a Development Plan Departure on the following grounds:
- the scale of landscape and visual impact on the surrounding area is contrary Policies STRAT3, CRE2 and ENV38 of the Adopted South Lanarkshire Local Plan;
 - due to the current uncertainty over the impact upon air traffic safety, the proposal contravenes Policy ENV38 of the Adopted South Lanarkshire Local Plan; and
 - the proposal would result in an adverse cumulative visual impact in combination with the existing and consented windfarms therefore, it is considered to be contrary to Policy ENV38 of the Adopted South Lanarkshire Local Plan.

6.6 **Landscape and Visual Impact**

6.6.1 The Environmental Statement submitted with the application considered the impacts of the development upon the landscape and visual amenity. Having considered the assessment of landscape and visual impact set out in the Environmental Assessment together with the consultation response from SNH and previous appeal decision I can conclude the following.

6.6.2 Significant visual impact will occur in locations close to the site as a result of the proposed turbine height and the cumulative impact with regard to nearby existing, consented and proposed windfarms. The turbines have been reduced in height, from the previous application, however their size will still lead to significant adverse impacts due to the open nature of the landscape, the proximity to the road and the village of Chapelton. SNH believe that the proposal would bridge the gap between the two clusters of turbines on the adjacent, higher and less sensitive "Plateau Moorland" landscape character areas removing the windfarm free 'relief' on the lower ground causing significant cumulative landscape and visual impact. SNH's strong, unequivocal objection to this proposal remains unchanged and I concur that the effect would be unacceptable on landscape grounds. I consider the cumulative impact together with localised impacts, are so significant as to make this proposal unacceptable on landscape and visual grounds.

6.7 **Air Traffic Safety**

6.7.1 BAA Safeguarding at Glasgow Airport have objected on grounds of air traffic safety and the applicant has not addressed these concerns despite being advised of this issue.

6.8 In conclusion, I consider the proposal to be unacceptable and contravenes national and local planning policies; and recommend that the application be refused.

7 **Reasons for Decision**

- 7.1 (1) The proposal is contrary to Policies STRAT3, CRE2 and ENV38 of the South Lanarkshire Finalised Draft Local Plan;
- (2) The proposal would result in adverse cumulative visual impacts in conjunction with existing and proposed windfarms, and would be detrimental to the landscape character and visual amenity of the area;
- (3) Air traffic safety issues have not been adequately addressed;
- (4) The proposal does not comply with Government advice, namely SPP6 and NPPG14.

Iain Urquhart
Executive Director (Enterprise Resources)

18 May 2009

Previous References

- ◆ Planning Application EK/06/0318
- ◆ Planning Appeal Determination P/PPA/380/360

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

► Consultations	
RSPB Scotland	22/09/2008
NATS - Infratil Airports Europe Limited	03/10/2008
TRANSCO (Plant Location)	26/09/2008
Power Systems	30/09/2008
NATS - Infratil Airports Europe Limited	10/10/2008
Roads and Transportation Services (East Kilbride)	01/10/2008
West of Scotland Archaeology Service	29/10/2008
NATS - Infratil Airports Europe Limited	13/10/2008
Strathaven Community Council	15/10/2008
Ministry of Defence	20/10/2008
Environmental Services	20/10/2008
NATS - Infratil Airports Europe Limited	22/10/2008
Scottish Natural Heritage	01/12/2008
S.E.P.A. (West Region)	07/11/2008
Defence Estate Organisation	20/10/2008
Prestwick Airport	13/10/2008
Scottish Civic Trust	01/10/2008
Civil Aviation Authority	25/09/2008
S.E.P.A. (West Region)	08/11/2008
BAA Glasgow Airport	07/01/2009
Scottish Water	26/01/2009

► Representations	
Representation from :	James M Craigie, 12 Brechame Road, Chapelton, Strathaven, ML10 6SP, DATED 19/09/2008
Representation from :	Jean R Craigie (Mrs), 12 Brechame Road, Chapelton, Strathaven, ML10 6SP, DATED 19/09/2008
Representation from :	Mrs Dorothy Thomson, 16 Brechame Road, Chapelton, Strathaven, ML10 6SP, DATED 19/09/2008
Representation from :	Mr and Mrs Ian Edgar, The Old School House, 20 Glasgow Road, Chapelton, ML10 6RS, DATED 23/09/2008

- Representation from : Mr Ian Russell, 11 Brechame Road, Chapelton, Strathaven, ML10 6SP, DATED 25/09/2008
- Representation from : Mrs Jean R Craigie, 12 Brechame Road, Chapelton, Strathaven, ML10 6SP, DATED 23/09/2008
- Representation from : John and Myra Stewart, 2 Farrier Crescent, Chapelton, Strathaven, ML10 6SR, DATED 26/09/2008
- Representation from : Strathaven Turbine Action Group, c/o Woodisde Cottage, Ryelands, Strathaven, ML10 6QF, DATED 23/10/2008
- Representation from : Paul Haring M.R.I.C.S, 13 Brechame Road, Chapelton, Strathaven, ML10 6SP, DATED 22/10/2008
- Representation from : Donna Brooks, Chair, Avondale Civic Society, Wingfield, 78 Kirk Street, Strathaven, ML10 6BA, DATED 21/10/2008
- Representation from : Paul Haring, 13 Brechame Road, Chapelton, Strathaven, ML10 6SP, DATED 03/12/2008

Contact for Further Information

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

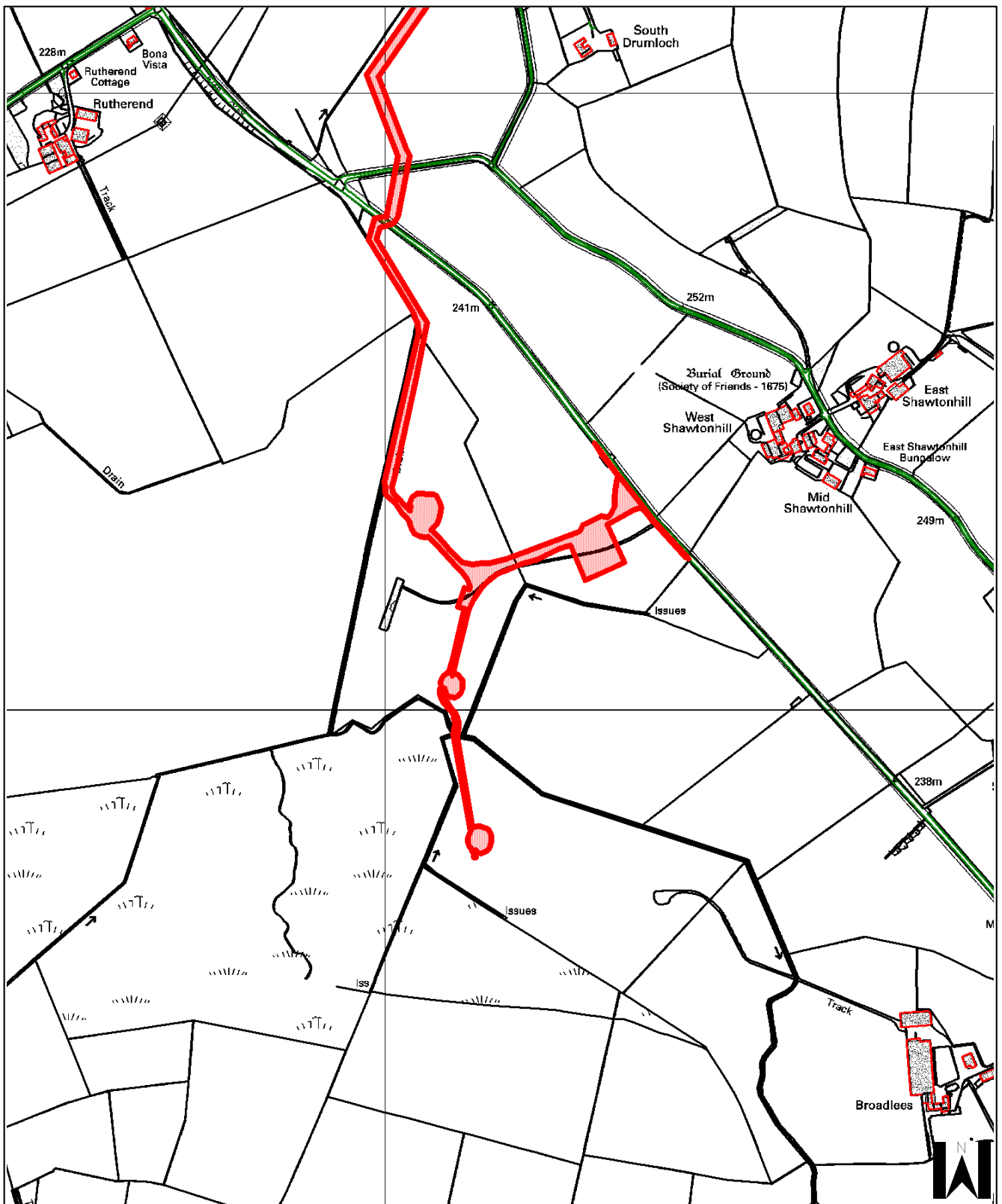
Morag Neill, Planning Officer, Civic Centre
Ext 6548 (Tel :01355 806548)
E-mail: Enterprise.ek@southlanarkshire.gov.uk

REASONS FOR REFUSAL

- 1 The proposal is contrary to Policy STRAT3 of the South Lanarkshire Local Plan in that it would have an adverse landscape and visual impact on the character of the Green Belt.
- 2 The proposal is contrary to Policy CRE2 of the South Lanarkshire Local Plan in that it would have an adverse landscape and visual impact and lacks a specific locational need.
- 3 The proposal is contrary to Policy ENV38 of the South Lanarkshire Local Plan in that:
 - a) It would have an unacceptable adverse landscape and visual impact on the character of the surrounding area and the village of Chapelton.
 - b) It would have an unacceptable cumulative visual and landscape impact.
 - c) It has not been demonstrated to the satisfaction of the Council that the impact of the proposal on radar performance and air traffic safety has been adequately addressed.

For information only

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