

Report

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

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| Application no. | P/18/1145 |
| Planning proposal: | Installation of access track, including upgrading of existing track. |

1 Summary application information

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| Application type: | Detailed planning application |
| Applicant: | Brookfield Renewable UK Limited |
| Location: | Proposed Windfarm At Penbreck & Carmacoup Forest Glentaggart Road Glespin Lanark South Lanarkshire |

2 Recommendation(s)

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

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

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application
- (2) Detailed planning permission should not be issued until an appropriate obligation under Section 75 of the Planning Act, and/or other appropriate agreement, has been concluded between the Council, the applicants and the site owner(s). This planning obligation should ensure the following issues are addressed:
 - The provision of an Ecological Clerk of Works
 - Control over turbine transportation and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

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

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement within 6 months of the date of the Committee, the proposed development may be

refused on the basis that, without the planning control/ developer contribution which would be secured by the Legal Agreement, the proposed development would be unacceptable.

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

3 Other information

- ◆ Applicant's Agent: Jo Cottin
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 2 - Climate Change

Policy 3 - Green Belt and Rural Area

Policy 4 - Development management and placemaking

Policy 15 - Natural and Historic Environment

Policy 17 - Water Environment and Flooding

Policy 19 - Renewable Energy

Supplementary Guidance 1: Sustainable Development and Climate Change

SDCC2 – Flood Risk

SDCC3 – Sustainable Drainage Systems

Supplementary Guidance 3: Development management, Placemaking and Design

DM1 - Design

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 1 Spatial Strategy

Policy 2 Climate Change

Policy 5 Development Management and Placemaking

Policy 13 Green network and greenspace

Policy 14 Natural and Historic Environment

Policy 15 Travel and Transport

Policy 16 Water Environment and Flooding

DM1 New Development

SDCC2 Flood Risk

SDCC3 Sustainable Drainage Systems

◆ **Representation(s):**

- | | | |
|---|---|-------------------|
| ▶ | 0 | Objection Letters |
| ▶ | 0 | Support Letters |
| ▶ | 0 | Comment Letters |

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

WOSAS

SEPA West Region

Countryside and Greenspace

SNH

Douglas Community Council

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 3.1km south-west of Glespin and 6.5km south-west of Douglas. The application boundary is an approximately 106m wide strip of land that starts from the existing Mid Rigg access off the B7078 and then follows the route of an old opencast coal conveyor to join the Glentaggart public road. The boundary then follows the full extent of this public road as it goes west past Glentaggart Farm until its termination. At the end of the public road, the application boundary continues north west and ends within a forestry plantation adjacent to Wedder Hill. The land cover within the application boundary comprises part of the upland river valley and rolling moorland with mature commercial forestry plantation present to the north/north west of the application site. In the wider area, land cover comprises rolling moorland and commercial forestry with the restored Glentaggart Opencast located to the north.

2 Proposal(s)

- 2.1 Planning permission is sought for the installation of a 14km access track to allow the transportation of turbine components in association with the proposed wind farm at Penbreck. Planning permission was originally granted (Ref: CL/08/0727) for the erection of 9 wind turbines (with a maximum blade tip height of 125m) at Penbreck in 2014. This approval included proposals for the abnormal load route for the turbines via the M74 and A70 with a new access track being formed with direct access off the A70 to the north of Penbreck WF. This route would involve travelling through Douglas and Glespin.
- 2.2 A Section 42 application (Ref: P/18/0072) has been submitted to increase the height of 6 of the 9 turbines at Penbreck to 145m. This application is the subject of a separate report on the agenda for this Committee. If consent is granted for the increased turbine height, modelling work carried out by the applicant shows that it will not be possible for the larger turbine blades to be transported along this route without considerable modifications to the public road and other existing nearby infrastructure within Douglas Village. The applicant is, therefore, seeking consent for an alternative access route involving abnormal loads going south on the M74 to junction 13, turning right onto A702 and then right onto B7078 before heading north to turn left at Mid Rigg to enter the site access. The 14km access track comprises the following components:
- Access from the B7078 via the Mid Rigg access and then using 2.5km of existing access track (constructed as part of the now complete Andershaw Wind Farm)
 - Upgrade 3km of existing forestry tracks running to the Glespin Burn with a new crossing over the burn
 - Upgrading of approximately 4.5km of the Glentaggart public road
 - Upgrading of 4km of existing forestry track north of Auchendaff Hill and into Carmacoup Forest (Penbreck Wind Farm Site)
- 2.2 It is proposed that the width of the whole track is 5.5m with passing places measuring 45m x 5m provided at regular intervals. The application boundary has been extended to a width of approximately 106m to allow a micro siting tolerance of 50m on either side of the track to accommodate any unforeseen ground conditions.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”.
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).

3.2 Development Plan Status

- 3.2.1 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans.
- 3.2.2 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:
- Policy 2: Climate change
 - Policy 3: Green belt and rural areas
 - Policy 4: Development management and placemaking
 - Policy 15: Natural and historic environment
 - Policy 16: Travel and Transport
 - Policy 17: Water environment and flooding
 - Policy 19: Renewable energy
- 3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:
- Supplementary Guidance 1: Sustainable Development and Climate Change
 - Supplementary Guidance 2: Green Belt and Rural Area
 - Supplementary Guidance 3: Development Management, Placemaking and Design
 - Supplementary Guidance 9: Natural and Historic Environment
 - Supplementary Guidance 10: Renewable Energy

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

Volume 1

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

Volume 2

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

3.3 **Planning Background**

- 3.3.1 Planning permission for Penbreck windfarm was originally granted in June 2014 (Ref: CL/08/0727) for the erection of 9 wind turbines (with a maximum blade tip height of 125m) and associated infrastructure, including 4 borrow pits and new access track (hereon referred to as Penbreck WF). The abnormal load route for the components of these 125m turbines involved access into the Penbreck WF site via direct access off the A70 to the north of Penbreck WF.
- 3.3.2 The Scottish Government Energy Consents Unit granted planning permission for a 19 turbine wind farm (hereon referred to as Kennoxhead WF) on neighbouring land to the east of Penbreck WF. The approval includes the transport of the Kennoxhead WF turbine components to site via an access track from the Mid Rigg Access. The Kennoxhead turbines are each 145m in height. The approved access track for the Kennoxhead WF mirrors the access track that is subject to this current planning application and is for the transportation of turbines of the same height (145m).
- 3.3.3 Due to its size (being over 2 hectares), the current planning application falls within that defined as a 'Major' planning application as set out within the hierarchy of development in The Planning etc. (Scotland) Act 2006 and the applicant has carried out the statutory Pre-Application Consultation (PAC) with the local community. In support of the planning application, the applicant has submitted a Pre-Application Consultation Report, which sets out the community consultation exercise undertaken to comply with the statutory requirement of PAC. The applicant has therefore met the statutory, legislative requirements for pre-application consultation with the community.
- 3.3.4 The application by nature of its scale and type falls within the threshold of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 (10. Infrastructure projects (f) construction of new roads). A request for an Environmental Impact Assessment (EIA) Screening Opinion was carried out for the proposals. Due to the existing permission for the access track to serve Kennoxhead WF and that the works mainly involved upgrading existing tracks, it was confirmed that the proposals the subject of this application did not constitute an EIA development and, as such, an Environmental Report was not required as part of the planning submission. The planning submission does, however, include an

Environmental Appraisal detailing the potential environmental effects of the proposals and proposed mitigation measures.

4 Consultation(s)

- 4.1 **Roads Development Management Team** - no objection to the proposal subject to the requirement of a Section 96 legal agreement and conditions relating to abnormal loads and a Traffic Management Plan. The site will be accessed from Mid Rig at the B7078, an access road that has previously been constructed for open cast coal extraction and other wind farm developments as well the route already being approved for a neighbouring wind Farm (Kennonhead WF) transporting the same sized turbines.

Response: Noted. The conditions and legal agreement form part of this recommendation.

- 4.2 **Environmental Services** – No comments to make

Response: Noted. Construction operating hours and noise levels were attached to the Kennoxhead WF application and these have been replicated in the recommendation.

- 4.3 **Roads Flood Risk Management** – no objection subject to replication of previous conditions to comply with the Council's Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.

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

- 4.4 **West of Scotland Archaeology Service (WOSAS)** – no objections to the proposals. Note that the route goes through a potentially archaeologically sensitive area and therefore any works on fresh ground outwith the existing access tracks and public road should require archaeological works to be carried out.

Response: Noted. An archaeological condition forms part of this recommendation.

- 4.5 **SEPA**– no objections to the proposals subject to the mitigation measures within the Environmental Appraisal being implemented.

Response: Noted. The mitigation measure implementation forms part of the recommendation.

- 4.6 **Scottish Natural Heritage (SNH)** – no objection. SNH provide comments on protected species and habitat management. Subject to mitigation and enhancement measures set out in the Environmental Appraisal which include the preparation of a protected species plan and a habitat management plan, SNH conclude there will be no additional adverse impacts on ecological and natural heritage interests. SNH also advise there is no significant impact on any specially protected bird species.

Response: Noted. All mitigation measures within the Environmental Appraisal form part of this recommendation and would be attached to any permission if granted.

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

Countryside And Greenspace
Douglas Community Council

5 Representation(s)

- 5.1 Neighbour notification was carried out on 27 August 2018. The proposal was publicised as an application requiring advertisement due to the non-notification of neighbours in the Lanark Gazette on 5 September 2018. No representations have been made in relation to this application.

6 Assessment and Conclusions

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997 all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GVCSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and associated Supplementary Guidance.
- 6.2 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. Therefore the Proposed SLLDP2 is now a material consideration in determining planning applications. The proposed development has been considered against the relevant policies in the proposed plan and it is noted that these policies are broadly consistent with the current adopted South Lanarkshire Local Development Plan 1. For the purposes of this report SLLDP2 Policies are only referenced where they differ from the aims of SLLDP.
- 6.3 As a starting point in the assessment of the proposals, the route of the proposed access does have planning permission through the consent granted in July 2015 by the Scottish Government Energy Consents Unit for the nearby Kennoxhead WF. In effect, this means the proposed route has been deemed suitable for the transportation of 145m turbines which is the same height as the proposals in the related section 42 application the subject of the separate report on the agenda for this committee (P/18/1145). This approval from the Government is, however, attached to Kennoxhead WF and, therefore, can currently only be constructed and used in relation to this wind farm. To allow track to be used in relation to Penbreck WF, a further planning permission that is not connected to Kennoxhead WF is required and that is the purpose of this current planning application.
- 6.4 National Planning Framework 3 (NPF3) sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”. Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). At paragraph 28, SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term.” The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169). It is considered that, given the proposals are to enable a wind farm to be constructed with large turbines for renewable electricity generation, the proposals accord with National

Policy. This is further strengthened by the Energy Consents Unit having granted permission for the access track the subject of the consent for Kennoxhead WF.

- 6.5 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal, it is noted that the Penbreck windfarm site, including these access proposals, is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The overall Penbreck WF development by its nature contributes to developing low carbon energy. The visual, landscape and cumulative impact of the new route is assessed below in Section 6.4 below. Consequently it is considered that the proposal accords with Policy 10 of Clydeplan, and is subject to detailed consideration against the terms of the Local Development Plan. This is dealt with in the following section.
- 6.6 In terms of the adopted South Lanarkshire Local Development Plan the site is located within the rural area where SLLDP Policy 3 'Green Belt and Rural Area' states that support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location. Policy 3 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. In this case the proposals have previously been deemed to be acceptable in principle as a result of the Kennoxhead WF decision and would be required in association with the proposals to increase the height of the turbines at Penbreck WF if they are given planning permission. It is, therefore, considered the proposals can demonstrate a required need at this specific location.
- 6.7 Policy 2 'Climate Change' of the SLLDP states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. Given the proposed development is ancillary development for the operation of a wind farm and, therefore, benefits carbon reduction, the proposed development is considered to be in accordance with the aims of this Policy.
- 6.8 Policy 4 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The proposals benefit from an existing permission for Kennoxhead WF which establishes the principle of the development. The majority of the proposed access track consists of upgrading existing tracks and a public road it is therefore considered that the proposals would be in keeping with the context of the site.
- 6.9 Policy 15 'Natural and Historic Environment' sets out a 3 tier category of protected natural and historic designations. There are no natural or historic designations within

the application site. The Muirkirk and North Lowther Uplands Special Protection Area (SPA) is within 2.4km of the application site. This SPA is designated for breeding and wintering birds. The planning application included an Environmental Appraisal as part of the documents submitted which assessed the impact of the proposals on habitats, protected species and the SPA and concluded the proposals would not have any significant impact on habitats or wildlife subject to appropriate mitigation measures being employed. SNH agree with the Environmental Appraisal subject to all proposed mitigation measures being carried out. SNH state that the Red Moss Special Area of Conservation (SAC) whilst not within the application site is located within the drainage path of the Mid Rigg access. SNH note that the Kennoxhead WF proposals were subject of a condition to implement a Construction Environment Management Plan that would mitigate any potential issues the Mid Rigg drainage could have on Red Moss SAC, which is an active raised bog. SNH therefore advise that a similar CEMP should form part of any new consent. A CEMP condition forms part of the recommendation should planning permission be granted. It is, therefore, considered that, subject to a CEMP and all mitigation measures with the Environmental Appraisal being implemented the proposals accord with this policy.

- 6.10 Whilst there are no nationally designated sites within the application boundary, the proposals are located in proximity to the Red Moss Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and the Muirkirk and North Lowther Uplands Special Protection Area (SPA). Therefore, under the Habitats Regulations 2010, the Council has a duty as the determining authority to carry out an appropriate assessment of the proposals with specific regard to the impact the development may have on the qualifying interests of these sites.
- 6.11 The qualifying interests of the Muirkirk and North Lowther Uplands SPA are breeding and wintering hen harriers and breeding populations of merlin, peregrine, short-eared owl and golden plover. The applicant has provided data on the likely impacts of the development on the qualifying interests of the SPA as part of the planning submission and SNH are content with the information provided on the assessment of this impact. It is considered that the proposals would not affect the integrity or qualifying interests of this SPA. It is, therefore, considered that the Council has carried out an appropriate assessment of the proposals in relation to the qualifying interests of the SPA. Red Moss SAC and SSSI is an active raised bog habitat and, therefore, an appropriate assessment is required to be carried out where a development may have hydrological impacts on this active bog. The proposed access at Mid Rigg shares drainage connectivity with Red Moss and the planning submission contains mitigation measures to ensure that the proposals do not impact upon the bog land. SNH are content with the proposed mitigation in relation to the Habitats Regulations. It is considered that the proposals would not affect the integrity or qualifying interests of this SAC if all the proposed mitigation with the planning submission is implemented. It is, therefore, considered that the Council has carried out an appropriate assessment of the proposals in relation to the qualifying interests of the SAC and SPA.
- 6.12 Policy 16 'Travel and Transport' states that new development must conform to South Lanarkshire's Guidelines for Development Roads. The proposals follow a route that has previously been considered acceptable for transportation of 145m turbines subject to conditions relating to abnormal loads, travel plans and a legal agreement to ensure any damage to the public road caused by the vehicles involved with the turbine transport is covered by the applicant. It is, therefore, considered that subject to replicating these roads requirements as part of the recommendation the proposals accord with the Development Plan in this respect. Further the proposals will remove the need for abnormal loads to be transported through settlements along the A70.

- 6.13 Policy 17 'Water Environment and Flooding' states that on sites where flooding or surface water may be an issue, development shall be the subject of a local flood risk management assessment. Development will only be supported if suitable flood management can be achieved. Further guidance on flood management and sustainable drainage is also provided within Supplementary Guidance Sustainable Development and Climate Change in Policies SDCC2 – Flood Risk and SDCC 3 – Sustainable Drainage Systems. South Lanarkshire Council's Flooding Team has no objections to the proposals subject to the use and maintenance of sustainable drainage of surface water from the access tracks and that the Council's documentation required under the terms of design criteria guidance is completed and submitted. It is considered that these requirements can be incorporated within the required CEMP. SEPA have no objections to the proposals and provide further advice on the detail of the mitigation measures within the Environmental Appraisal and any CEMP. It is, therefore, considered that subject to conditions requiring a CEMP and the mitigation measures within the Environmental Appraisal being carried out fully the proposals comply with the relevant criteria of the Development Plan in this respect.
- 6.14 Policy 19: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular the considerations set out at paragraph 169 and additionally for onshore wind developments the terms of Table 1: Spatial Frameworks. The proposals are required to facilitate a large scale renewable energy development (Penbreck WF) and are in line with the aims of Policy 19. The proposals are solely for works to create an access track and do not include any wind turbines and therefore do not need to be further assessed against the specific wind turbine criteria. The previous permission for the route also negates the need for any other assessment under the Policy 19 criteria.
- 6.15 In conclusion, the principle of the proposals has been established through the Kennoxhead WF consent which has also provided a baseline of environmental issues that are required to be mitigated. The proposals have been assessed again to ensure they accord with the development plan and would not have any adverse effects in terms of landscape and visual impact, road safety and other environmental considerations. This concludes that subject to ensuring mitigation and the implementation of a CEMP the proposals would not have an adverse impact upon the surrounding area. It is, therefore, recommended that planning permission be granted subject to the conclusion of a legal agreement covering the aspects described on the front page of the report.

7 Reasons for Decision

- 7.1 The proposal is considered to be acceptable and would not be detrimental to the environment or road safety subject to the attached conditions. It complies with Policies 1, 2, 3, 4, 15, 16, 17 and 19 of the adopted South Lanarkshire Local Development Plan 2015 and Policy DM1 of Supplementary Guidance 3: Development Management, Placemaking and Design and Policies SDCC2 and SDCC3 of Supplementary Guidance 1: Sustainable Development and Climate Change.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 12 November 2018

Previous references

- ♦ CL/08/0727

List of background papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 27 August 2018

- ▶ Consultations
 - Roads Development Management Team
 - Environmental Services
 - Roads Flood Risk Management 10.09.2018
 - WOSAS 03.09.2018
 - SNH 04.10.2018

Contact for further information

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

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Detailed planning application

Paper apart – Application number: P/18/1145

Conditions and reasons

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Appraisal (August 2018) and Design and Access Statement (August 2018), including all mitigation and monitoring measures contained within, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

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

02. Construction Works

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

Monday to Friday 7.00am to 7.00pm,

Saturday 7.00am to 1.00pm;

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

Subject to condition 3, any noise solely attributable to construction noise (where borrow pits are not operational) shall not exceed 65dB(A) LAeq to include both stationary and mobile plant as described within Annex F- Code of practice for noise and vibration control on construction and open sites - Part 1: Noise (BS 5228-1:2009)

Reason: In the interests of controlling construction noise

03. That at times during which Borrow Pits are operational, then the noise levels shall be restricted to 55dB LA eq (1hr) or background LA90 (1hr) + 10dBA, whichever is the lesser and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, shall be considered as Borrow Pit noise. Details of any blasting at borrow pits should be included with relevant reports as necessary.

Reason: In the interests of controlling noise

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

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

Reason: In the interests of road safety

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

Reason: In the interests of road safety.

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

Reason: In the interests of road safety.

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

Reason: In the interests of road safety

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

Reason: In the interests of road safety.

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

mitigation measures provided within the approved Environmental Appraisal (August 2018), conditions attached to this permission and advice and actions contained within the consultation responses from SEPA (dated 17.9.2018), South Lanarkshire Council's Roads - Flood Risk Team (dated 10.9.2018) and SNH (dated 28.9.2018)

Reason: In the interests of protecting the environment

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

Reason: In the interests of controlling noise.

11. A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council, RSPB and SWT and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims, and notwithstanding the above,
 - a) Site clearance activities and where possible, construction, will take place outwith the bird breeding season (March to July inclusive). If site clearance activities commence during this period ECoW supervision is required.
 - b) The HMP will operate for the full lifespan of the wind farm, including decommissioning
 - c) The mitigation identified in the HMP will be fully implemented
 - d) Surveillance and monitoring results of species and habitat will be carried out in accordance with the approved plan and be submitted to the HMG in accordance with the timescales set out.

Reason: In the interests of habitat management

12. That the developer shall be responsible for any alterations required to statutory undertaker's apparatus solely affected by the development, hereby approved.
13. That no development hereby approved shall commence until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service. For the avoidance of doubt the archaeological works are only in relation to breaking new ground through track widening or other requirements and the existing access tracks and roads would not be included in any programme.

Reason: In the interests of archaeology.

