

	<h1>Report</h1>	Agenda Item <h1>16</h1>
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Report to:	Planning Committee
Date of Meeting:	23/08/2011
Report by:	Executive Director (Enterprise Resources)

Application No	CL/10/0143
Planning Proposal:	Section 36 Consultation from the Scottish Government relating to proposed windfarm (55MW) consisting of 22 turbines, control building, access tracks, anemometer and associated infrastructure

1 Summary Application Information

- Application Type : Electricity Notification
- Applicant : Infinis plc
- Location : Galawhistle Wind Farm near Douglas

2 Recommendation(s)

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

- (1) that the Scottish Government is informed that South Lanarkshire Council has no objection to the proposed Galawhistle Wind Farm subject to conditions based on the conditions attached.

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to deal with the notification.
- (2) The Scottish Government is also advised that approval should be subject to the conclusion of legal agreements covering any extraordinary wear and tear to the road network, contributions to the Council's Renewable Energy Fund, and towards the monitoring and enforcement of works on the development, and the implementation of the Habitat Management Plan together with the provision of its associated bond.

3 Other Information

- ◆ Applicant's Agent: Jones Lang Lasalle
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): National Planning Framework 2 (NPF 2)
Scottish Planning Policy (SPP)
Specific Advice Sheet Onshore Wind Turbines

Glasgow and Clyde Valley Structure Plan (2008)

Strategic Policy 1: Strategic Development Locations
Strategic Policy 7: Strategic Environmental Resources

Strategic Policy 8: Sustainable Development of Natural Resources

Strategic Policy 9: Assessment of Development Proposals

South Lanarkshire Local Plan (adopted 2009)

STRAT 4 - Accessible Rural Area Policy

STRAT 9 - Environmental Mitigation and Enhancement Policy

CRE 2 - Stimulating the Rural Economy Policy

ENV 14 - Potential Windfarm Areas of Search Policy

ENV 15 - Spatial Framework for Windfarms Proposal

ENV 17 - Renewable Energy Community Benefit Policy

ENV 20 - Natura 2000 Sites Policy

ENV 21 - European Protected Species

ENV 23 - Ancient Monuments and Archaeology Policy

ENV 24 - Listed Buildings Policy

ENV 26 - Sites of Special Scientific Interest/National Nature Reserves Policy

ENV 28 - Historic Gardens and Designed Landscapes Policy

ENV 29 - Regional Scenic Area and Areas of Great Landscape Value Policy

ENV 32 - Design Statements Policy

ENV 38 - Renewable Energy Site Assessment Policy

ENV 4 - Protection of the Natural and Built Environment Policy

SLLP Supplementary Planning Guidance: Renewable Energy (December 2010)

Policy REN 1: Areas of Significant Protection

Policy REN 2: Constraints

Policy REN 3: Broad Areas of Search for Wind Farms over 20MW

Policy REN 6: Assessment Checklist for Renewable Energy Proposals

◆ Representation(s):

- ▶ 3 Objection Letters
- ▶ Support Letters
- ▶ 0 Comments Letters

◆ Consultation(s):

Environmental Services

Countryside & Greenspace

Glasgow and Clyde Valley Structure Plan Team

Roads and Transportation Services (Traffic)
Roads and Transportation Services (Flood Prevention Unit)
Scottish Government (Transport Scotland)
Civil Aviation Authority
Defence Estate Organisation (MOD)
National Air Traffic Services Ltd (NERL Safeguarding)
Glasgow Prestwick Airport
S.E.P.A. (West Region)
Scottish Natural Heritage
West of Scotland Archaeology Service
RSPB Scotland
Scottish Wildlife Trust
Historic Scotland
Forestry Commission
Douglas Community Council
East Ayrshire Council
Association of Salmon Fishery Boards
Ofcom
The Crown Estate
Mountaineering Council of Scotland
Ayrshire River Trust

Planning Application Report

1 Application Site

1.1 This application site is located approximately 4km west of Douglas and 2.5km north-west of Glespin in South Lanarkshire and 7km east of Muirkirk in East Ayrshire. The majority of the site is located in South Lanarkshire though two turbines, one permanent anemometer mast and access tracks lie within the administrative boundary of East Ayrshire. The area surrounding the site is characterised by Spireslack Open Cast Coal area immediately to the west, the operational Hagshaw Hill Wind Farm and extension to the east, and forestry to the north. The A70 passes to the south of the site approximately 900m south of the nearest turbine. The total area of the site is approximately 594 hectares and its highest point is 463m Above Ordnance Datum (AOD). The site is located on rolling moorland landscape character type.

2 Proposal(s)

2.1 Under terms of Section 36 of the Electricity Act 1989, Infinis are seeking consent from the Scottish Government for the erection of 22 wind turbines, each with installed capacity of 2.5MW. Of this total 18 turbines have a ground to tip height of 110.2m and 4 turbines a ground to tip height of 121.2m. Each turbine would comprise:

- A tubular tower, measuring between 69m and 80m in height.
- A generator and gearbox
- A rotor comprising a central hub and three blades, with an overall diameter of 82.4m for all 22 turbines.

The turbine towers will be of tapering tubular steel construction and the blades are fiberglass with lightning protection. The finish of the turbines is proposed to be of a low-reflectivity semi-matt pale grey colour. Typically the foundations will be constructed with a formation depth of approximately 3m. Stone for access track and hardstandings will be won from four onsite borrow pits. The application includes one permanent anemometer mast, transformers and electrical cabling, crane hardstandings, a temporary construction compound and laydown area, and approximately 18km of access track.

2.2 It is anticipated that the development would take approximately 14 months to construct and the site would operate for a further 25 years at which point decommissioning would take place, unless further consent is granted. The site would be reinstated under a restoration plan that will be approved by the relevant authorities and in agreement with the landowner.

2.3 The wind farm substation would connect to the proposed adjacent Scottish Power substation by underground 33kV cables. The Scottish Power substation would connect to the transmission network via a 132kV cable which would run underground from the substation through the site to the forestry on the north eastern boundary. At this point, the connection would become an overhead line through the forest until it meets the Scottish Power Coalburn substation located approximately 3km north east of Coalburn.

2.4 A proportion of construction personnel traffic is expected to access the site via each of the routes identified below:

- Route 1 – from the M74
- Route 2 – from the north via the B743 from Strathaven and the A70
- Route 3 – from the west via the B743 from Nethersfield and the A70
- Route 4 – from the southwest via the A70 from Cumnock

It is envisaged that all abnormal loads and all construction deliveries are likely to access the site from the M74 at junction 11. This traffic will then proceed south

along the B7078 and west along the A70 to the site entrance. During the 14 month construction phase, the following traffic will access the site:

- Low loaders and HGV's to deliver plant and machinery to site
- 20-tonne trucks, to deliver sand for cable trenches
- Flat-bed trucks, to deliver cables, substation components and the substation transformer (requiring police escort)
- Crane, delivered as mobile units and on low-loaders
- Deliveries of fuel tanker
- Construction personnel by light vehicles
- Either 8m³ mixer trucks of ready mixed concrete in the event concrete batching is not undertaken or 30 tonne bulk powder tankers for cement and 20 tonne trucks of aggregate and sand if batching undertaken.

2.5 The application is supported by a full Environmental Impact Assessment and a planning statement, which seeks to address the potential impact of the development and appropriate mitigation measures to reduce adverse impacts. Following on from statutory consultation responses additional information was submitted by the applicant's consultants in September 2010.

3 Background

3.1 Relevant Government Advice / Policy

3.1.1 National Planning Framework 2 (NPF 2) June 2009 guides Scotland's development to 2030 and sets out strategic development priorities to support the Scottish Government's central purpose – sustainable economic growth. NPF 2 notes in paragraph 145 “the aim of national planning policy is to develop Scotland's renewable energy potential while safeguarding the environment and communities”.

3.1.2 Paragraphs 182 to 191 of Scottish Planning Policy (SPP) sets out the Scottish Government's policy for Renewable Energy, with their policy for Landscape and Natural Heritage being described in paragraphs 125 to 148. The SPP states that renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth. It also states that planning authorities should take a broader approach to landscape and natural heritage than just conserving designated or protected sites and species, while taking into account the ecosystems and natural processes in their area.

3.1.3 PAN 45 Renewable Energy Technologies and Annex 2 Spatial Frameworks and Supplementary Planning Guidance for Wind Farms has been replaced with web based renewables advice, which is to be regularly updated. The Specific Advice Sheet for Onshore wind turbines was last modified on 25th February 2011. It supports the policy in SPP by providing information and best practice on renewable energy developments. It gives advice on areas for planning authorities to focus upon, technical information and typical planning considerations to be taken into account in determining planning applications for onshore wind turbines.

3.1.4 All national policy and advice is considered in detail in section 6 of this report.

3.2 Development Plan Status

3.2.1 The Glasgow and Clyde Valley Structure Plan 2008 contains policies which are relevant to the consideration of this application. Strategic Policy 1 – Strategic Development Locations requires a range of action to support the Rural Investment Area, within which the site is located. Strategic Policy 7 – Strategic Environmental Resources requires the protection and enhancement of the environmental resources listed in Schedule 7. Strategic Policy 8 – Sustainable Development of Natural Resources supports developments which are in Potential Areas of search for

significant wind farm developments and which safeguard and enhance strategic environmental resources. Strategic Policy 9 – Assessment of Development Proposals is also relevant.

3.2.2 The Proposed Strategic Development Plan, through Strategy Support Measure 9, identifies broad areas of search for windfarms that are to be refined through Local Development Plans.

3.2.3 The South Lanarkshire Local Plan was adopted in March 2009 and contains the following policies against which the proposal should be assessed:

- STRAT 4: Accessible Rural Area Policy
- STRAT 9: Environmental Mitigation and Enhancement Policy
- CRE 2: Stimulating the Rural Economy Policy
- ENV 4: Protection of the Natural and Built Environment Policy
- ENV 14: Potential Windfarm Areas of Search Policy
- ENV 15: Spatial Framework for Windfarms Proposal
- ENV 17: Renewable Energy Community Benefit Policy
- ENV 20: Natura 2000 Sites Policy
- ENV 21: European Protected Species
- ENV 23: Ancient Monuments and Archaeology
- ENV 24: Listed Buildings Policy
- ENV 26: Sites of Special Scientific Interest/National Nature Reserves Policy
- ENV 28: Historic Gardens and Designed Landscapes Policy
- ENV 29: Regional Scenic Area and Areas of Great Landscape Value Policy
- ENV 32: Design Statements Policy
- ENV 38: Renewable Energy Site Assessment Policy

3.2.4 The South Lanarkshire Local Plan Supplementary Planning Guidance (SPG): Renewable Energy was approved in December 2010 and is material to the consideration of this proposal. The following SPG policies are relevant to the determination of this application:

- Policy REN 1: Areas of Significant Protection
- Policy REN 2: Constraints
- Policy REN 3: Broad Areas of Search for Wind Farms over 20MW
- Policy REN 6: Assessment Checklist for Renewable Energy Proposals

3.2.5 All of these policies are examined in detail in section 6 of this report.

3.3 Planning Background

3.3.1 In 2005 Scottish Coal submitted a Section 36 Application for a 42 turbine wind farm development, known as Spireslack Wind Farm that included land forming part of the current Galawhistle site. The Spireslack Wind Farm application was withdrawn before a decision was made. Due to the proximity of the adjacent Muirkirk and North Lowther Uplands Special Protected Area (SPA) and known bird flight activity, it was considered necessary to reduce the number of turbines to 29. In addition, the scoping layout for the proposed Galawhistle Wind Farm was further refined resulting from an appreciation of the physical characteristics of the site, as well as a need to ensure that appropriate wind capture and turbine spacing criteria were considered. Following consideration of the constraints identified at scoping stage the layout changed from 29 to 22 turbines.

4 Consultation(s)

- 4.1 **Glasgow and Clyde Valley Structure Plan Joint Committee:** No objection, the application does not raise significant issues with regard to Strategic Policies 1, 7 and 8 and addresses satisfactorily criteria in Strategic Policy 9.
Response: Noted. An assessment of the proposed development in relation to the Structure Plan is provided in the Assessment and Conclusion section of this report.
- 4.2 **Environmental Services:** provide comments with regards to the impact of the development with respect to issues of noise, vibration, dust, water and land contamination. Environmental Services raise no objection to this application, providing certain conditions are attached to the permission if it is to be granted, controlling the development with respect to noise, dust and contamination.
Response: Noted. Conditions could be used to control operations to ensure the works are conducted in a way that minimises noise impact and impact on air quality and contamination. The recommended conditions are based upon guidance set out in 'The Assessment and Rating of Noise from Wind Farms' (ETSU-R-97) and it is recommended that these should be attached to any consent if granted.
- 4.3 **Roads and Transportation (Traffic):** The route, which is to be used to deliver the abnormal loads, should be assessed to ensure that it is capable of accommodating the intended vehicles, including a dummy load. It is suggested that a trial drive-through of the route is undertaken. Strathclyde Police and the Council's Roads and Transportation Services should be consulted before this is undertaken to agree suitable times.
Response: The requirements of Roads and Transportation could be incorporated into planning conditions and/or a section 96 legal agreement.
- 4.4 **Roads and Transportation (Flooding):** Chapter 8 of the ES considered Flood Risk and as such the Council requires that the developer complies with Sustainable Drainage Systems (SuDs) design criteria guidance and that necessary forms are completed.
Response: The requirements of Roads and Transportation – Flood Prevention could be incorporated into planning conditions.
- 4.5 **Countryside & Greenspace :** make observations with regard to biodiversity issues and support SNH's comments in respect of designated sites, ornithology and the mitigation work for protected species. The preparation of a Habitat Management Plan (HMP) is supported and it is pointed out that South Lanarkshire Council's Local Biodiversity Action Plan (LBAP) should be referred to in the HMP. The South Lanarkshire landscape capacity assessment should be used to fully assess cumulative landscape impacts. With regard to access it is suggested that the development include conditions regarding access proposals which contribute to the development of the south of Scotland longer distance route network, as well as promoting recreational access use of the turbine array road network.
Response: Noted. Any consent granted could be subject to conditions covering these matters.
- 4.6 **Transport Scotland:** No objection. The proposed development represents an intensification of the use of this site however the percentage increase in traffic on the trunk road is such that the proposed development is likely to cause minimal environmental impact on the trunk network.
Response: Noted.
- 4.7 **Civil Aviation Authority:** provides comment on the potential for the proposed development to impact upon aviation operations and activities.

Response: Noted.

- 4.8 **Glasgow Prestwick Airport:** do not object as Glasgow Prestwick Airport's radar will be entirely terrain shielded.

Response: Noted.

- 4.9 **Defence Estate Organisation (MOD):** no objection. Notes that in the interests of air safety the MOD requests that the turbines (and wind monitoring masts) are fitted with aviation lighting.

Response: Noted.

- 4.10 **National Air Traffic Services Ltd (NERL Safeguarding):** objects to the proposal as the proposed development has been examined from a technical and operational safeguarding aspect and conflicts with NATS (En Route) Plc's safeguarding criteria.

Response: Noted. A technical solution could be identified and agreed with NATS (En Route) Plc prior to commencement of development. Any consent granted therefore could be subject to conditions preventing work commencing until an appropriate solution has been agreed.

- 4.11 **Scottish Environmental Protection Agency (SEPA):** object to the application unless conditions and mitigation measures outlined in the letter dated 5 May 2010 are attached if consent is granted.

Response: Noted. Any consent granted could be subject to the conditions specified by SEPA.

- 4.12 **Scottish Natural Heritage (SNH):** SNH provided comment on designated sites, and following submission of further information and points of clarification, they advise that the proposal will not adversely affect the integrity of the Muirkirk and North Lowther Uplands SPA. The proposal can nevertheless have a significant effect of the qualifying interests of the site. To address this, SNH has provided a suitably worded condition, which requires the applicant to prepare and implement a Habitat Management Plan (HMP) following its approval by South Lanarkshire Council and East Ayrshire Council. Further information provided on the proposed HMP confirms that it will cover the entire land holding by Infinis (795 ha) at the Galawhistle site plus additional offsite habitat enhancement works at Airds Moss. The further information provided by the applicant demonstrates that Muirkirk Uplands SSSI and North Lowther Uplands SSSI will not be significantly affected by the proposed development. Subject to appropriate conditions, SNH also have no objection relating to protected species, impact on peat areas and UKBAP species. SNH advises that there will be no adverse effects on the integrity of the landscape designations within the study area, South Clydesdale Regional Scenic Area and Douglas Valley Area of Great Landscape Value. SNH, however, considers the cumulative landscape and visual assessment within the ES underplays the likely cumulative and visual impacts of the proposed development. They advise there is a lack of design layout compatibility between the proposed development and the adjacent Hagshaw Hill Wind Farm and its extension in terms of:-

- 1) their differing response to topographic pattern
- 2) the scale and spacing of turbines, and
- 3) blade rotation variation

Consequently, the two developments will not read as a single composite and integrated wind farm development.

Response: Section 6 of this report provides an assessment on the cumulative and visual issues raised. If consent is granted, appropriate worded conditions could be attached.

- 4.13 **West of Scotland Archaeology Service:** No objection subject to conditions which would secure the control of the potential impacts on both known and unknown archaeological resources.
Response: Noted. If consent is granted, appropriate worded conditions could be attached.
- 4.14 **RSPB Scotland:** do not object subject to conditions or legal agreement requiring a Habitat Management Plan.
Response: Noted. If consent is granted, appropriate worded conditions could be attached.
- 4.15 **Historic Scotland:** note that there are no scheduled monuments, Category A listed buildings or Inventory Gardens and Designed Landscapes within the search area. As the proposed development is unlikely to have significant impact on any historic environment asset Historic Scotland confirm they do not wish to object to this application.
Response: Noted.
- 4.16 **Forestry Commission:** no objection as the proposals will have little impact on woodland.
Response: Noted.
- 4.17 **Douglas Community Council:** objection in relation to concerns regarding the movement of abnormal loads and lack of Transport Management Plan.
Response: The Council's Traffic and Transportation section considered the Traffic and Transport section of ES acceptable and have no further concerns, and any consent granted could be subject to conditions and/or legal agreement, which would include a Traffic Management Plan being prepared and agreed with South Lanarkshire Council and East Ayrshire Council. It would include a series of measures to mitigate the temporary impacts of construction traffic.
- 4.18 **East Ayrshire Council:** East Ayrshire will be reporting this application to their Committee.
Response: Noted.
- 4.19 **Scottish Wildlife Trust:** no objection and welcome the preparation of proposed Site Environmental Management Plan which should be prepared in partnership with SNH, SWT and RSPB, and not by the developer in isolation.
Response: Noted.
- 4.20 **Ayrshire River Trust:** No objection, peripheral impacts on their interests.
Response: Noted.
- 4.21 **Association of Salmon Fishery Boards:** note concerns regarding construction implications and the potential impacts on watercourses, water quality and migratory and other fish species. Full consultation with the local fishery board is encouraged at an early stage to avert or overcome many of the potential impacts.
Response: Noted. Any consent granted could be subject to conditions to address these concerns.
- 4.22 **Mountaineering Council of Scotland:** No objection, little issues affecting their interests.
Response: Noted.
- 4.23 **Ofcom:** No objection, as the development is not within 500m of their apparatus.

Response: Noted.

4.24 **The Crown Estate:** No comment.

Response: Noted.

5 Representation(s)

5.1 The application has been advertised in accordance with the EIA regulations with adverts being placed in local and national newspapers. The application was available for inspection at SLC offices, South Vennel, Lanark; St Brides Community Hall, Douglas; and Coalburn Miners Charitable Society, 42 Coalburn Road, Coalburn.

5.2 Three representations were received. A summary of the issues raised and responses is given below.

(a) **Comment:** Potential cumulative noise impact that could effect the efficient operation of existing Hagshaw Hill Wind Farm.

Response: Environmental Services raise no objection to this application conditions controlling the development with respect to noise, dust and contamination are attached to any permission granted. The ES considers that there would be no material change in identified effects caused by the operational Hagshaw Hill Wind Farm.

(b) **Comment:** Unacceptable impact on local landscape and habitat.

Response: Subject to conditions, SNH consider that there will be no significant impacts on habitats. The impact on the local landscape is discussed within Section 6 - Assessment and Conclusions of this report.

(c) **Comment:** No evidence to justify that wind farm developments are reducing carbon emissions.

Response: The Scottish Government has set a target of 100% renewable energy by 2020. The Scottish Planning Policy encourages planning authorities to support the development of wind farms in locations where the technology can operate efficiently, and environmental and cumulative impacts can be satisfactorily addressed.

(d) **Comment:** Concerns were raised with regards to impact on the archaeology and heritage interests.

Response: Chapter 9 of the ES considers the impact on the archaeology and heritage interests are not significant. Historic Scotland and West of Scotland Archaeology Service concur with this view subject to conditions.

The letters above have been copied and made available for inspection in the usual manner on the Planning Portal.

6 Assessment and Conclusions

6.1 The following section provides an assessment of the proposed Galawhistle Wind Farm against the Glasgow and Clyde Valley Joint Structure Plan 2008, South Lanarkshire Local Plan 2009 and South Lanarkshire SPG Renewable Energy (December 2010). In assessing any application for renewable energy development it is also necessary to evaluate the proposal against the most up to date policies and criteria contained in the relevant Scottish Planning Policies and Specific Advice Sheets. There is specific national planning policy guidance and advice relating to renewable energy contained within SPP and the Specific Advice Sheet for Onshore

wind turbines. The principal issues in assessing this proposal relates to conformity with national, structure and local plan policy including landscape and visual impacts.

6.2 National Planning Policy and Guidance

6.2.1 The SPP has set a target of 50% of Scotland's electricity to be generated from renewable sources by 2020, and following publication of the SPP, this target has subsequently been increased to 100% by 2020 by the Scottish Government. The SPP encourages planning authorities to support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. The SPP requires planning authorities to prepare supplementary guidance and set out a spatial framework for onshore wind farms of over 20MW. The SPG Renewable Energy Policy is assessed in section 6.5 below. The criterion to assess wind farm developments is clearly set out in the SPG. The SPP provides likely criteria, which includes:

- Landscape and visual impact
- Effects in the natural heritage and historic environment
- Contribution to the development to renewable every generation targets
- Effect on the local and national economy and tourism and recreation interests
- Benefits and disbenefits for communities
- Aviation and telecommunications
- Noise and shadow flicker, and
- Cumulative impact

SNH advise that they have no objections, subject to conditions, in relation to designated sites, habitats, impact on peat, protected species and UKBAP species. However SNH express concern over the design layout and the development's compatibility with the adjacent Hagshaw Hill Wind Farms. These impacts are considered fully in paragraphs 6.4.20 to 6.4.23 and I consider the proposed development broadly complies with SPP.

6.3 Structure Plan Policy

6.3.1 The application requires to be assessed against Strategic Policies 1, 7, 8 and 9 of the approved Glasgow and Clyde Valley Joint Structure Plan (2006), which identifies the site as falling within the Douglas Valley/South Clydesdale Rural Investment Area (RIA).

6.3.2 Strategic Policy 1 sets out the Structure Plan's development framework in terms of strategic development locations and policies for the Green Belt and wider countryside. Schedule 1(d) identifies Douglas Valley/South Clydesdale RIA as an area where investment is needed to sustain rural communities. Creation of local employment opportunities in the RIA through the development of natural resources based industries including renewable energy, is supported by the Structure Plan. The application site is located within the RIA.

6.3.3 Strategic Policy 7 Strategic Environmental Resources requires protection and enhancement of the environmental resources listed in Schedule 7.

6.3.4 Schedule 7 (a) Ecological Resources - The proposed development does not directly affect any designated sites. Following submission of further information on the ES, SNH advise that subject to conditions there are no significant issues for the nearest designated sites: Muirkirk and North Lowther Uplands SPA, Muirkirk Uplands SSSI and North Lowther Uplands SSSI. In this respect the proposed SNH conditions and associated mitigation measures can ensure protection and enhancement of the environmental resources listed in Schedule 7.

6.3.5 Schedule 7 (b) Landscapes – The application site is located adjacent to the Douglas Valley AGLV identified in the approved Structure and Local Plans. In line with SNH

guidance, the AGLV is now known as Douglas Valley Special Landscape Area (SLA) following the South Lanarkshire Validating Local Landscape Designations report approved in December 2010. The application site lies within the Rolling Moorland Foothills landscape character type and taking account of the location and nature of the proposals it is considered that there will be no significant and adverse impacts on the defining characteristics of the landscape character type. Structure Plan policy requires the protection and enhancement of the local landscape designations. Having considered the information submitted with the application and the response from SNH it is considered that the development will have no significant and adverse impacts on the integrity of the SLA and the Rolling Moorland Foothills landscape character type.

- 6.3.6 Schedule 7 (c) Existing and Potential Recreational Resources – There are no strategic recreational resources affected by the proposal, and no rights of way within the site of the proposal.
- 6.3.7 Schedule 7 (d) Built Heritage – It is considered that there are no significant impacts on Schedule Ancients Monuments, archaeological sites and Historic Gardens and Designed Landscapes. Appropriately worded conditions would secure the control of the potential impacts on both known and unknown archaeological resources. Historic Scotland and West of Scotland Archeology concur with the above.
- 6.3.8 Schedule 7 (e) Agricultural Land – Part of the application site lies within sensitive hill grazing land and the Structure Plan policy gives consideration to the need to safeguard locally important resource to sustain local agricultural economy. Taking account of the location and scale of the proposed development the area of land included in the application is not considered significant. Schedule 7 (f) and (g) are not considered relevant to this application.
- 6.3.9 In conclusion it is considered that the proposed development complies with Strategic Policy 7.
- 6.3.10 Strategic Policy 8 (b) Sustainable Development of Natural Resources supports developments that are in the potential areas of search for significant wind farm developments. The application site is within the potential areas of search for significant wind farms and therefore the development would not raise strategic planning issues. The policy requires that priority should be given to protection of strategic environmental resources, set out in Schedule 7. It has previously concluded that the proposal complies with Strategic Policy 7 (paragraph 6.3.3 to 6.3.9) and therefore it is concluded that the proposal complies with Strategic Policy 8.
- 6.3.11 Strategic Policy 9A relates to the need for the development in terms of the relevant demand assessment. The specific criteria in this policy however do not apply to wind farm developments.
- 6.3.12 Strategic Policy 9B relates to the location of the development. The proposal does not raise significant issues with regard to Strategic Policy 9B iv) 'safeguard the environmental resources listed in Schedule 7 or identified in Local Plans (including having regard to landscape character and quality)'.
- 6.3.13 Strategic Policy 9C relates to the provision by the developer of appropriate infrastructure/mitigation measures. Suitable worded conditions and mitigation measures can ensure appropriate provision is made. Accordingly the proposal complies with Strategic Policy 9.

6.3.14 It is therefore demonstrated that the application does not raise significant issues with regard to Strategic Policies 1, 7 and 8 and addresses satisfactorily the criteria in Strategic Policy 9. Therefore, it is concluded that the proposed development complies with the Structure Plan.

6.3.15 The application site is within the Broad Areas of Search shown in the Proposed Strategic Development Plan. The proposal does not, therefore raise issues in respect of the Proposed Plan.

6.4 Adopted South Lanarkshire Local Plan 2009

6.4.1 In the Adopted South Lanarkshire Local Plan 2009 there are several policies relevant to this proposal which aim to protect the natural and built heritage and which identify preferred areas for wind farm development. The issues raised by the individual policies of the Local Plan are highlighted below.

6.4.2 STRAT 4: Accessible Rural Area Policy is to build on the economic potential of the area's high quality natural and built environment and tourism potential and to ensure these qualities are not eroded. In support of the planning application an Environmental Impact Assessment (EIA) was carried out. Chapter 12 of Environmental Statement (ES) considers effects on socio-economics, tourism and land use, and overall concludes the effects are not significant. The impacts on the natural environment are considered in detail under ENV 4 at paragraph 6.4.5 and as there are no significant impacts, having considered the conclusions in the ES, then the proposed development complies with policy STRAT 4.

6.4.3 STRAT 9: Environmental Mitigation and Enhancement Policy is to ensure that all development seeks to measure environmental impact and seeks to prevent, reduce or offset any consequences. It is considered that the ES identifies the likely environmental effects of the proposed development and recommends appropriate mitigation measures.

6.4.4 CRE 2: Stimulating the Rural Economy Policy encourages renewable development where there is:

- a specific locational need
- they respect the landscape, countryside amenity and nature conservation interests
- they complement the scale, design and character of the locality and;
- they promote environmental enhancement.

While wind farms can only be developed where there is a significant wind resource, other criteria in the above policy also requires to be met. In designing the proposed development, the landscape, amenity and natural heritage considerations have been taken into account, with the objective of minimizing the environmental impact. The ES outlines a design approach, which has considered scale, design and landscape character. The proposed development by its very nature also promotes environmental enhancement in the broad sense, as it can provide a significant contribution to reducing greenhouse gas emissions. The proposed development therefore broadly supports Policy CRE 2.

6.4.5 ENV 4: Protection of the Natural and Built Environment Policy aims to safeguard sites of international, national and local/regional importance ensuring that they are conserved and where appropriate enhanced. The proposed development is not located in an international or national designated site and overall the integrity of the Muirkirk and North Lowther SPA, Muirkirk Uplands SSSI and North Lowther Uplands

SSSI, which are the nearest designated sites, are shown not to be comprised, subject to conditions and mitigation measures. SNH concur with this, provided appropriate conditions are attached. It is considered that the integrity of the resource will be not significantly undermined and that the proposal therefore complies with Policy ENV 4.

- 6.4.6 ENV 14: Potential Windfarm Areas of Search provides potential areas of search for significant wind farm development in accordance with the Structure Plan. As noted above the proposed development is located within the potential area of search. Therefore, the proposed development accords with Policy ENV 14.
- 6.4.7 ENV 15: Spatial Framework for Wind Farm Proposals requires the Council to review its policy and spatial framework for wind farms over 20 MW, in line with SPP 6. SPG Renewable Energy and supporting technical reports were approved in December 2010.
- 6.4.8 ENV 17: Renewable Energy Community Benefit Policy encourages developers of renewable energy facilities in South Lanarkshire to contribute to the Renewable Energy Fund (REF). The applicant has confirmed that should consent for the proposed development be granted and implemented the applicant will contribute to the South Lanarkshire Council Renewable Energy Fund at the level of £2,500 per consented MW per annum for the operational life of the wind farm.
- 6.4.9 ENV 20: Natura 2000 Sites Policy requires that development likely to have an impact on a Natura 2000 site will be subject to an appropriate assessment. The designated sites are considered in paragraph 6.3.4 above. Due to the likelihood of the proposed development having a significant effect on the qualifying interests of the Muirkirk and North Lowther SPA, the Scottish Government is required to undertake an appropriate assessment. SNH advise that based on the appraisal carried out and provided the requirement for a Habitat Management Plan is satisfied then the proposal will not adversely effect the integrity of the SPA. The impacts, therefore, are unlikely to be significant and the proposal will not have an adverse effect on the integrity of the designated site subject to the attached condition. Consequently, the proposal is in accordance with Policy ENV 20.
- 6.4.10 ENV 21: European Protected Species emphasises the requirement to give full consideration to the potential impact upon European Protected Species and habitats. This policy also applies to species listed in schedules 1, 5 and 8 of Wildlife and Countryside Act 1981 as amended. The ES details ecological and ornithological issues within Chapters 6 and 7, and their respective appendices, to determine the potential impact on species. By applying effective mitigation measures, the ES concludes that there will be no significant adverse effects on any of the species, which are protected under the legislation/regulations identified above. Similarly, SNH have identified mitigation measures, which the applicant has agreed to implement, that cover the impact of the proposal on protected species. On this basis the proposal accords with Policy ENV 21.
- 6.4.11 ENV 23: Ancient Monuments and Archaeology aims to avoid adverse effects upon scheduled ancient monuments and archaeological resources. As assessed in paragraph 6.3.7 there are no major impacts on these resources. Historic Scotland and West of Scotland Archaeology Service concur with this conclusion, subject to conditions being imposed that can control any potential impacts on both known and unknown archaeological resources, if consent is granted. Accordingly, the proposal complies with Policy ENV 23.

- 6.4.12 ENV 24: Listed Buildings Policy requires that any development affecting a listed building or its setting shall seek to preserve the building and its setting or any features of special architectural interest as a first point of principle. There are no listed buildings or other statutory designated sites within the site boundary, and there are 6 listed buildings within 1.5 – 5 km from the proposed development. The ES provides full details of the assessment of the proposed development on cultural heritage. The proposed development is not shown to have a significant impact on any historic environment asset and Historic Scotland concurs with the conclusion. On this basis the proposals accords with Policy ENV 24.
- 6.4.13 ENV 26: Sites of Special Scientific Interest/National Nature Reserves Policy requires that the overall integrity of the area would not be comprised. As previously assessed in paragraphs 6.3.4 and 6.4.5 and supported by SNH, the integrity of the Muirkirk and North Lowther SPA, Muirkirk Uplands SSSI and North Lowther Uplands SSSI will not be comprised. Therefore the proposed development is found to be in accordance with Policy ENV 26.
- 6.4.14 ENV 28: Historic Gardens and Designed Landscapes Policy aims to protect, preserve and enhance such places and developments should not impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value. Falls of Clyde 13.5km to the north east and Lee Castle more than 15km to the north east are the nearest Historic Gardens and Designed Landscapes. The ES indicates there will be no inter-visibility between these designated sites and the proposed development. Therefore the proposed development is considered to be in accordance with Policy ENV 28.
- 6.4.15 ENV 29: Regional Scenic Area and Areas of Great Landscape Value Policy requires to satisfy STRAT 4 and not adversely affect the overall quality of the designated landscape area. There are no designated landscapes covering the proposed development site and there will be no adverse effects on the integrity of the landscape designation within the wider study area. SNH concur with this and the proposed development therefore complies with Policy ENV 29.
- 6.4.16 ENV 32: Design Statements Policy requires that a Design Statement accompany all developments proposals, subject to exceptions. Chapter 3 of the ES outlines the approach to site design and development.
- 6.4.17 ENV 38: Renewable Energy Site Assessment Policy requires all wind farms and other renewable energy developments to be assessed against a set of criteria, each of which is taken in turn below. It should be noted that in the Local Plan the Council made a commitment to prepare supplementary planning guidance (SPG) on Renewable Energy and to review its existing policies and prepare a spatial framework for wind farms. This work has since been undertaken in consultation with the public and developers, and the South Lanarkshire Local Plan SPG Renewable Energy was approved in December 2010. As a result of this, Local Plan Policies ENV 14, 15, 16 and 38 have been further developed to address the requirements of SPP and PAN 45 (Annex 2). The specific policies in the SPG will be considered in section 6.5 of this report.

ENV 38: Renewable Energy Site Assessment Policy:

- 6.4.18 Criteria (A) - International and National Natural Heritage Designations and the Green Belt: The application site is not located within international or national designations or the Green Belt. The proposed development will not result on adverse impacts as

assessed in paragraphs 6.3.4, 6.4.5 and 6.4.13 above. On this basis the proposed development complies with criterion (A) of Policy ENV 38.

- 6.4.19 Criteria (B) (1) Other Natural and Built Heritage Resources: requires proposals to take place without having a significant detrimental effect on landscape character and a significant adverse visual impact on the landscape quality of the RSA and AGLV. As assessed above in paragraphs 6.3.5 and 6.4.15 there will be no unacceptable effects on the rolling moorland landscape character and no significant adverse visual impact on the landscape quality of the RSA and AGLV (now known as Douglas Valley SLA.) On this basis the proposed development complies with criterion (B) (1).
- 6.4.20 Criteria (B) (2) requires cumulative visual and landscape impacts to be fully assessed and shown to be acceptable. Chapter 5 of the ES reports the results of the cumulative impact assessment in detail. The Rolling Moorlands landscape character type as defined in the South Lanarkshire Landscape Character Assessment (approved December 2010) is considered to have attributes that can accommodate some wind farm development. SNH concur with this as their Strategic Locational Guidance for Onshore Wind Farms identifies the proposal site as being within Zone 2, an area of medium natural heritage sensitivity. Classification as Zone 2 results from the development site lying in close proximity to designated sites of ecological and other similar interests rather than for any landscape or visual sensitivities. Therefore the principle of wind farm development in the proposed location and the impact on landscape character is acceptable.
- 6.4.21 Adjacent to the site is the operational Hagshaw Hill and its extension, and to the north of the proposed development is the consented Nutberry Hill Wind Farm. Further to the north-east is the consented Dungavel Wind Farm. Due to the close proximity of the proposed development to Hagshaw Hill wind farm and Hagshaw Hill Extension it is considered that the proposed development is an extension of the existing wind farms. The operational Hagshaw Hill wind turbines are 55.5m height to tip (35m tower) and Hagshaw Hill Extension is 80m height to tip (49m tower). The consented Nutberry Hill wind turbines are 115m height to tip (70m tower). The applicant's landscape consultant notes that the proposed turbines will be visibly larger and the layout adopted differs from the existing Hagshaw Hill and its extension. SNH when considering general siting and design issues state that the proposal does not achieve a suitable and appropriate integration with the adjacent Hagshaw Hill wind farm and its extension. In SNH's consultation response they also advise that Wind Turbines 1 and 16 should be omitted from the layout as they appear detached from the overall layout, but nevertheless note that the omission of these turbines will not in itself create an acceptable layout.
- 6.4.22 The increase in the proposed turbine height from the existing operational turbines is due to the advancement in turbine technology. As noted in the paragraph above there are already two different turbine heights within the existing wind farm developments adjacent to the proposed development. These have been operational for 16 years and 3 years respectively. Views of the existing wind farms therefore already show a height differential due to the different sizes of turbines used. Views of the proposed development will show up similar variations in height. Having carefully considered both the comments received from SNH the information received from the applicant, viewed the site and its context and taken into account the existing consent for a proposed development with turbines 115m in height at Nutberry Hill Wind Farm, to the north, it is considered that that the proposed development will be seen as an extension of existing wind farms despite the differences in scale, size and mass of Hagshaw Hill and its extension. It is also noted that the larger turbines in the proposed development will allow for greater energy output and so increase the

overall amount of energy generated from the development. It is considered therefore that the resulting energy output and the contribution it can make to the Scottish Government's renewable target outweighs any remaining visual concerns arising from the differences in turbine size and layout.

6.4.23 In conclusion the proposed development does not fully comply with criteria (B) (2), however the proposed development reflects technological advancements that allow greater amounts of energy to be generated. Consequently, although the scale and mass of the proposed development differs from the existing developments, overall the visual impact of the proposed development is not considered to be significant or material, as the proposed development will be viewed as an extension to existing wind farms.

6.4.24 Criteria (B) (3) requires that the development will have no unacceptable significant adverse impact on Local Nature Conservation Sites and priority species and habitats, and the developers are required to undertake necessary cumulative impact assessments on ecological and/or ornithological interests. Chapters 6 and 7 of the ES report on ecology and ornithology interests respectively. As previously assessed in paragraphs 6.3.4 and 6.4.10 there are no significant adverse impacts predicted subject to conditions. In respect to ornithology SNH agree with the ES findings and do not consider there will be any significant impact on birds subject to the production and implementation of the proposed Environmental Management Plan, Habitat Management Plan, pre-construction surveys and mitigation measures for birds. If the proposed development is deemed consent, the above can be covered by condition. On this basis the proposal complies with criteria (B) (3).

6.4.25 Criteria (B) (4) requires that cumulative visual, landscape and ecological/ornithological impact assessments should include all operating and consented schemes and those that are subject to valid but undetermined applications. All relevant operating and consented developments and those that were subject to valid but undetermined applications were assessed. Accordingly, the proposal complies with criteria (B) (4).

6.4.26 Criteria (B) (5) is met as the proposed development complies with ENV 23, ENV 24 and ENV 28 as noted in paragraphs 6.4.11, 6.4.12 and 6.4.14 respectively.

6.4.27 Criteria (B) (6) requires developments to minimize soil disturbance when building infrastructure to ensure the carbon balance savings of the scheme are maximised. The Peat Assessment in the ES has determined that the majority of the hazard zones have a significant risk rating. However, with the implementation of mitigation measures, it is considered that any changes in the baseline risk as a result of construction activities will be negligible. On this basis the proposed development complies with criteria (B) (6).

6.5 Other Material Considerations

In terms of other material considerations the proposal requires to be assessed against South Lanarkshire Local Plan SPG Renewable Energy (December 2010). The relevant policies are:- Policy REN 1: Areas of Significant Protection, Policy REN 2: Constraints, Policy REN 3: Broad Areas of Search for Wind Farms over 20MW, and Policy REN 6: Assessment Checklist for Renewable Energy Proposals. These will be assessed in turn.

6.5.1 Policy REN 1 identifies Areas of Significant Protection and strongly discourages wind farms developments in these areas. The proposed development is not located within

or adjacent to an area of significant protection. Therefore Policy REN 1 is not applicable.

- 6.5.2 Policy REN 2 requires that constraints set out in Chapter 4 of the SPG be addressed by wind energy developments and that they meet the relevant criteria in Policy REN 6 Assessment Checklist for Renewable Energy. Accordingly the proposed development is assessed against Policy REN 6 below at paragraph 6.5.4.
- 6.5.3 Policy REN 3 identifies Broad Areas of Search (BAOS) for wind farms over 20MW, and notes that any proposals for 20MW or over outwith the BAOS will be judged on their merits and assessed against the policies in the SPG. The proposed development is not located within a BAOS. Taking into account the assessment of Policy REN 6 below it is considered that the proposal complies with Policy REN 3.
- 6.5.4 Policy REN 6 requires all proposals for wind farms and other renewable energy developments to be assessed against the relevant criteria set out in Table 8.1 - Assessment Checklist for Renewable Energy Proposals. The criteria are considered in turn.
- 6.5.5 Criteria 1 – Impact on international and national natural heritage designations. This criterion has been previously assessed in paragraphs 6.4.9, 6.4.10 and 6.4.13 above. The proposed development is therefore in accordance with criteria 1.
- 6.5.6 Criteria 2 – Impact on Southern Uplands Foothills and Pentland Hills Area of Significant Protection. The proposed development is not located within or adjacent to Southern Uplands Foothills and Pentland Hills Area of Significant Protection. It does not therefore impact on this area.
- 6.5.7 Criteria 3 – Impact on the Green Belt. The proposed development is not located within the Green Belt. It does not therefore impact on this area.
- 6.5.8 Criteria 4 – Impact on the Landscape Character requires that proposals must not have unacceptable significant detrimental effects on landscape character and/or significant landscape visual impact. The application site is within the Rolling Moorlands. From the South Lanarkshire Spatial Framework for Wind Farms (December 2010) it defines Rolling Moorlands as having a medium landscape sensitivity and value, which indicates a medium capacity for wind farms. The proposed development is considered an extension of the existing wind farms and it has been demonstrated that the landscape character type can accommodate wind farm development. The visual impact has been assessed in paragraphs 6.4.20 to 6.4.23 above and overall it is considered not to be significant or material. The proposed development therefore broadly complies with Criteria 4.
- 6.5.9 Criteria 5 – Impact on Special Landscape Areas (SLA) requires that proposed wind farm developments in SLA's should not affect the qualities for which the area has been recognized, as described in 'Validating Local Landscape Designations' (December 2010). The application site is located adjacent to the Douglas Valley SLA and has been assessed above at paragraphs 6.3.5, 6.4.15 and 6.4.19. On this basis the proposed development complies with criteria 5.
- 6.5.10 Criteria 6 – Assess the effects of the development on areas where cumulative impacts limit further development, as identified in the SPG. The proposed development's immediate proximity to the existing Hagshaw Hill Wind Farm reads as an extension rather than as a separate development. It is considered that, taking account of its scale, location and layout, the proposed development does not

therefore significantly affect the landscape objectives for this area to an extent that the cumulative impact prevents further development. On this basis the proposed development broadly complies with criteria 6.

- 6.5.11 Criteria 7 – Cumulative Impacts. Cumulative landscape and visual impact assessment requires to be taken into consideration. This has been previously assessed in paragraph 6.4.20 to 6.4.23 above. As a result, the proposed development complies with criteria 7.
- 6.5.12 Criteria 8 – Landscape and Visual Impact Assessment (LVIA). A LVIA was submitted to support the planning application, and demonstrates the potential impact of the development out to a radius of 35km. A Design Statement within Chapter 2 of the ES describes the stages and process undertaken to the final layout. The proposed development therefore accords with criteria 8.
- 6.5.13 Criteria 9 – relates to developments of 4 turbines or less therefore it is not relevant to this proposal.
- 6.5.14 Criteria 10 – Impacts on nature conservation interests. This has been previously considered in paragraph 6.4.24 and the proposal accords with criteria 10.
- 6.5.15 Criteria 11 – Impact on Trees and Woodland. The proposed development will not result in the removal of any established woodland and therefore complies with criteria 11.
- 6.5.16 Criteria 12 – Impact on Historic Environment. The proposal has previously been assessed against built heritage policies above in paragraphs 6.4.11, 6.4.12 and 6.4.14. The proposed development is found to be in accordance with criteria 12.
- 6.5.17 Criteria 13 – Impact on Historic Environment. As assessed in paragraph 6.4.11 there is no major impacts on these resources and Historic Scotland and West of Scotland Archaeology Service concur with this conclusion provided a condition is attached to secure mitigation measures. Accordingly, the proposal complies with criteria 13.
- 6.5.18 Criteria 14 – Impact on Peat and Soils. The ES provides appropriate mitigation measures that can be conditioned and SEPA welcome these measures and support the recommendations outlined in the Peat Stability Assessment. Accordingly, the proposal complies with criteria 14.
- 6.5.19 Criteria 15 – Impact on Prime Agricultural Land. The application site does not contain any prime agricultural land, therefore criteria 15 is not relevant.
- 6.5.20 Criteria 16 – Impact on Water. SEPA raised some concerns regarding hydrogeology. However if the appropriate conditioned is attached then the development complies with criteria 16.
- 6.5.21 Criteria 17 – Impact on Residential Amenity. The ES concludes there will be no adverse effect on the amenity of residents as a result of odour, shadow flicker, reflected light or other omissions. In terms of noise the ES states there will be no significant adverse effects on residential amenity from noise. Environmental Services concur with this conclusion and the noise levels meet the required limits. On this basis the proposed development complies with criteria 17.
- 6.5.22 Criteria 18 – Impact on Air Quality. This criterion is not relevant to the proposed development.

6.5.23 Criteria 19 – Impact on Tourism. The ES Chapter 12 assesses the likely effects of the proposed development on socio-economics, tourism and land uses. Overall the effects are considered not to be significant and on this basis I am satisfied that the proposed development complies with criteria 19.

6.5.24 Criteria 20 – Transport impacts. No significant issues raised, subject to appropriate conditions. Therefore, the proposed development accords with criteria 20.

6.5.25 Criteria 21 – Impact on Transmitting or Receiving Systems. The ES assesses the potential impact of the proposed development on receiving systems and concludes that the proposed development will not be detrimental to receiving systems. Any adverse effects with regard to television and radio interference resulting as a direct effect of the proposed development will be resolved through technical solutions. On this basis, the proposed development will accord with criteria 21.

6.5.26 Criteria 22 – Impact on Radar and Defence. The ES assesses the potential impact of the proposed development on radar and defence systems within the vicinity of the site. NATS En Route Plc has stated that the proposed development conflicts with NATS safeguarding criteria. Therefore the proposed development does not comply with criteria 22. However, discussions are ongoing between the developer and NATS and progress is being made towards a technical solution. On this basis I consider this can be conditioned to ensure a technical solution is agreed with NATS before any development starts. As this is Section 36 application it would be for the Scottish Government to determine if this is a satisfactory means of addressing this matter.

6.5.27 Finally, in view of the exceptional demand that would be made on the Council's resources in order to monitor and enforce work on this site, including the review of advice provided by the Ecological Clerk of Works, it is considered appropriate that the developer be required to contribute towards the funding of these tasks.

6.6 Conclusions

In conclusion, it is inevitable that a development of this scale will have an environmental impact, however through suitable conditions and mitigation measures, it is evident from the assessment above that any such impacts are not considered to be significant. The proposed development is located within a landscape type that can accommodate wind farm development. The scale and mass of the proposal is not fully in line with design guidance for wind farm extensions. However, I consider that taking account of the location of the proposal, the nature and scale of the surrounding developments and the technical advances in wind turbines which can provide economic and environmental benefits the limited visual impacts of this extension would not be sufficient to justify the refusal of the application. Therefore it is recommended that the Council advise the Scottish Government that it has no objection to the proposed development, subject to the attached schedule of conditions and the conclusion of any required legal agreements. Should Scottish Government be of a mind to approve the application, consent should be withheld until legal agreements have been concluded in order to ensure that development and operation of the site takes place in an acceptable manner, and any impacts are properly mitigated.

7 **Reasons for Decision**

- (a) The proposal is consistent with the Structure and Local Plan policy, and SPG Renewable Energy.
- (b) The proposal is consistent with relevant Government guidance.

- (c) The accompanying ES is a comprehensive document that adequately assesses key impacts.
- (d) There are no significant or material landscape and visual issues subject to mitigation measures being implemented.
- (e) There are no significant or material ornithological and ecological issues subject to mitigation measures being implemented.
- (f) The satisfactory development and operation of the site can be controlled by means of condition and legal agreements. The latter would include financial contributions to cover exceptional damage to roads, contributions towards the monitoring & enforcement of works on the development, implementation of the Habitat Management Plan and contributions to the Council's REF.

Colin McDowall;
Executive Director (Enterprise Resources)

15 August 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations

Roads and Transportation Services (South Division)	27/10/2010
Glasgow & Clyde Valley Structure Plan Team	14/05/2010
Environmental Services	20/04/2010
Roads and Transportation (Traffic, Flooding)	28/10/2010
Civil Aviation Authority	24/03/2010
Scottish Government (Transport Scotland)	27/04/2010
Defence Estate Organisation (MOD)	21/04/2010
Scottish Natural Heritage	19/05/2010
S.E.P.A. (West Region)	05/05/2010
West of Scotland Archaeology Service	24/05/2010
RSPB Scotland	20/05/2010
Historic Scotland	04/05/2010
Forestry Commission	31/03/2010
National Air Traffic Services Ltd (NERL Safeguarding)	25/05/2010

Glasgow Prestwick Airport	05/05/2010
Scottish Wildlife Trust	26/04/2010
Douglas Community Council	18/05/2010
Association of Salmon Fishery Boards	15/04/2010
Ofcom	06/04/2010
Mountaineering Council of Scotland	19/04/2010
The Crown Estate	30/03/2010
Ayrshire River Trust	13/05/2010
Countryside & Greenspace	10/04/2011

► Representations

Representation from : Ms Olive Repton, Auchencairn
Closeburn
Thornhill
DG3 5JU, DATED 04/06/2010

Representation from : Scottish Power Renewables, 4th Floor
1 Atlantic Quay
Glasgow
G2 8JB, DATED 14/06/2010

Representation from : Andrew R Nelson, 5 Scarletmuir
Lanark
ML11 7PS, DATED 19/05/2010

Contact for Further Information

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

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CONDITIONS

- 1 This recommendation relates to the Environmental Statement and Planning Statement dated March 2010, for the Section 36 Application for the erection of 22 wind turbines at 121.2m height to blade tip, one permanent anemometer mast, access tracks, a sub station and control building and associated works, at land at east of Douglas, South Lanarkshire/East Ayrshire known as Galawhistle Wind Farm.
- 2 Noise from the wind turbines must not exceed a noise level of 35dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 10 metres per second as measured within the site.
- 3 If the tonal noise emitted by the development exceeds the threshold of audibility by 6.5dB or more, then the acceptable noise specified in the above 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).
- 4 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'. The applicant is advised that audible construction activities should be limited to:
Monday to Friday 8.00am to 7.00pm,
Saturday 8.00am to 1.00pm and
Sunday - No audible activity.
The applicant is further advised that Environmental Services may consider formally imposing these hours of operation by way of statutory notice should complaints be received relating to audible construction activity out with these recommended hours and should such complaints be confirmed to be justified by Officers from Environmental Services.
- 5
 - a) The impact of vibration shall comply with current planning consent and the levels within relevant British Standards and Planning Advice Notes.
 - b) The applicant/developer is to adopt at all times good blasting practise and, as far as is reasonably practicable, to not carry out blasting operations in adverse weather.
 - c) Blasting hours of operation shall be in agreement with the Planning Authority and blasting shall be controlled such that the maximum peak particle velocity in any plane does not exceed 6mm per second, at all sensitive receptors.
- 6 Prior to works commencing on site it is requested that the applicant develops a scheme for the control and mitigation of dust and that every practicable means is taken to minimise dust emissions.

- 7 It is requested that the applicant ensures that all practicable measures are taken to ensure that the effect on private water supplies are minimised. It is requested that the private water supplies in the vicinity are included in the water quality/quantity assessment which should take account of any appropriate mitigation measures and that this assessment be submitted to SEPA for approval.
- 8 It is stated in the report that the site has uses such as colliery roads and a railway line. In this respect prior to commencement of any works on site
- (a) , a comprehensive site investigation should be carried out to the appropriate Phase level, and be submitted to and approved in writing by the Council as Planning Authority. The investigation shall be completed in accordance with the advice given in the following:
- Planning Advice Note 33 (2000) and Part IIA of the Environmental Protection Act 1990 (as inserted by section 57 of the Environment Act 1995)
 - Contaminated Land Report 11 - 'Model Procedures for the Management of Land Contamination (CLR 11) - issued by DEFRA and the Environment Agency
 - BS 10175:2001 - British Standards institution 'The Investigation of Potentially Contaminated Sites - Code of Practice'.
- (b) If the Phase 1 investigation indicates any potential pollution linkages, a Conceptual Site Model must be formulated and these linkages must be subjected to risk assessment. If a Phase 2 investigation is required, then a risk assessment of all relevant pollution linkages using site specific assessment criteria will require to be submitted.
- (c) If the risk assessment identifies any unacceptable risks as defined under Part IIA of the Environmental Protection Act, a detailed remediation strategy will be submitted to and approved in writing by the Council as Planning Authority. No works other than investigative works shall be carried out on site prior to receipt of the Council's written approval of the remediation plan.
- 9 The report states that there are properties within the site which are uninhabited and are uninhabitable in their current condition. Consideration should be given to the affects such as noise on the occupiers should these properties become inhabited in the future especially if this may be possible without any consultation with the Planning Authority.
- 10 Prior to commencement of development, the applicant shall produce a Traffic Management Plan for the approval of the planning authority. Thereafter, all transportation shall be in accordance with the agreed plan. Any proposed amendments to the Traffic Management Plan report must be approved by the Planning Authority.
- The Traffic Management Plan shall cover:
- a) The intended turbine transportation route, timings and methodology.
 - b) All temporary works including relocation of signs, guardrails, bollards, street furniture and all temporary measures.
 - c) The duration, frequency and temporary measures required at each of the affected locations on a site specific basis.
 - d) Proposals for the transport of staff and construction materials.
 - e) Any necessary mitigation.

- 11 The measures identified in the Transport Proposals report should be fully implemented. Any proposed amendments to the Transport Proposals report must be approved by the Planning Authority.
- 12 Prior to commencement of development, the applicant shall comply with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance. This can be incorporated into the Construction Method Statement, which requires to be submitted and approved by the Planning Authority.
- 13 No construction work shall commence until a Construction Method Statement has been submitted to and approved by the planning authority. The method statement shall be submitted no less than three months prior to the proposed commencement of the development unless the planning authority agrees otherwise. Thereafter, the approved method statement shall be implemented by the applicant. The method statement shall include the following:
- a) A plan of the construction operations at an appropriate scale;
 - b) A plan to an appropriate scale shall be submitted to the planning authority showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
 - c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
 - d) Track design approach;
 - e) Maps of tracks indicating double and single tracks and position of passing places.
 - f) the full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track;
 - g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less;
 - h) Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
 - i) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution, informed with reference to advice from ECoW, is identified;
 - j) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882;
 - k) specifying the means by which no material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated;
 - j) A scheme of working for each borrow pit
- 14 The Habitat Management Plan, Environmental Management Plan and Species, Breeding Birds and Habitat Protection Plan must be submitted to South Lanarkshire Council and East Ayrshire Council for approval, in consultation with East Ayrshire Council, SNH, SWT and RSPB, a minimum of three months prior to any works commencing on the site. Once approved these should be fully implemented. Site clearance activities and where possible, construction, will take place outwith the bird breeding season (March to July inclusive). 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 East Ayrshire Council, South Lanarkshire Council, SNH and RSPB and shall have powers to make reasonable

changes to the HMP necessary to deliver its agreed aims. Commissioning of the turbines shall not occur until such approval has been obtained. The HMP will operate for the full lifespan of the wind farm, including decommissioning. The mitigation identified in the HMP will be fully implemented in accordance with an associated legal agreement, with an attached financial bond. Survey and monitoring of species and habitat will be carried out to assess the effectiveness of mitigation and will be specified in the HMP.

- 15 A water level and quality monitoring programme will be undertaken prior to any construction and during construction. This shall include visual inspections of water features and periodic ad-hoc sampling and analysis of surface water, groundwater and private supplies, (e.g. turbidity and pH) so measures can be taken if needed. This water monitoring plan should be completed in consultation with SEPA.
- 16 Prior to the commencement of development, a full site waste management plan is submitted and approved by the planning authority, in consultation with SEPA, and that the development is implemented in accordance with the plan.
- 17 No development shall take place until temporary fencing, or other temporary marker, has been erected in a manner to be agreed with the Planning Authority, to protect known archaeological sites within the wind farm area; and no works shall take place within the area inside that fencing, or other temporary marker, without the prior agreement of the Planning Authority.
- 18 No development shall take place within the development site as outlined in red on the approved plan 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.
- 19 Prior to commencement the access proposals should be submitted to South Lanarkshire Council and East Ayrshire Council for approval. The proposals should contribute to the development and implementation of this component of the south of Scotland longer distance route network as well as promoting recreational access use of the turbine array road network.
- 20 No development shall commence until a Primary Radar Mitigation Scheme has been agreed with NATS (En Route) plc and submitted to and approved in writing by South Lanarkshire Council.
- 21 No turbine shall be erected until the approved Primary Radar Mitigation Scheme has been fully implemented and the development shall thereafter be operated fully in accordance with such Primary Radar Mitigation Scheme.

- 22 The development is carried out strictly in accordance with the terms of the application and the accompanying ES, including all mitigation measures as stated in it, subject to these conditions.
- 23 That consent is granted for a period from the date of this consent until 25 years from the date of final commissioning of the development. No later than 18 months prior to the end of said 25 year period, the decommissioning scheme referred to in condition 32 of this consent should be submitted to and approved in writing by the planning authority. Written confirmation of the date of the commencement of the development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.
- 24 At least one month prior to the commencement of the development, the applicant shall provide to the Council details of the bond or other financial provision which it proposes to put in place to cover all site restoration costs on the expiry of this consent. No work shall commence on the site until the applicant has provided documentary evidence that the proposed bond or other financial provision is in place and written confirmation has been given by the Council that the proposed bond or other financial provision is satisfactory. The applicant shall ensure that the approved bond or other financial provision is maintained throughout the duration of this consent and the bond will be subject to a review every 5 years, from the commencement of the development, to be conducted by the applicant, the landowners and the planning authority,
- 25 In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of twelve months, unless otherwise agreed with the planning authority, the turbine(s) shall be replaced (in the case of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and access roads shall be reinstated within three months of the end of the twelve month period of non-generation in accordance with a scheme agreed with the Planning Authority, all to the satisfaction of the planning authority.
- 26 The colour of the turbines shall be low-reflectivity semi-matt pale grey colour as stated in the ES, subject to the agreement of planning authorities and other consultees. The blades of all turbines shall rotate in the same direction.
- 27 The Site shall not be illuminated by lighting unless:
a) the planning authority has given prior written approval;
b) lighting is required during working hours which has been approved by the relevant planning authority; or
c) an emergency requires the provision of lighting.
- 28 Only mechanical means of snow clearance shall be used to clear access tracks, unless otherwise agreed in writing by the planning authorities.
- 29 Prior to the commencement of the development the applicant must erect signs on

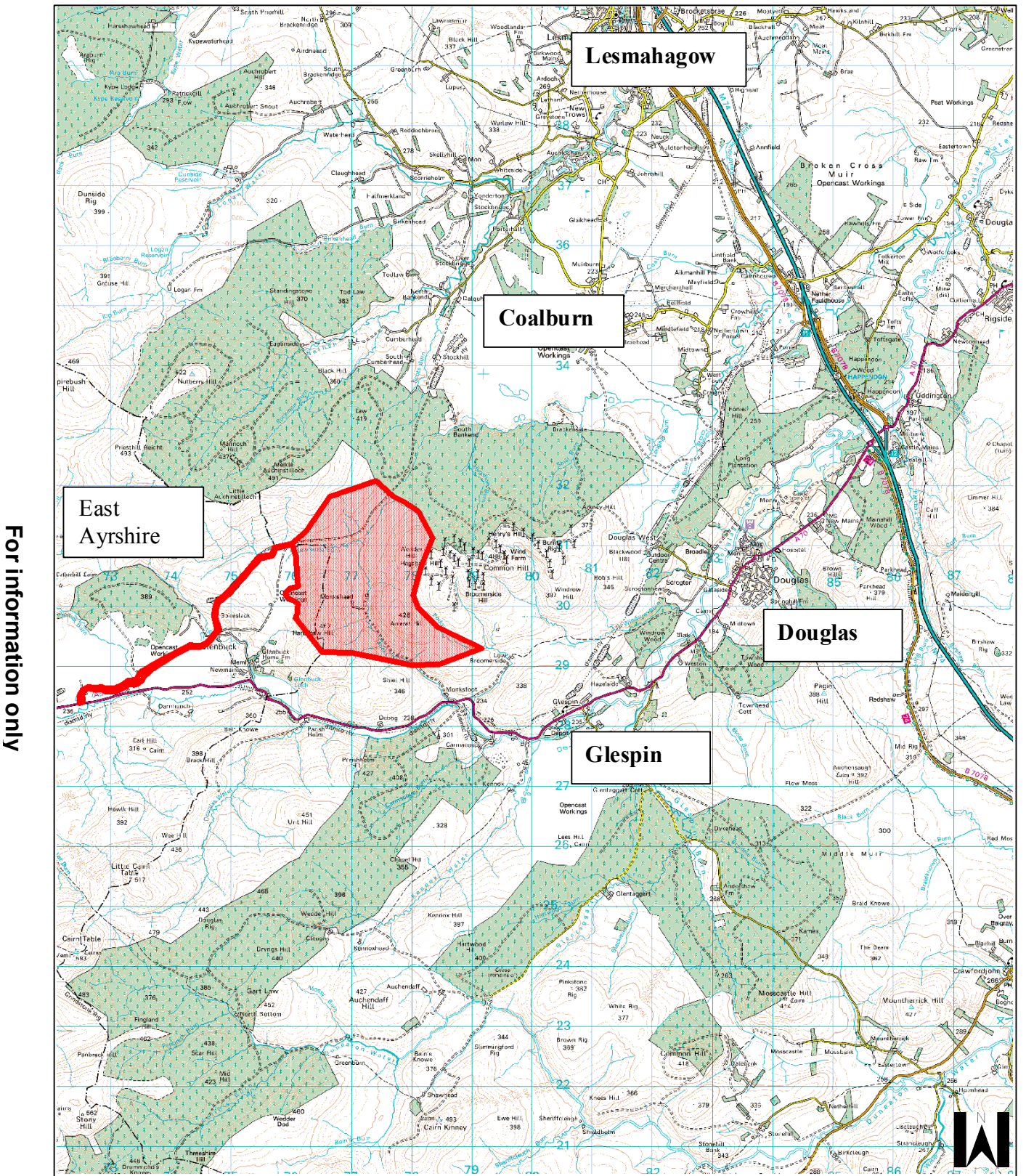
all access routes and thereafter maintain the signs advising drivers of heavy goods vehicles to remain on specified access routes. No signs will be erected on the site without the prior written consent of the planning authority, other than those required for safety or traffic management.

- 30 Bird diverters should be attached to the outer guy wires of the meteorological mast, at 2.5m intervals, prior to raising the mast, and maintained for the life of the mast.
- 31 Three months prior to the commencement of the development, an Ecological Clerk of Works (ECoW) shall be in place. The ECoW shall be appointed by the developer and approved by the planning authorities, for the period from commencement of development to final commissioning of the development. The scope of work of the ECoW shall include:
- monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measure identified in the Environmental Statement, Species, Breeding Birds and Habitat Protection Plan and the Habitat Management Plan;
 - advising the developer on adequate protection of nature conservation interests on the site;
 - directing the micro-siting and placement of the turbines and tracks, and monitoring compliance with the Construction Method Statement required by condition 13.
- 32 No later than 18 months prior to the end of the period of this planning permission, or by such later date as may be agreed by the planning authority, the applicant shall submit a method statement for the decommissioning of the windfarm and the restoration of the application site for the approval of the planning authority. Decommissioning in accordance with the approved method statement shall be completed within 12 months of the end of the period of this planning permission or any alternative timescale agreed with the planning authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development.
- 33 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 site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 To minimise disturbance to residents in the vicinity of the wind farm.
- 3 To safeguard the noise amenity of local residents in accordance with ETSU-R-97.

- 4 To safeguard the noise amenity of local residents in accordance with ETSU-R-97.
- 5 To minimise disturbance to residents in the vicinity of the wind farm.
- 6 To minimise disturbance to residents in the vicinity of the wind farm.
- 7 To minimise disturbance to residents in the vicinity of the wind farm.
- 8 To avoid unacceptable risks to human health and the environment and to ensure that the land is remediated and made suitable for its proposed use.
- 9 To safeguard the noise amenity of local residents in accordance with ETSU-R-97.
- 10 In the interests of road safety and in order to retain effective planning control.
- 11 In the interests of road safety and in order to retain effective planning control.
- 12 In the interest of road safety
- 13 In the interests of road safety and in order to retain effective planning control.
- 14 To safeguard the designated sites, species and habitats and to maintain effective planning control.
- 15 To safeguard the amenity of the area.
- 16 To safeguard the amenity of the area.
- 17 In the interests of amenity and in order to retain effective planning control.
- 18 In the interests of amenity and in order to retain effective planning control.
- 19 In the interests of amenity.
- 20 In the interest of safety.
- 21 In the interests of safety.
- 22 To ensure compliance with all the commitments made in the Environmental Statement.
- 23 To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
- 24 In the interests of amenity and in order to retain effective planning control.
- 25 In the interests of amenity and in order to retain effective planning control.
- 26 In the interests of the visual amenity of the area.
- 27 In the interests of the visual amenity of the area.
- 28 To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval.
- 29 In the interests of traffic and public safety.
- 30 To minimise environmental impact on natural heritage.
- 31 To minimise environmental impact during the construction phase.
- 32 To provide for a comprehensive scheme of restoration enabling the land to be returned to the specific restoration after-use.
- 33 In the interests of safety.



For information only

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