

Report

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Report to:	Planning Committee
Date of Meeting:	21 June 2011
Report by:	Executive Director (Enterprise Resources)

Application No	CL/10/0095
Planning Proposal:	Erection of seventeen, 115 m high wind turbines, two 73 m high wind monitoring masts, access tracks, a sub station and control building, 2 borrow pits and associated works.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : SSE Renewables Developments (UK) Ltd
- Location : Harrows Law
Dunsyre

2 Recommendation(s)

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

- (1) Refuse Detailed Planning Permission (for reasons stated).

2.2 Other Actions/Notes

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

3 Other Information

- ◆ Applicant's Agent: Environ UK Ltd
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): National Planning Framework 2 (NPF 2)
Scottish Planning Policy (SPP)
Specific Advice Sheet Onshore Wind Farms
Glasgow and Clyde Valley Structure Plan (2006)
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
Strategic Policy 10: Departures from the
Structure Plan
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 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
 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):

▶	48	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Black Mount Community Council

Environmental Services

Civil Aviation Authority

Scottish Wildlife Trust

Scottish Government

Glasgow & Clyde Valley Structure Plan Joint Committee

Scottish Rights of Way and Access Society

RSPB Scotland

Ministry of Defense

BBC

Scottish Water

West of Scotland Archaeology Service

SP Energy Network

National Air Traffic Services Ltd

Roads and Transportation Services (Clydesdale Area)

BAA Aerodrome Safeguarding

British Telecom

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

Roads & Transportation Services H.Q.(Traffic and Transportation)

Architecture and Design Scotland

TRANSCO (Plant Location)

Transport Scotland

Forestry Commission (Central Scotland Conservancy)

Historic Scotland

Association of Salmon Fishery Boards

Joint Radio Company

NTL

Pentland Hills Regional Park Authority

Scottish Borders Council

Scottish Natural Heritage

Tarbrax Community Council

West Lothian Council Planning Service

Carnwath Community Council

Planning Application Report

1 Application Site

- 1.1 This application site is located within the Pentland Hills approximately 2km south east of Tarbrax and 8km north-east of Carnwath. Dunsyre is 4km to the southeast and Auchengray is 5km to the west. The site is bounded to the west by the A70 and to the north, south and east by the Pentland Hills. The application site lies wholly within South Lanarkshire Council although West Lothian Council is located approximately 50m from the application site's northern boundary. The site extends to an area of approximately 917ha and rises to 414m AOD at the summit of Harrows Law.
- 1.2 The existing land uses on the site include hill sheep farming in the north and open moorland and Christmas tree cultivation within the central area. Open moorland to the south is used for hill sheep farming and grouse/partridge shooting. The site lies within the Special Landscape Area (SLA) for the Pentland Hills and Black Mount. The application site is located within Old Red Sandstone Hills landscape character type identified in the South Lanarkshire Landscape Character Assessment (November 2010).

2 Proposal(s)

- 2.1 Planning permission is being sought for the erection of 17 wind turbines, each with a maximum ground to tip height not exceeding 115m and installed capacity of 2.3MW. Above ground, each turbine would comprise:
- A tubular tower, 73m high, with door and internal access systems
 - A generator, gearbox, control systems and externally mounted anemometry instruments
 - A rotor comprising a central hub and three blades, with an overall diameter of 84m; and
 - A transformer housed at ground level within an external cubicle.
- The application includes two permanent anemometry masts of lattice design, mounted on a concrete pad approximately 73m high. In addition to the existing track on site, 6.5km of new tracks would be required. Other key elements of the planning application comprise turbine foundations and associated hard standing areas, electrical connection, substation, control building and associated works.
- 2.2 It is anticipated that the development would take approximately 14 months to construct.
- 2.3 The proposed wind farm would require connection to the National Grid. A separate application for the transmission works would be submitted to Scottish Power Transmission.
- 2.4 The traffic movements for the proposed wind farm relate to staff transport movements and construction traffic which would consist of heavy goods vehicles (HGV's) and abnormal load deliveries. Non HGV flows have been estimated from similar projects as an average of 20 vehicles arrivals and 20 vehicle departures each working day. In relation to HGV movements there would be an average of 8 per day, peaking to 18 2-way movements per day during construction. A proportion of construction traffic is expected to access the site via each of the routes identified below, which are capable of use by HGV.
- Route 1 – A70 to site from the north
 - Route 2 – A71 – Kirknewton – A70 to site
 - Route 3 – A702(T) – A721 westbound – A70 to site
 - Route 4 – A721 eastbound – A70 to site

Abnormal load inbound (one way) movements would be 136 during the construction period. There are two routes proposed for abnormal loads from either Leith Docks or Grangemouth Port and escorted to the site by police. The assessment of the abnormal load routes is considered further in the report below.

- 2.5 The application is supported by an Environmental Impact Assessment and a planning statement which seek to address the potential impact of the development and appropriate mitigation measures to reduce adverse impacts. Following on from consultation responses, further additional information in the form of supplementary Environmental Information was provided relating to concerns regarding Landscape Visual Impact Assessment, Borrow Pits, Groundwater Dependent Terrestrial Ecosystems and Peat Management.
- 2.6 The wind farm has been designed with an operational life of 25 years. At the end of its life, the turbines would be dismantled and removed from the site, unless further consents were granted. The decommissioning would also involve breaking out a section of the turbine foundation to below ground level and re-instate with topsoil; removal of all hardstanding areas adjacent to turbines and the anemometer masts; the substation, control building, control and electrical equipment and any protective fencing will be removed and the land re-instated. Access tracks may be left in place and turbine interconnecting cables will be disconnected and left in place.

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 that “the aim of national planning policy is to develop Scotland's renewable energy potential while safeguarding the environment and communities”.
- 3.1.2 Scottish Planning Policy (SPP) paragraphs 182 to 191 sets out the Scottish Government's policy for Renewable Energy, and policy for Landscape and Natural Heritage at paragraphs 125 to 148. It 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, 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. 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 in determining planning applications for onshore wind turbines.
- 3.1.4 All national policy and advice is considered in detail in the Assessment and Conclusions section of this report.

3.2 Development Plan Status

- 3.2.1 The Glasgow and Clyde Valley Structure Plan 2006 contain the following policies which the proposal should be assessed against. Strategic Policy 1 – Strategic Development Locations requires a range of actions to support Rural Investment

Areas, 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 safeguard and enhance strategic environmental resources. Strategic Policy 9 – Assessment of Development Proposals and Strategic Policy 10 – Departures from the Structure Plan are also relevant.

3.2.2 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

3.2.3 The South Lanarkshire Local Plan Supplementary Planning Guidance (SPG): Renewable Energy was approved in December 2010 and is a material consideration in deciding planning applications. 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

3.2.3 A series of technical studies were prepared to inform the preparation of the SPG and were approved by the Council in December 2010. The technical studies are noted below:

- South Lanarkshire Landscape Character Assessment
- South Lanarkshire Validating Local Landscape Designations
- South Lanarkshire Spatial Framework and Landscape Capacity for Wind Farms

3.2.4 All of these policies and documents are examined in detail in the Assessment and Conclusions section of this report.

3.3 **Planning Background**

3.3.1 The applicants originally submitted an application to the Scottish Government for a wind farm under section 36 of the Electricity Act 1989 which comprised 37 turbines with an output of 111MW. The site extended to 1,365ha and was located both within South Lanarkshire Council and West Lothian Council areas. As a result of consultation with the respective Council's and key consultees during the application

process, a number of environmental matters were raised with the proposal which included landscape and ornithology issues. The section 36 application was placed on hold in 2006 pending a detailed review of the environmental constraints, which resulted in the revised current application being submitted.

4 Consultation(s)

4.1 **Glasgow and Clyde Valley Structure Plan Joint Committee:** The relevant policies within the 2006 Structure Plan are Strategic Polices, 1, 7, 8, 9 and 10. It is considered that this proposal is contrary to Strategic Policies 7, 8 and 9 and therefore constitutes a departure from the Structure Plan and requires to be assessed against Strategic Policy 10. There are concerns regarding the significant impact of the proposal on the landscape character type Old Red Sandstone Hills, and local designation Pentland Hills and Black Mount Special Landscaped Area, furthermore the proposal lies outwith the potential area of search. It is considered that the proposed development does not comply with Strategic Policy 10 as there is not a sufficient reason to justify the proposal against this policy to allow departure of the plan.

Response: Noted. An assessment of the proposed development in relation to the Structure Plan is provided in the Assessment and Conclusions section of this report.

4.2 **Environmental Services:** Provide comments with regards to the impact of the development with respect to issues of noise, dust/air quality 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 to minimise noise impact and impact on air quality and contamination. Any consent granted would be subject to conditions and/or legal agreement.

4.3 **Roads and Transportation (Traffic):** No objection subject to conditions relating to Transport Management Plan and Road Safety Audit, and other matters relating to access arrangements, visibility splays, dilapidation survey and section 96 legal agreement.

Response: The requirements of Roads and Transportation could be incorporated into planning conditions and/or a section 96 legal agreement.

4.4 **Transport Scotland:** No objection. Construction loads may require authorization from management organization, Amey, who are to be consulted as to the feasibility of transportation of proposed items to site.

Response: Noted.

4.5 Architecture and Design Scotland: **No response to date.**

Response: Noted.

4.6 SP Energy Network: **No response to date.**

Response: Noted.

4.7 **Civil Aviation Authority:** Provide comment on the potential for the proposed development to impact upon aviation operations and activities.

Response: Noted.

- 4.8 **BAA Aerodrome Safeguarding (BAA)**: Do not object as the proposed development does not conflict with safeguarding criteria.
Response: Noted.
- 4.9 **Ministry of Defense (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. The MOD has confirmed that infra red lighting is acceptable to use on the wind turbines if consent is granted.
- 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. The applicant is working with NERL to secure a technical solution to comply with the safeguarding criteria.
- 4.11 **Scottish Environmental Protection Agency (SEPA)**: Originally objected to the proposed development on the grounds of lack of information on private water supplies, insufficient information in the ES in relation to hydraulic regime in the area, peatlands and/or wetlands. The applicant has provided further information, and SEPA subsequently removed their objection on the basis that if planning consent is granted, conditions are required to address outstanding matters.
Response: Noted. Any consent granted would be subject to appropriate conditions.
- 4.12 **Scottish Natural Heritage (SNH)**: Provided comments in relation natural heritage issues. Their original objection has been removed as the borrow pit has been relocated which no longer impacts on the Craigengar Special Area of Conservation. However SNH advise that the proposed development will have (1) serious impacts on the landscape and visual qualities on local landscape designations; (2) significant and adverse impacts on landscape character and visual amenity; (3) significant and adverse cumulative landscape and visual impacts with existing wind farms. Ecology and Ornithology concerns can be addressed through suitably worded conditions, if consent is granted.
Response: Section 6 of this report provides an assessment of the above issues.
- 4.13 **Scottish Water**: No response to date.
Response: Noted.
- 4.14 **TRANSCO (Plant Location)**: No gas mains in the application site.
Response: Noted.
- 4.15 **West of Scotland Archaeology Service**: No objections subject to a planning condition to address implementation of a programme of archaeological works.
Response: Noted, this could be secured by condition if consent is granted.
- 4.16 **RSPB Scotland**: Do not object subject to a condition requiring the preparation and delivery of a Habitat Management Plan (HMP) to the satisfaction of SNH and the Council, with RSPB Scotland having the opportunity to provide comments.
Response: Noted. If consent is granted, a condition should require the preparation and implementation of a HMP.
- 4.17 **Historic Scotland (HS)**: Note that there are no scheduled monuments, Category A listed buildings or Inventory Gardens and Designed Landscapes within the proposed site boundary. HS note that it would appear the proposed development is unlikely to

have significant impact on any historic environment asset and do not wish to object to the application.

Response: Noted.

4.18 **Forestry Commission:** No objection as the proposals will have little impact on woodland.

Response: Noted.

4.19 **Carnwath Community Council:** object to (1) construction traffic in relation to damage to the roads, noise, vibration, safety and congestion; (2) impact on future projects which could provide more benefits to the community in terms of employment, recreational facilities, tourism and associated income; (3) issues are raised in relation to the route and volume of traffic for deliveries of materials and aggregate (4) cumulative impact of existing wind farm developments; (5) concerns regarding the close proximity of the wind farm to Pentland Hills Area of outstanding natural beauty.

Response: In relation to points 1 and 3 the Council's Traffic and Transportation section considered the Transport Assessment acceptable and have no further concerns, though any consent granted would be subject to conditions and/or legal agreement. There are two options for delivery of abnormal loads which are acceptable to Traffic and Transportation section. The access from the east is deemed most appropriate in planning terms and therefore an additional access route through Carlindean Farm would be required. The applicant has confirmed that an agreement is in place with the landowner to allow access from the east, should consent be granted. The applicant provided further information to confirm that all rock required for the construction of the proposed development will be from the two identified borrow pits, and therefore there will be no requirement to import material onto site, and no additional deliveries. In relation to points 2, 4 and 5 on impact on tourism, and cumulative and landscape impact these are assessed in section 6 of this report.

4.20 **Tarbrax Community Council:** Oppose the proposed development mainly on the grounds of cumulative impact.

Response: Noted. This is assessed in section 6 of this report.

4.21 **Black Mount Community Council:** Raise concerns regarding traffic in terms of increased number of heavy vehicles and the cumulative impact of traffic with other proposals, speeding, movement of abnormal loads through small communities and the impact on safety. In addition, particular concerns were raised in relation to the A721 road surface and the future condition of the walled garden of the Old Manse in Elsrickle.

Response: The Council's Traffic and Transportation section considered the Transport Assessment acceptable and have no further concerns, though any consent granted would be subject to conditions and/or legal agreement.

4.22 **Scottish Borders Council:** Note that there are no determining issues within the Scottish Borders and therefore do not object to the proposal.

Response: Noted.

4.23 **West Lothian Council (WLC):** Objects to the proposed development in relation to (1) impacts on the character, recreational qualities and visual integrity of the Pentland Hills Regional Park and Area of Great Landscape Value; (2) significant unacceptable cumulative landscape and visual impacts; (3) cumulative impacts; (4) protection of natural heritage interest; (5) transportation; and (6) right of ways. Overall WLC consider that the negative impacts of the proposed development cannot

be offset by the benefits the development would bring in terms of the contribution to international and national renewable energy targets to be derived from the development.

Response: Noted. The points raised are considered in section 6 of this report. To address point 4, SNH have provided advice on the impacts on designated sites. Points 5 and 6 also are considered under the relevant consultee response.

4.24 **Scottish Government – Climate Change and Water Industry Directorate:** In relation to the Scottish Ministers responsibilities for water supply, water protection, sewerage, flood prevention, coastal protection, waste disposal, soils, air quality and noise there are no comments to offer on the ES.

Response: Noted.

4.25 **The Scottish Rights of Way and Access Society:** objects to the proposed development for the following reasons (1) adverse impact on the right of way SL148, which is within the application site; (2) routes adjacent to the application site, rights of way LW42 and SL25 will be affected and the proposal will have an adverse impact on public enjoyment of the open-air recreation on these routes and in the surrounding area, in particular the southern end of the Pentlands Hills Regional Park; (3) the proposals on Access in the ES are inadequate; (4) public enjoyment of the area may be affected by the cumulative effect of existing and proposed wind farm developments.

Response: In relation to point 1 the Council's Greenspace and Access section, has no objections to the right of way SL148 being diverted during the construction of the wind farm and if consent is granted an appropriate condition should be attached. Points 2 and 4 are assessed in section 6 of this report. Having considered the above and the comments received I consider that the proposed access arrangements are acceptable.

4.26 **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.

4.27 **Pentland Hill Regional Park Authority:** No response to date.

Response: Noted.

4.28 **BBC:** No response to date.

Response: Noted.

4.29 **British Telecom:** No response to date.

Response: Noted.

4.30 **Association of Salmon Fishery Boards:** No response to date.

Response: Noted.

4.31 **Joint Radio Company:** No objection.

Response: Noted.

4.32 **NTL Communications:** No response.

Response: Noted.

5 Representation(s)

5.1 The application was advertised in accordance with Article 12(5) (Application Requiring Advertisement due to Scale or Nature of Operation), Environmental Impact

Assessment Regulations and as being potentially contrary to the Development Plan. Neighbour notification was also carried out.

5.2 As a consequence of this 48 letters of representation were received though 18 objected only to the transmission line which is not part of this application. The representations relate to the following ten main issues:

- a) transmission lines,
- b) traffic and transportation,
- c) landscape and visual impact,
- d) impact on designated area,
- e) cumulative impact,
- f) ecological/ornithological impact,
- g) impact on tourism and archaeology,
- h) impacts on hydrology,
- i) impact on peat, and
- j) impacts on Little Sparta.

The points raised in these letters are summarised below under the above broad headings. In terms of responses to the issues raised these are discussed in full in the Assessment and Conclusions sections of the report below.

- (a) **Comment:** The potential visual impact that would arise from an overhead transmission line.
Response: The transmission line is subject to a separate application and therefore is not a relevant planning consideration for this application. However the applicant has confirmed that it is to locate the transmission cables underground.
- (b) **Comment:** The increase in construction traffic generated from the proposed development would have a negative impact on the environment, road surfacing, noise, vibration and safety.
Response: The Council's Traffic and Transportation section do not object to the proposal subject to conditions and/or legal agreement, if consent is granted.
- (c) **Comment:** The detrimental impact on the scenic landscape of the Pentland Hills by being visually intrusive and scarring the skyline, and concerns regarding the lighting of turbines at night.
Response: The issue of landscape and visual impact is discussed within section 6 - Assessment and Conclusions of this report. Confirmation has been received from MOD that infra-red lighting is suitable at this location.
- (d) **Comment:** Unacceptable impact on local landscape designation.
Response: The issue of impact on the local landscape designation is discussed within section 6 - Assessment and Conclusions of this report.
- (e) **Comment:** Cumulative impacts resulting from the wind farms sited at Black Law, Pates Hill and Muirhall. The application must be considered in the context for proposals for Hareburnhead, Fauch Hill and Tormywheel plus extensions to Black Law and Pates Hill.
Response: The cumulative impact issue is discussed within section 6 - Assessment and Conclusions of this report.
- (f) **Comment:** The proposed development will have a deleterious affect on fauna and flora, which in turn supports the many life forms in this specific area of land. It will

also pose a threat to the water fowl flight movements, including Graylag and Pink Footed Geese which are protected species.

Response: SNH has no objection to the proposed development in relation to ecology and ornithology, subject to conditions to mitigate, compensate and enhancement measures, if consent is granted. The ecology and ornithology impact issues are discussed within section 6 - Assessment and Conclusions of this report.

(g) **Comment:** The proposal will have a negative impact on tourism and archaeology within the area.

Response: The issue of impact on tourism and archaeology is discussed within section 6 - Assessment and Conclusions of this report.

(h) **Comment:** The proposal will have impacts on hydrology within the area.

Response: SEPA has recommended conditions to be attached to any planning consent to address outstanding concerns in relation to the hydrogeology. This is discussed within Section 6 - Assessment and Conclusions of this report.

(i) **Comment:** The proposal will have impacts on peat within the area.

Response: SEPA has recommended conditions to be attached to any planning consent to address outstanding concerns in relation to the proposals for re-use/restoration of peat. This is discussed within Section 6 - Assessment and Conclusions of this report.

(j) **Comment:** Noise and visual impacts on Little Sparta.

Response: The proposed development has been designed to ensure no turbines will be visible from within the garden boundary. SNH note that no baseline noise measurement was undertaken at this location though it is considered that the distance between Little Sparta and the nearest turbine, which is approximately 3 km, is such that noise impacts will not be significant. This is discussed within section 6 - Assessment and Conclusions of this report.

All of the letters of representation have been copied and are available for inspection in the usual manner and on the Planning Portal.

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 Glasgow and Clyde Valley Joint Structure Plan 2006 and South Lanarkshire Local Plan 2009. The SPG Renewable Energy (December 2010) is also a material consideration. 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. In this regard the assessment of the proposal will be considered under three broad headings; National Planning Policy and Advice, Local Plan Policy and material considerations - SPG Renewable Energy Policy.

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 subsequently this target has 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 SPP itself also suggests likely assessment criteria, which include:

- Landscape and visual impact

- Effects in the natural heritage and historic environment
- Contribution of the development to renewable energy 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

There are issues with the current proposals in relation to cumulative impact, and impact on landscape, visual amenity and the community. The proposed wind farm development is located within the Pentland Hills. This is a valuable landscape resource and forms an unbroken chain of hills stretching from Edinburgh to South Lanarkshire uncrossed by a road and without significant development. The Pentland Hills are a locally designated landscape in all neighbouring local authorities and although it is acknowledged that designations do not necessarily imply a prohibition on development, it is considered that the proposal will have serious impacts on the landscape and visual qualities of the local landscape designation. The impacts are considered fully in paragraphs 6.4.21 to 6.4.29 and for these reasons I consider the proposed development does not fully accord with the SPP.

6.3 Structure Plan Policy

- 6.3.1 The application requires to be assessed against Strategic Policies 1, 7, 8, 9 and 10 of the approved Glasgow and Clyde Valley Joint Structure Plan 2006, which identifies the site as falling within the Central Scotland Plateau Rural Investment Area.
- 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 the Central Scotland Plateau as a Rural Investment Area (RIA) where investment is directed to sustain rural communities. The creation of local employment opportunities in the RIA through the development of natural resources based industries including renewable energy, is also 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 however it lies in close proximity to the Craigengar Special Area of Conservation (SAC)/ Site of Special Scientific Interest (SSSI) located approximately 400m from the application boundary and within approximately 6km of the application boundary is Westwater Reservoir Special Protection Area (SPA)/SSSI. Due to the SAC/SPA status of these sites an appropriate assessment must be undertaken. Following further environmental information being submitted with regard to Craigengar, I am satisfied that the proposed development will not adversely affect the integrity of Craigengar SAC/SSSI or the natural features for which it has been designated. With regard to Westwater, SNH have advised that an appropriate assessment will be required, though in their view, based on the information provided and the appraisal carried out to date, the project will not adversely affect the integrity of the site. An Appropriate Assessment has been undertaken, and I am also satisfied therefore that the proposed development will not have an adverse effect on the integrity of Westwater SPA. SNH advise that the proposed mitigation, compensation and enhancement measures are broadly adequate to address the impacts of the proposal but require to be incorporated into a species protection plan for the site and appropriate surrounding area. On this basis

the proposed development is not likely to have significant impacts on European Protected Species.

- 6.3.5 Schedule 7 (b) Landscapes – The application site is within the Pentland Hills and Black Mount Special Landscape Area (SLA). The Council’s report ‘Validating Local Landscape Designations’ confirms the landscape importance of the Pentland Hills area in South Lanarkshire and its regional significance as part of the wider Pentlands range. In line with SNH policy the area is now known as an SLA rather than the Upper Clydesdale Regional Scenic Area (RSA) - as identified in the approved Structure and Local Plans. The SLA is adjacent to the Pentland Hills AGLV in West Lothian and approximately 3km to the Pentland Hills AGLV in Scottish Borders. Structure Plan policy requires the protection and enhancement of these local landscape designations. The application site lies within the Old Red Sandstone Hills landscape character type and it is considered that there will be significant and adverse impacts on its defining characteristics. In particular the proposed development will have a significant impact on the sense of remoteness and the distinctive skyline, and profile of the Pentland Hills and will result in adverse visual impacts on the existing perception and experience of the ‘Pentlands’ as a very important visual backdrop to the visually complex built elements and developed lowlands of the Central Belt. It is considered that the development will have significant and adverse impacts on the integrity of the SLA and the defining characteristics of the undeveloped Old Red Sandstone Hills landscape character type. SNH’s consultation response supports this view.
- 6.3.6 Schedule 7 (c) Existing and Potential Recreational Resources – SNH note that there are no strategic recreational resources affected by the proposal, though it may affect views from walking routes in the Pentlands Regional Park which lies approximately 7km to the north east of the site.
- 6.3.7 Schedule 7 (d) Built Heritage – Having regard to the comments from Historic Scotland (paragraph 4.17) and West of Scotland Archeology (paragraph 4.15) it is considered that there are no significant impacts on Scheduled Ancient Monuments, archaeological sites and Historic Gardens and Designed Landscapes.
- 6.3.8 Schedule 7 (e) Agricultural Land – Part of the application 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. The area of land included in the applicant site, however, is not considered significant. Schedule 7 (f) and (g) are not considered relevant to this application.
- 6.3.9 In conclusion to the above assessment, I am not satisfied that the proposed development fully complies with Strategic Policy 7 in particular to Schedule 7 (b).
- 6.3.10 Strategic Policy 8 (b) Sustainable Development of Natural Resources supports developments that are in the potential areas of search for significant windfarm developments. The application site is outwith the potential areas of search identified in the Structure Plan and therefore the development would raise strategic planning issues. The policy requires developments to be assessed against constraints listed in Strategic Policy 8 (c) Renewable Energy and states that priority should be given to the protection of the strategic environmental resources set out in Strategic Policy 7 and Schedule 7. I have previously concluded that the proposal is contrary to Strategic Policy 7 (paragraph 6.3.5) and it is therefore concluded that the proposal does not comply with Strategic Policy 8. As a result the proposal requires to be assessed against Strategic Policies 9 and 10.

- 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 raises issues with regard to Strategic Policy 9B iv) 'safeguard the environmental resources listed in Schedule 7 or identified in Local Plans (including regard to landscape character and quality)'. As previously stated above in paragraph 6.3.5 the development will have adverse effects on the resources identified in Schedule 7 (b).
- 6.3.13 Strategic Policy 9C relates to the provision by the developer of appropriate infrastructure/mitigation measures. Adequate infrastructure and transport measures have been proposed and will be a requirement of condition if the application is approved. There are no major impacts on the setting of Scheduled Monuments, and no direct impact upon known significant archaeological sites during construction, subject to condition. However there is an unquantifiable impact on sub-surface archaeology which may potentially exist within the area and should the application be approved a suitably worded condition is required to secure mitigation measures. The landscape and visual impacts and cumulative impacts result in significant adverse effects on the landscape (refer to paragraphs 6.3.5 and 6.4.20 to 6.4.29) and accordingly the proposal fails to comply with Strategic Policy 9 and requires to be assessed against Strategic Policy 10.
- 6.3.14 Strategic Policy 10A requires consideration to be given to the appropriateness of the development having regard to specific criteria to justify the proposal. The only relevant criteria is 10A v) – specific locational need. The other criteria are not relevant to wind farm development. While wind farms can only be developed where there is a significant wind resource, there are locations in South Lanarkshire where there would be less significant adverse impacts. Furthermore the 'Spatial Framework and Landscape Capacity for Wind Farms' informed the SPG Renewable Energy which identifies less constrained areas with less significant landscape and visual impacts. The criteria of specific locational need is not therefore considered to be a justification, and accordingly I consider the proposal does not comply with Strategic Policy 10A.
- 6.3.15 Strategic Policy 10B relates to economic, social and environmental benefits.
- 6.3.16 Strategic Policy 10B i) relates to economic benefit. The Environmental Statement NTS advises that the windfarm will create 27.4 jobs. This is not considered adequate to meet the criteria in Strategic Policy 10B i) with regard to the creation of a significant number of net additional permanent jobs to the Structure Plan Area.
- 6.3.17 Criteria 10B ii) a) relates to social benefit. Criteria (a) relates to assisting rural regeneration within the defined Rural Investment Areas. The proposal is located within an RIA however the proposed development, in terms of any potential benefits, does not provide significant or material support for rural regeneration and therefore cannot be used as justification for the proposed development.
- 6.3.18 Criteria 10B ii) b) relates to supporting or enhancing community facilities. Windfarms can potentially contribute to community benefit and South Lanarkshire Council encourages developers of renewable energy schemes which are acceptable in planning terms to contribute to its Renewable Energy Fund. Indeed the applicants have stated that they propose to enter into a suitable community benefit package should planning permission be granted and the development implemented. However, as discussed in paragraph 6.3.5 above, this development raises issues

with regard to impact on strategic environmental resources and is therefore contrary to policy. Therefore community benefit should not be used as a justification for the development.

6.3.19 Criteria 10B ii) c) relates to the capacity of the settlement and surrounding area to absorb further development. There are issues relating to cumulative impact, capacity and sensitivity of the landscape to accommodate windfarm development (refer to paragraphs 6.4.20 to 6.4.29 below). It is concluded therefore that the application fails to meet this criteria and this criteria cannot be used to justify the proposal.

6.3.20 Criteria 10B iii) relates to environmental benefit. The application does not meet criteria a) which relates to the protection and enhancement of environmental resources (previously assessed above at paragraphs 6.3.3 to 6.3.9). Criteria b) is not relevant, as the application does not involve restoration of vacant and derelict land. With regard to criteria c), the improvement of air and water quality, it could be argued that the development will improve air quality by generating electricity from clean sources and reducing the reliance on fossil fuel. However, this alone is not a sufficient reason to justify the proposal.

6.3.21 It is therefore demonstrated that the application raises significant issues with regard to Strategic Policies 7 and 8 and fails to address satisfactorily the criteria in Strategic Policy 9. The proposal is therefore a development plan departure. Assessment against Strategic Policy 10 provides no justification for the application on economic, social and environmental grounds. Therefore, I conclude that the application is contrary to the Structure 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 in the Local Plan are highlighted below.

6.4.2 Policy STRAT 4: Accessible Rural Area Policy affirms the Local Plan strategy 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. The impacts on the natural environment are considered in detail under ENV 4 at paragraph 6.4.5. The significant impacts on the environment do not permit the proposed development to comply with policy STRAT 4.

6.4.3 Policy STRAT 9: Environmental Mitigation and Enhancement Policy requires the environmental impact of developments to be measured and any adverse impacts prevented, reduced or offset. The issues relating to cumulative impacts and landscape and visual impacts are assessed in more detail below at paragraphs 6.4.20 to 6.4.29, however it is considered that the cumulative, landscape and visual impacts could not be mitigated successfully.

6.4.4 Policy CRE 2: Stimulating the Rural Economy Policy encourages renewable development where it demonstrates:

- a specific locational need
- respects the landscape, countryside amenity and nature conservation interests
- complements the scale, design and character of the locality and complies with the Council's siting and design policy and;
- promotes environmental enhancement.

The specific locational need has been assessed at paragraph 6.3.14 above and the impact on the landscape and character is not considered acceptable as assessed in more detail at paragraphs 6.4.20 to 6.4.29. The nature of the proposed development will generate environmental benefits through producing renewable energy, however in terms of the significant adverse environmental effects on the landscape I do not consider that the proposal complies with this policy.

- 6.4.5 Policy 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 application is not located in an international or national designated site. However, it lies within the Pentland Hills and Blackmount SLA (formerly known as Upper Clydesdale RSA). The policy states that in areas of local/regional importance, development that would affect these areas, will only be permitted where the integrity of the protected resource will not be significantly undermined. Due to the adverse cumulative and landscape impacts (refer to paragraph 6.4.20 to 6.4.29), it is considered the integrity of the resource will be significantly undermined. Therefore I am of the opinion that the proposal is contrary to this policy.
- 6.4.6 Policy ENV 14: Potential Windfarm Areas of Search provided potential areas of search for significant wind farm development in accordance with the Structure Plan. As noted above at paragraph 6.3.10, the proposed development is not located within the potential area of search identified in the Structure Plan. Therefore, the proposed development does not accord with Policy ENV 14.
- 6.4.7 Policy ENV 15: Spatial Framework for Wind Farm Proposals required the Council to review its policy and spatial framework for wind farms over 20 MW, in line with SPP 6. The Council's SPG Renewable Energy and supporting technical reports were approved in December 2010.
- 6.4.8 Policy ENV 17: Renewable Energy Community Benefit Policy encourages developers of renewable energy facilities in South Lanarkshire to contribute to the Renewable Energy Fund. The developer proposes to enter into a suitable community benefit package, and should planning consent be granted a legal agreement would be required to secure this and would be concluded prior to the issue of planning consent.
- 6.4.9 Policy 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 assessed in paragraph 6.3.4 above and on this basis the proposal accords with the Policy ENV 20.
- 6.4.10 Policy 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 applicants have shown that there would be no impact on otters, bats and badgers and SNH concurs with this assessment. However if planning consent should be granted a condition should be attached to ensure pre-construction surveys are undertaken to inform construction activities, micro-siting and any required mitigation, compensation and enhancement proposals for protected species on site. On this basis the proposal accords with Policy ENV 21.
- 6.4.11 Policy ENV 23: Ancient Monuments and Archaeology aims to avoid adverse effects upon scheduled ancient monuments and archaeological resources. As assessed in

paragraphs 6.3.7 and 6.3.13 there is no major impacts on these resources. Accordingly, the proposal complies with Policy ENV 23.

6.4.12 Policy 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. The study area is a 30km radius from the application site and within this area there are 12 category A listed buildings and 107 category B listed building. From the assessment I am satisfied that the potential direct and indirect impacts from the proposed development on the historical environment assets is unlikely to have a significant impact. On this basis the proposals accords with Policy ENV 24.

6.4.13 Policy 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 paragraph 6.3.4 and supported by SNH the integrity of the Craigengar SAC/SSSI and Westwater SPA/SSSI will not be comprised, therefore the proposed development is found to be in accordance with Policy ENV 26.

6.4.14 Policy ENV 28: Historic Gardens and Designed Landscapes Policy requires the protection, preservation and enhancement of such places and that developments shall 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. Little Sparta is the nearest designated historic garden and designed landscape which is located 3km to the south of the application boundary. An assessment of the viewpoints confirm that no turbines will be visible from the garden boundary. SNH concur and add that although no noise baseline measurement was undertaken at this location, it is considered that due to the distance between the garden and nearest turbine the noise impacts will not be significant. Therefore the proposed development is found to be in accordance with Policy ENV 28.

6.4.15 Policy ENV 29: Regional Scenic Area and Areas of Great Landscape Value Policy requires developments to satisfy the terms of Policy STRAT 4 and to not adversely affect the overall quality of the designated landscape area. In relation to landscape designations the application site is located:

- Within the Pentland Hills and Black Mount SLA (formally know as Upper Clydesdale RSA) in South Lanarkshire
- Immediately adjacent to the Pentland Hills AGLV in West Lothian
- Approximately 3km to the Pentland Hills AGLV in Scottish Borders
- 7 km from the Pentlands Hills Regional Park
- Approximately 10 km from Upper Tweeddale National Scenic Area

It is acknowledged that the local landscape designations are not the highest national category, however these areas have been judged to contribute significantly to the quality of people's lives in the part of Scotland where they lie. This is stated in SNH's consultation and it goes on to say that the hills collectively contribute substantially to the overall quality of Scotland's countryside. It is for these reasons that the area in which the application site is identified as being Zone 2 medium sensitivity in SNH's Strategic Locational Guidance which reflects the importance of the Local Landscape Designation.

6.4.16 As previously assessed in paragraph 6.3.5 the application lies within the Old Red Sandstone Hills landscape character type. The visual impact of 17 x 115 metre high turbines on the Old Red Sandstone Hills landscape would include a reduction in the sense of remoteness and on the distinctive Pentlands skyline which act as a backdrop to the more settled, complex and developed lowlands of the Central Belt. In particular it is the scale of the turbines relative to that of the relatively modest size of

the hills and the contrast to the current lack of other significant development in the Pentland Hills that generates the adverse and incongruous visual impact.

- 6.4.17 SNH considers the Pentland Hills to be a rare landscape type, partly due to the presence of the Old Red Sandstone Hills landscape character type, which is limited to this area in the Glasgow and Clyde Valley, and partly due to the fact that similar landscape types in the Moorfoots and Lammermuirs have been modified by wind farm development, whereas, in contrast, the Pentlands have not.
- 6.4.18 For the above reasons I consider that the effects on the SLA will be adverse and significant. Accordingly, I do not consider the proposed development complies with Policy ENV 29.
- 6.4.19 Policy ENV 32: Design Statements Policy requires that a Design Statement accompany all developments proposals, subject to exceptions. A Design and Access Statement has accompanied the proposed development in support of the planning application.
- 6.4.20 Policy 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 committed to prepare supplementary planning guidance (SPG) on Renewable Energy, to review its policy and to prepare a spatial framework for wind farms. This work has since been undertaken in consultation with the wider public and developers, and the SPG Renewable Energy was approved in December 2010. A result of this, Local Plan Policies ENV 14, 15, 16 and 38 have been developed further to address the requirements of SPP and PAN 45 (Annex 2). The policies in the SPG itself will be considered in section 6.5 of this report.
- 6.4.21 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 in adverse impacts as assessed in paragraphs 6.3.4, 6.4.9, 6.4.10, 6.4.13 above. On this basis the proposed development complies with criterion (A) of Policy ENV 38.
- 6.4.22 Criteria (B) (1) Other Natural and Built Heritage Resources. This requires proposals to take place without unacceptable significant detrimental effects on landscape character and significant adverse visual impact including the landscape quality of RSA and AGLV.
- 6.4.23 The Pentland Hills lie within a locally designated landscape: Pentland Hills and Black Mount SLA (formally know as Upper Clydesdale RSA) in South Lanarkshire. Whilst the Pentland Hills to the north and east (outwith South Lanarkshire) are steeper and more distinctive in character than those around the application site, it is noted that the area within South Lanarkshire is contiguous with these areas, terminating the unbroken chain of hills stretching from Edinburgh in the northeast to near Biggar and Carnwath in the southwest. The main spine of the chain is not crossed by a metalled road or track and contains no settlement or other significant built development for a distance of some 30km. Pentland Hills is designated in a way that reflects its importance in landscape terms in all the local authority areas in which it lies. Furthermore the hills clearly divide the more densely settled and industrialised Central Belt from the more rural and scenic countryside to the south and east, providing a distinctive backdrop and skyline to views from both sides. The validation of the local landscape designation for the southern end of the hills in South Lanarkshire is at least partly in recognition of the integrity of one clearly imageable

and distinctive landscape unit, all the more important due to its location near some of the most densely populated areas in Scotland.

- 6.4.24 The proposed wind farm is located within the Old Red Sandstone Hills landscape character type that creates the Pentland Hills in South Lanarkshire. The Pentland Hills continue north east to overlook Edinburgh as an Uplands landscape type, within West Lothian, and continue south east as a Dissected Plateau Moorland landscape type within Scottish Borders. The assessment of the sensitivities of the proposed development on this landscape type alone may be considered acceptable if taken in isolation. However it is considered that the sensitivities of the landscape character are increased when considered in their full context, i.e. when the wider role or setting of the Pentland Hills is taken into account. The key characteristics of the area include isolation, wildness and lack of development (SNH 1999 and SLC 2010 LCA). These characteristics would change if the proposed development were to be constructed. The undeveloped characteristic of the Old Red Sandstone Hills landscape type is demonstrated by the absence of all those very features of industrial and urban development that are defining characteristics of the adjacent lowland landscapes in the Central Belt to the north and west. This undeveloped character is of particular value for recreation by those who live within the developed area and who wish to escape to it, to refresh their spirits and sense of well being.
- 6.4.25 The SNH LCA 1999 contains guidelines for change and South Lanarkshire LCA 2010 reaffirms the basis for managing landscape change. In these areas it states: "Landscape planning and management should aim to conserve the open, unsettled character and undeveloped skyline of the Old Red Sandstone Hills. New developments which introduce modern elements, break the skyline or which would undermine the sense of 'wildness' and remoteness should be resisted." (South Lanarkshire Landscape Character Assessment, 2010).
- 6.4.26 SNH consider that the wind farm is not sensitively sited, as it will create a dominant focus that contrasts to the profile and intrinsically linear landform of the Pentland Hills. The wind farm will compromise the role of the Pentlands as a prominent range of hills forming the backcloth to the Lowlands below. This is especially so where the Hills are mainly viewed from below along a series of roughly parallel routes to the north. The turbines, by being almost exactly the same relative height as the Pentland Hills at the western end (i.e. the scale of the turbines compared with the elevation between the foothills and the hilltops), will have the effect of dominating them rather than allowing the Hills to remain the primary characteristic.
- 6.4.27 The construction of a significant windfarm within this area, east of the A70, will clearly breach the integrity of this area and fundamentally alter the appearance of the skyline as seen from settlements and roads to the west. It is concluded that there will be significant landscape and visual impacts and the effects are further underlined by SNH's consultation response. It is for the above reasons that I consider the proposed development will have unacceptable detrimental effects on the landscape character and significant adverse visual impacts. The proposed development is therefore not in accordance with criteria (B) (1).
- 6.4.28 Criteria (B) (2) requires cumulative visual and landscape impacts to be fully assessed and shown to be acceptable. Chapter 7 of the Environmental Statement (ES) reports the results of the cumulative impact assessment in detail. In terms of cumulative impacts SNH notes the proximity of existing and consented proposals (Black Law, Tormywheel, Pates Hill, Muirhall) from a 'with windfarm' landscape type in the North West Pentland Fringe/ Plateau Moorland landscape character areas. The construction of the proposed development would extend the 'with windfarm'

landscape typology into the Old Red Sandstone Hills landscape character area. SNH considers this to be undesirable in strategic planning terms. Given the already extensive development to the west, the contrasting lack of development in the Pentlands is all the more important to preserve.

- 6.4.29 From the assessment of the ES it is noted there will be significant effects on residents' visual amenity, which are mainly within 5km, but some are as far as 10km. There would be some significant effects on road users and on walkers, and overall significant cumulative visual impacts would occur. The proposed development will clearly extend the current 'with windfarms' landscape in the west well into the Pentland Hills. Cumulative impacts will result in the local communities having increasing views of wind farms as they move around the area. Therefore I am not satisfied that cumulative landscape and visual impacts of the proposed development are acceptable. Accordingly, the proposed development does not comply with criteria (B) (2).
- 6.4.30 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 8 and 9 of the ES report on ornithology and ecology interests respectively. As previously assessed in paragraphs 6.3.4, 6.4.9, 6.4.10 and 6.4.13 there are no significant adverse impacts predicted subject to conditions. In respect of ornithology SNH agree with the ES findings and do not consider there will be any significant impact on birds with 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 consented, the above can be covered by condition. On this basis I am satisfied that the proposal complies with criteria (B) (3).
- 6.4.31 Criteria (B) (4) requires cumulative visual, landscape and ecological/ornithological impact assessments to include all operating and consented schemes and those that are subject to valid but undetermined applications. Some existing wind farms have been consistently missed from the viewpoint cumulative assessment, such as Hagshaw Hill, Bowbeat, Carcant and Bankend Rigg. Although therefore there are some reservations regarding parts of the assessment the approach taken provides a basis on which reasonably informed conclusions can be reached. Accordingly, I am satisfied the proposal complies with criteria (B) (4).
- 6.4.32 Criteria (B) (5) is met as the proposed development complies with Policies ENV 23, ENV 24 and ENV 28, as noted above in paragraphs 6.4.11, 6.4.12 and 6.4.14 respectively.
- 6.4.33 Criteria (B) (6) requires developments to minimize soil disturbance when building infrastructure to ensure carbon balance savings of the scheme are maximised and subsequently information in support of these matters may be required. The ES reports that CO₂ releases to the environment from peat and soil disturbance has been calculated and that the proposed development will have a payback of 12 months, after which the development will start to deliver net CO₂ benefits. In addition SEPA had concerns regarding the peat management proposals, however if the consent is granted, a suitable worded condition should be attached to address this matter. It would require the applicant to submit further details within their Peat Management Plan on their proposals for peat reuse/ restoration, and these would require to be assessed and approved by SEPA in consultation with the planning authority. 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), 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 have been considered in turn.

- 6.5.1 Policy REN 1 identifies Areas of Significant Protection (AoSP) and strongly discourages wind farms developments in these areas. The proposed development is located within the Southern Uplands Foothills/Pentland Hills AoSP. This area has a diverse landscape with a mix of landscape character that extends out with South Lanarkshire. Wind farm development is not suitable, if the variety of character within this area is to be preserved. In addition, the Pentland Hills role as an undeveloped backcloth to the developed Central Belt is recognized by SNH. This area is currently without wind farms and thus provides a contrast with the concentrations of wind farm development elsewhere in South Lanarkshire. Within South Lanarkshire there is high cumulative change to the west, south and far west of the application site, and to help conserve the distinctiveness of the South Lanarkshire landscape the Southern Uplands Foothills/Pentland Hills requires to be afforded significant protection from wind farms. Accordingly, the proposed development does not comply with Policy REN 1.
- 6.5.2 Policy REN 2 requires that the 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. It should be noted that the proposed development does not comply with the constraints set out in Chapter 4 relating to landscape character and designation, cumulative landscape and visual impact, and tourism and recreation interests. Each criterion is fully assessed under Policy REN 6.
- 6.5.3 Policy REN 3 identifies Broad Areas of Search (BAOS) for wind farms over 20MW, and 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. The assessment of the proposed development results in concerns relating to landscape and visual impacts, cumulative impacts and impacts on local landscape designation. The proposal also runs counter to the overall spatial wind farm strategy for South Lanarkshire. Taking into account the assessment against REN 6 and the above I am not satisfied the proposals comply 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 6.4.5, 6.4.9, 6.4.10 and 6.4.13 above. I am satisfied that the proposed development is 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 in accordance with this criterion as previously assessed in paragraph 6.5.1.

- 6.5.7 Criteria 3 – Impact on the Green Belt. The proposed development is not located within the Green Belt therefore it is not relevant.
- 6.5.8 Criteria 4 – Impact on the Landscape Character. This requires consideration of the landscape character type in relation to its sensitivity to change and capacity for development. The application site is within the Old Red Sandstone Hills which has low capacity for wind farm development as identified in the spatial framework, and the SPG states that it should remain wind farm free to conserve the distinctive landscape and Pentland Hills skyline, and avoid cumulative impacts. On this basis the proposed development does not comply with criteria 4.
- 6.5.9 Criteria 5 – Impact on Special Landscape Areas (SLA). This 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 in the Pentland Hills and Black Mount SLA. It should be noted that wind farm development can be compatible with local landscape designations as some SLA's may contain landscape character types with some capacity to accommodate wind farms, such as Rolling Moorland, Plateau Moorland and Foothills landscape character types as identified in the Spatial Framework report. However as noted above in paragraph 6.5.8 the Old Red Sandstone Hills landscape character type on which the proposed development is located has low capacity for wind farm development. Furthermore the SLA designation recognises the distinctive qualities of the western end of the Pentland Hills, and their significance relates to a combination of scenic, natural and cultural features, together with its geographical location as part of a larger range. In addition, the Validating Local Landscape Designations report identifies landscape conservation issues for the Pentland Hills and Black Mount SLA, one of which is to conserve the sense of wildness and contiguous undeveloped area of hills by discouraging the development of large scale wind energy developments. Taking into account the above and the forgoing assessment at paragraphs 6.4.22 to 6.4.27, the qualities of the SLA will be significantly and materially affected by the proposed development. As a result the proposed development does not comply with criteria 5.
- 6.5.10 Criteria 6 – This assesses the effects of the development on areas, identified in the SPG, where cumulative impacts limit further development. There may, in these locations, be limited opportunities for development where it can be demonstrated not to significantly affect the landscape objectives. The ES states that there would be some extension of the existing 'landscape with wind farms' and the ES LVIA zones of theoretical visibility indicate that the proposed wind farm would result in limited additional visibility of wind farms into new areas of the Pentland Hills. In view of the above, I consider that it has not been fully demonstrated that the objective, which states 'prevention of further extension of the landscape with wind farms into the Pentland Hills' has been met. I am therefore not satisfied that the proposed development is in accordance 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 paragraphs 6.4.28 to 6.4.29 above. As a result, the proposed development is not in accordance with criteria 7.
- 6.5.12 Criteria 8 – Landscape and Visual Impact Assessment (LVIA). A LVIA and Design Statement was submitted to support the planning application. The LVIA is a thorough and reasonable assessment of the potential impacts of the proposals, although there are reservations concerning the method of assessment and its presentation and conclusions. The key issue is one of the locations of the proposal

in relation to landscape character, visual and cumulative impact on surrounding communities and on the Pentland Hills and of views on Pentland Hills, particularly from the west. The landscape, visual and cumulative impacts have been previously considered in paragraphs 6.4.22 to 6.4.29 above. Taking into account the above assessment, I am not satisfied that the proposed development accords with criteria 8.

- 6.5.13 Criteria 9 – This 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 6.4.30 and I am satisfied that 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 impact on these resources and Historic Scotland and West of Scotland Archaeology Service concur, with this subject to a condition being attached to secure mitigation measures, if the application is granted consent. Accordingly, the proposal complies with criteria 13.
- 6.5.18 Criteria 14 – Impact on Peat and Soils. The ES provides calculations of the potential impact of the proposed development on the peatlands, using the methodology set out in Scottish Government guidance ‘Calculating Carbon Savings from Wind Farms on Scottish Peatlands – A New Approach’. It is estimated that the proposed development will have a pay back period of 12 months. SEPA raised concerns regarding peat management proposals and if the application is approved, conditions relating to the peat management plan would be required, as previously noted in paragraph 6.4.33 above. 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 as identified in SPG Renewable Energy Map 2, therefore criteria 15 is not relevant.
- 6.5.20 Criteria 16 – Impact on Water. SEPA raised concerns regarding the groundwater dependent terrestrial ecosystem, in particular for turbine number 5. To address SEPA’s outstanding concerns, if the planning consent is given, a suitable condition should be attached that requires the applicant to undertake further investigation in relation to turbine number 5, requiring monitoring and risk assessments to determine whether the potential risks to the groundwater are significant. If the appropriate conditioned is attached then the proposed 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. However, visual dominance impacts on the residential amenity and concerns have

been raised from members of surrounding communities. On the basis of the above assessment at paragraphs 6.4.28 to 6.4.29, I agree with the community concerns in respect of the visual dominance impacts, therefore the proposed development does not fully comply 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. This criteria requires that views from key tourist routes and visitor attractions must not be adversely affected to an unacceptable degree. The SPG notes that when considering the spatial framework an analysis of visibility from selected viewpoints and routes within and adjacent to South Lanarkshire was carried out. This concluded that the most visible parts of South Lanarkshire in relation to tourism and recreation routes and viewpoints lie in the north east of South Lanarkshire, around Tinto Hill, Biggar and Lanark. This provides further support to the identification of the Southern Uplands Foothills and Pentland Hills Area of Significant Protection. The ES Chapter 7 reports the results of the cumulative impact assessment, and notes that there are likely to be significant adverse visual effects experience from settlements, roads, and rail routes, recreational routes and facilities. I consider that the nature, magnitude and location of the proposals will adversely affect views from key tourist routes to an unacceptable degree. This concurs with the representations submitted which raise concerns of the impact on tourism. Accordingly, I am not satisfied that the proposed development fully complies with criteria 19.

6.5.24 Criteria 20 – Transport impacts. The ES provides an analysis of the proposed development with respect to the potential impact it may have on the road network. Two potential routes for delivery of abnormal loads are identified. Both abnormal load routes are capable of accommodating the required traffic. However, representations have been received from residents and the Carnwath Community Council that raise concerns regarding the additional construction traffic generated by the proposed development. If the proposal is approved the abnormal loads route from the east would be more acceptable in planning terms due to the reduced number of residents being impacted upon. In addition, a new access track would be required to bypass the A71 roundabout at Carnwath for the abnormal loads traffic. The developer has demonstrated that they have control over the necessary land to implement the access. Therefore, I am satisfied that 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. Three homes have been identified as potentially experiencing loss of television signal. A full television reception survey is planned to be undertaken and should it be identified houses will experience loss of signal then this will be mitigated through sourcing an alternative method of television reception. On this basis, I am satisfied that the proposed development will accord with criteria 21.

6.5.26 Criteria 22 – Impact on Radar and Defense. The ES assesses the potential impact of the proposed development on radar and defense systems within the vicinity of the site. NATS En Route plc has stated that the proposed development conflicts with NATS safeguarding criteria, however a technical solution is available to mitigate this. I am aware an agreement in principle between the applicant and NATS En Route plc has been reached, however the legal documentation to confirm this agreement is currently being prepared, as a result at the time of preparing this report the objection

from NATS En Route remains. On this basis, the proposed development does not comply with criteria 22.

6.6 Conclusions

In summary, the location and characteristics of the application site are considered unsuitable for wind farm development, and any wind farm development in this area would breach the principle set by the SPG Renewable Energy in terms of the Southern Uplands Foothills/Pentland Hills Area of Significant Protection. The application site is located within the Old Red Sandstone Hills landscape character type which should remain free of development to conserve the distinctive skyline of the Pentland Hills and avoid cumulative impacts, and it should be noted that there are other landscape character types within South Lanarkshire which have capacity for wind farm development. Notwithstanding this, the significant and adverse landscape and visual impacts of the proposed development are of serious concern and do not comply with Local Plan policy. The Pentland Hills are a valuable strategic landscape resource. The proposed development would begin to erode the key qualities of this area of the hills, reducing the sense of remoteness and the distinctiveness of the Pentlands skyline as a backdrop to the more settled, complex and developed lowlands of the Central Belt. In addition, the operational and consented wind farms in proximity of the application site would result in the 'landscape with wind farms' typology being extending into the Pentland Hills. This is considered undesirable both in strategic planning terms and in terms of the cumulative impacts on the local communities. Given the already extensive wind farm development to the west of the proposed development, the contrasting lack of development in the Pentlands is all the more important to preserve. Furthermore, the erosion of the designated landscape qualities and the visual impact of the proposed development raises concerns in relation to tourism and recreational interests. In view of the above concerns I recommend that planning permission be refused for the reasons detailed below.

7 **Reasons for Decision**

- 7.1 The proposal cannot be assessed favourably against the provisions of SPP. The proposal is also contrary to Strategic Policies 7, 8 and 9 and cannot be justified in terms of Strategic Policy 10 of the Structure Plan and is contrary to Policies STRAT 4, STRAT 9, CRE 2, ENV 4, ENV 29 and ENV 38 criteria B (1) and (2) of the adopted South Lanarkshire Local Plan 2009. In addition, the proposal cannot be assessed favourably against Policies REN 1, REN 2, REN 3 and REN 6 of the approved South Lanarkshire Supplementary Planning Guidance Renewable Energy (December 2010).

Colin McDowall
Executive Director (Enterprise Resources)

13 June 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Environmental Statement

► Consultations	
Scottish Government	12/03/2010
Black Mount Community Council	16/03/2010
BAA Aerodrome Safeguarding	11/03/2010
West Lothian Council Planning Service	12/03/2010
Carnwath Community Council	15/03/2010
RSPB Scotland	22/03/2010
Ministry of Defense	29/03/2010
Forestry Commission (Central Scotland Conservancy)	29/03/2010
Carnwath Community Council	26/03/2010
Scottish Government	01/07/2010
RSPB Scotland	22/03/2010
S.E.P.A. (West Region)	22/07/2010
Scottish Rights of Way Society	14/07/2010
Transport Scotland	18/03/2010
TRANSCO (Plant Location)	01/04/2010
West Lothian Council Planning Service	06/05/2010
Scottish Natural Heritage	08/06/2010
National Air Traffic Services Ltd	10/09/2010
Historic Scotland	09/04/2010
Scottish Wildlife Trust	22/03/2010
West Lothian Council Planning Service	06/05/2010
Tarbrax Community Council	10/03/2011
Roads & Transportation Services H.Q.(Traffic and Transportation)	22/07/2010
West Lothian Council Planning Service	22/07/2010
Historic Scotland	13/04/2010
West of Scotland Archaeology Service	30/03/2010
National Air Traffic Services Ltd	28/07/2010

Roads and Transportation Services (Clydesdale Area)	22/07/2010
Roads and Transportation Services (South Division)	22/07/2010
S.E.P.A. (West Region)	13/05/2010
Scottish Natural Heritage	06/05/2011
Scottish Borders Council	12/04/2010
Environmental Services	14/04/2010
Civil Aviation Authority	16/04/2010
Scottish Natural Heritage	17/05/2010

► Representations

- Representation from : Miss Morag Thorburn, 5 Woolfords
West Calder
EH55 8LH, DATED 16/03/2010
- Representation from : British Horse Society, Mrs. H Mauchlen
Woodburn Farm
Creiff
PH7 3RG, DATED 29/04/2010
- Representation from : Peter & Mary Wang, Lawhead Loch
West Calder
EH55 8LW, DATED 10/03/2011
- Representation from : Christina Benei, 241 View Field Road
Tarbrax
EH55 8XF, DATED 02/12/2010
- Representation from : Mrs. Alexandra M Parish , Open View
Tarbrax
West Calder
West Lothian
EH55 8XA, DATED 14/04/2010
- Representation from : Guy Vernham, Hartwood Steading
Harburn
Nr West Calder
West Lothian
EH55 8LE, DATED 10/12/2010
- Representation from : Friends of the Pentlands, Carlin Maggie's
Carlingnose Point
North Queensferry
Fife KY11 1ER, DATED 23/12/2010
- Representation from : Ann Eccles, 7 Woolfords
Woolfords
Cobbinshaw, DATED 23/04/2010

Representation from : Ruth Gilbert, DATED 17/05/2011

Representation from : Jenifer Whyte, 105 Crosswood Terrace
Tarbrax
EH55 8XE, DATED 11/01/2011

Representation from : Jacqueline Watson Bowman, 19 Woolfords Cottages
Woolfords
West Calder
EH55 8LH, DATED 30/03/2010

Representation from : Mr. Neil Odey, 14 Woolford Cottages
Woolford
West Calder
EH55 8LH, DATED 30/03/2010

Representation from : Cameron Munro, 18 Woolfords
Cobbinshaw
EH55 8LH, DATED 30/03/2010

Representation from : Barbara MacPherson, 18 Woolfords
Cobbinshaw
EH55 8LH, DATED 30/03/2010

Representation from : Joanna Pearce, East Broomhill
Harburn
West Calder
West Lothian EH55 8RE, DATED 07/02/2011

Representation from : David Murray, South Cobbinshaw
West Calder
West Lothian
EH55 8LQ, DATED 26/11/2010

Representation from : Gillian Emerick, , DATED 20/08/2010

Representation from : Ed Archer, 18 Hope Street
Lanark
ML11 7LZ, DATED 09/05/2011

Representation from : Geraldine Hamilton, Crosswoodhill Farm Holiday Cottages
by West Calder
West Lothian
EH55 8LP, DATED 13/05/2011

Representation from : Mr. Peter Kew, Halfway House
Kirknewton
West Lothian
EH27 8DH, DATED 07/02/2011

Representation from : F R Parrish D.A. Edin., Open View
Tarbrax
West Calder
EH55 8XA, DATED 15/12/2010

- Representation from : Carnwath Community Council, Mrs. Roselyn Lindsay
(Secretary)
40 Main Street
Carnwath
ML11 8JZ, DATED 19/03/2010
- Representation from : Mr. & Mrs. G Rice, 9 Woolfords Cottages
Nr West Calder
EH55 8LH, DATED 07/04/2010
- Representation from : Jane Whitehill, 4 Woolfords
West Calder
EH55 8LH, DATED 07/04/2010
- Representation from : A Whitehall, 3 Woolfords
West Calder
EH55 8LH, DATED 07/04/2010
- Representation from : James Bulloch, 36 Woolfords Cottages
Woolfords
West Calder
EH55 8LH, DATED 14/03/2010
- Representation from : Viv Newton, 23 Woolfords
Cobbinshaw
EH55 8LH, DATED 07/04/2010
- Representation from : Many Watts, 29 Woolfords Cottages
Woolfords
By West Calder
EH55 8LH, DATED 14/04/2010
- Representation from : Rebecca Chapman, 28 Woolfords Cottages
Woolfords, DATED 14/04/2010
- Representation from : Nik Munro, 28 Woolfords Cottages
Woolfords, DATED 14/04/2010
- Representation from : Phyllis Tait, 1 Woolfords
West Calder
West Lothian
EH55 8LH, DATED 14/04/2010
- Representation from : Mrs. Hazel Fraser, Hollyfield
Tarbrax
West Calder
EH55 8XA, DATED 14/04/2010
- Representation from : Bruce Fraser, Hollyfield
Tarbrax
West Calder
EH55 8XA, DATED 14/04/2010
- Representation from : Mrs. Jane Wilson, Lochmaben Cottage
Woolfords

By West Calder
EH55 8LH, DATED 21/04/2010

Representation from : Miss Heather Whitefield, Lochmaben
Woolfords
By West Calder
EH55 8LH, DATED 21/04/2010

Representation from : Mr. James S Wilson, Lochmaben Cottage
Woolfords
By West Calder
EH55 8LH, DATED 21/04/2010

Representation from : Ms Michelle Allen & Mr. Denis Proust, 46 Woolfords
By West Calder
EH55 8LH, DATED 21/04/2010

Representation from : David & Pat Onions, Allium Croft
21 Main Street
Braehead
Forth
Lanark
ML11 8EZ, DATED 24/02/2011

Representation from : Sir/Madam, North Cobbinshaw Farm
West Calder
West Lothian
EH55 8LQ, DATED 11/04/2011

Representation from : Jessie Sheeler, Auchenshore
Auchencairn
Castle Douglas
DG7 1QZ, DATED 11/04/2011

Representation from : Peter Kew, Halfway House
Lang Whang
Kirknewton
West Lothian
EH27 8DH, DATED 11/04/2011

Representation from : Carnwath Community Council, C/o Mrs. R Lindsay,
Secretary
40 Main Street
Carnwath
ML11 8JZ, DATED 20/05/2010

Representation from : Stephen and Mrs. Magdalena Midgley, Heathfield
Tarbrax
West Calder
EH55 8XA, DATED 07/04/2011

Representation from : Freya Boxer, Coalheughead Farmhouse
Harburn
West Lothian
EH55 8RT, DATED 19/05/2011

Representation from : David Leslie Chaffe , 78 Crosswood Terrace
Tarbrax
EH55 8XE, DATED 20/05/2011

Representation from : Irene Kale , 10 Laurelbank Court
East Calder
West Lothian
EH53 0QT, DATED 20/05/2011

Representation from : Mrs. R Kew, Halfway House
Lang Whang
EH27 8DH, DATED 25/05/2011

Representation from : F R Parrish D.A. Edin., Open View
Tarbrax
West Calder
EH55 8XA, DATED 10/06/2011

Contact for Further Information

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

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REASONS FOR REFUSAL

- 1 This decision relates to drawing numbers:
 - * Figure 1.1 - Site Location
 - * Figure 4.1 - Site Layout
 - * Figure 4.2 - 4.5 - Typical Turbine details
 - * Figure 4.6 - Access tracks and Floating
 - * Figure 4.7 - Substation Compound
 - * Figure 7.1 - 7.58 - Landscape and Visual Impact Assessment

- 2 This decision relates to the Environmental Statement and Planning Statement dated February 2010, and subsequent Planning Statement Addendum dated April 2011, titled Planning Application for the erection of seventeen, 115m high wind turbines, two 73m high wind monitoring masts, access tracks, a sub station and control building, 2 borrow pits and associated works, at Harrows Law, Dunsyre, South Lanarkshire.

- 3 The planning application is contrary to the terms of Scottish Planning Policy, Strategic Policy 9 and 10 of the approved Glasgow and Clyde Valley Joint Structure Plan 2006, polices STRAT 4, CRE 2 and ENV 38 B(1) of the adopted South Lanarkshire Local Plan (2009) and Policy REN 2 and REN 6 of the SPG Renewable Energy (2010) in that, based on the information submitted in support of the application, the development would erode a valuable landscape resource within central Scotland, and fundamentally alter the appearance of the skyline as seen from settlements and roads to the west and that consequently there would be significant adverse landscape and visual impacts.

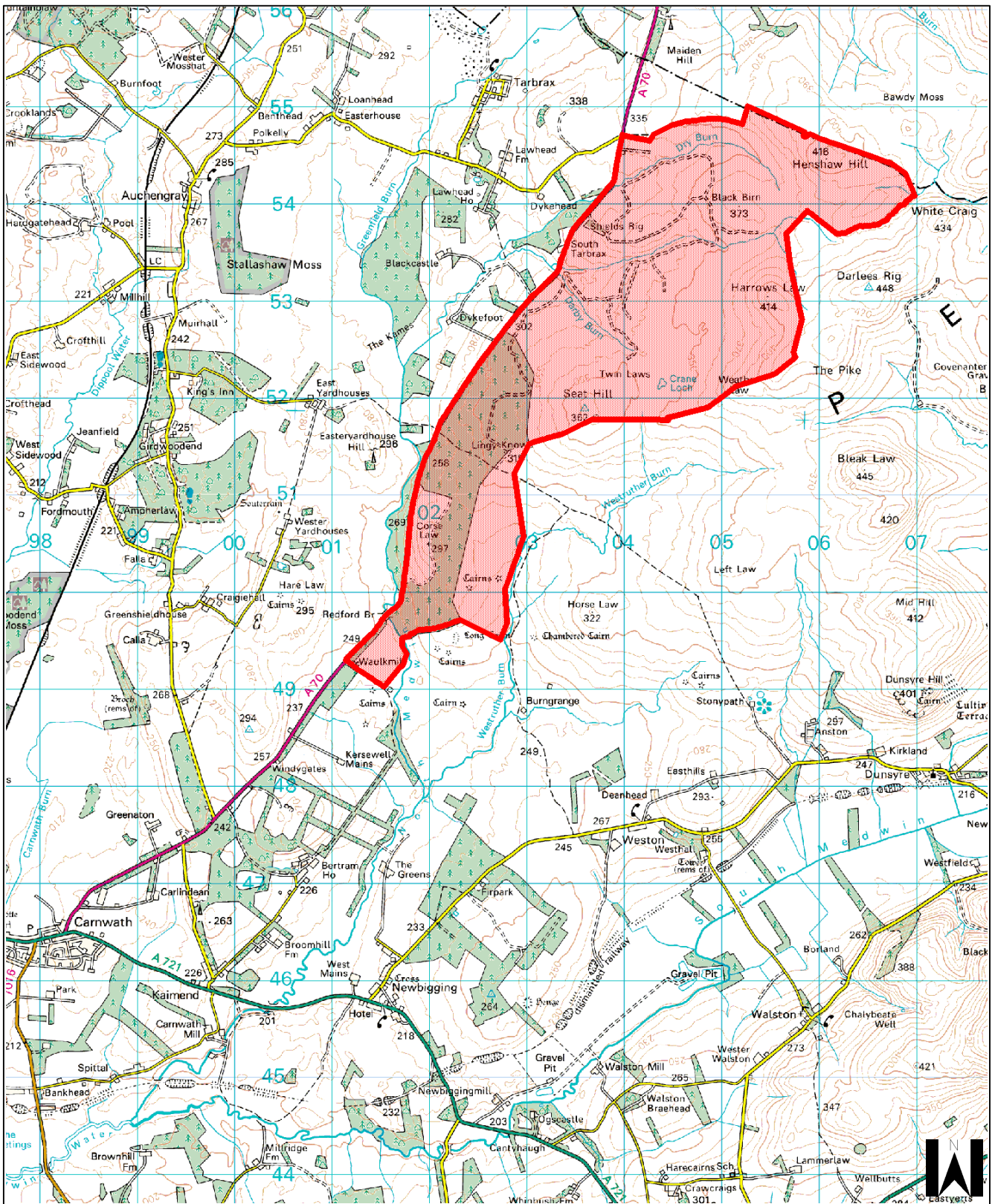
- 4 The planning application is contrary to the terms of Scottish Planning Policy, Strategic Policy 8(b) of the approved Glasgow and Clyde Valley Joint Structure Plan 2006, and Policy REN 3 of the SPG Renewable Energy (2010) in that, based on the information submitted in support of the application, the development is not located within the Potential Windfarm Area of Search within the Structure Plan or within the Broad Area of Search identified in the SPG Renewable Energy.

- 5 The planning application is contrary to the terms of Scottish Planning Policy, and Policy REN 1 of the SPG Renewable Energy (2010) in that, based on the information submitted in support of the application, the development would have a significant adverse impact on the Southern Uplands Foothills/Pentland Hills area which is identified as an Area of Significant Protection from wind farm development.

- 6 The planning application is contrary to the terms of Scottish Planning Policy, Strategic Policy 9 and 10 of the approved Glasgow and Clyde Valley Joint Structure Plan 2006, polices STRAT 9 and ENV 38 B(2) of the adopted South Lanarkshire Local Plan (2009) and Policy REN 2 and REN 6 of the SPG Renewable Energy (2010) in that, based on the information submitted in support of the application, the development would extend the 'landscape with wind farms'

typology into the Pentland Hills thus creating an unacceptable cumulative impact.

- 7 The planning application is contrary to the terms of Scottish Planning Policy, Strategic Policy 9 and 10 of the approved Glasgow and Clyde Valley Joint Structure Plan 2006, and Policy REN 2 and REN 6 of the SPG Renewable Energy (2010) in that, based on the information submitted in support of the application, the development would adversely affect views from key tourist routes to an unacceptable degree.



For information only

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