

Report to: **Planning Committee**
 Date of Meeting: **13 December 2011**
 Report by: **Executive Director (Enterprise Resources)**

Application No CL/11/0070
 Planning Proposal: Erection of 66 metre high wind turbine, access track, ancillary equipment and associated works.

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : ILI FIT (Haywood) Limited
- Location : Upper Haywood Farm
Forth

2 Recommendation(s)

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

- (1) Grant Detailed Planning Permission (Subject to Conditions – Based on Conditions Listed).

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
 (2) A Section 75 Legal Obligation requires to be completed prior to the issue of consent between the Council and the applicant that encompasses the following
- ◆ That ongoing financial contributions, to be agreed between the Council and the applicants, is made to the South Lanarkshire Council renewable Energy Fund during the operational period of the wind turbine.
 - ◆ To ensure the completion of a section 96 agreement between the applicant and the Roads Authority.
 - ◆ The applicant will be responsible for meeting the Councils legal expenses in respect of the legal agreements.

3 Other Information

- ◆ Applicant's Agent: Keppie Planning & Development
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
South Lanarkshire Local Plan (adopted 2009)
STRAT 5: Rural Investment Area
STRAT 9: Environmental Mitigation and Enhancement
CRE 2: Stimulating the Rural Economy

ENV4: Protection of Natural and Built Environment
ENV21: European Protected Species
ENV16: Renewable Energy Development
ENV 17: Renewable Energy Community Benefit Policy
ENV 38: Renewable Energy Site Assessment Policy
SLLP Supplementary Planning Guidance: Renewable Energy (December 2010)
Policy REN 4: Single/Small Wind Turbine Developments
Policy REN 6: Assessment Checklist for Renewable Energy Proposals

◆ Representation(s):

▶	8	Objection Letters
▶	0	Support Letters
▶	0	Comments Letters

◆ Consultation(s):

Environmental Services

Ministry of Defence

West of Scotland Archaeology Service

National Air Traffic Services Ltd

Roads and Transportation Services (Clydesdale Area)

BAA Aerodrome Safeguarding

Scottish Natural Heritage

Planning Application Report

1 Application Site

- 1.1 This application site (0.33 ha), is located at Upper Haywood Farm in open countryside approximately 2km to the north east of the nearby settlements of Wilsontown and Forth. It is located, at 329 m above sea level, close to a commercial conifer plantation, in an agricultural field comprising semi-improved grassland with a south easterly facing slope. It falls within the plateau moorland landscape type characterized by comparatively level topography with extensive plateau basins rising to very softly contoured ridges. Access to the site is taken via an existing farm access road from Tashieburn Road and is opposite a small group of houses.

2 Proposal(s)

- 2.1 Planning permission is being sought for the erection of one wind turbine, with a maximum ground to tip height of 66m and installed capacity of 500kw. The turbine would comprise a three bladed monopole tower, approximately 40m high to the hub with a rotor diameter of 51.5m on a concrete foundation. In addition a transformer station with a wood framed construction housing electrical equipment would be provided. Access would be taken from the existing farm access which would be extended by around 400m. The turbine would be sited 400m to the north of the farm steading and around 850m from the nearest houses on Tashieburn Road. Blacklaw windfarm is some 4.5km to the west of the site while Muirhall windfarm is located 4km to the east.
- 2.2 It is anticipated that the construction period will be no more than 4 weeks with only light traffic during the last 2 weeks except for the turbine delivery vehicle and crane which will be accompanied in front and rear by escort vehicles. It is expected that construction material would be sourced from a local quarry with concrete being delivered from a local plant. It is estimated that a total of 86 trips would be required to construct the turbine.
- 2.3 The turbine has been designed to have an operational life of 25 years. At the end of this period the development would either be decommissioned, or an application submitted to extend its life. The decommissioning would involve dismantling and removing the turbine and associated equipment from the site. This would include the removal of the plinth and the top surface of the foundation base. The area would then be reinstated with a final layer of topsoil over the foundation. The access track would either be left for use by the landowner or covered with topsoil.
- 2.4 The applicant has submitted a landscape statement, an ecological report, noise and shadow flicker assessment, a transport report and a visual impact assessment as supporting information. The proposed site is located on farmland whose owners have identified the turbine as a form of agricultural diversification that can help provide a more consistent farming income. It will also significantly reduce the carbon footprint of farming operations and is intended to generate zero-carbon electricity through the utilisation of wind as a renewable energy source. The turbine would generate electricity to serve 200 homes per year.

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. It states 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), published in February 2010 sets out the Scottish Government's policy for Renewable Energy and it set a target of 50% of Scotland's electricity to be generated from renewable sources by 2020. Subsequently this target has been increased to 100% by 2020 by the Scottish Government. The SPP highlights the importance of renewable sources for the regeneration of electricity as being an integral part of the Government's energy policy. It states that planning authorities should support the development of a diverse range of renewable energy technologies and support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. The design and location of any wind farm development should reflect the scale and character of the landscape. The location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised.

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 25 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.

3.2 **Local Plan Policy**

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

- STRAT 5: Rural Investment Area
- STRAT 9: Environmental Mitigation and Enhancement Policy
- CRE 2: Stimulating the Rural Economy Policy
- ENV4: Protection of Natural and Built Environment
- ENV21: European Protected Species
- ENV16: Renewable Energy Development
- ENV 17: Renewable Energy Community Benefit Policy
- ENV 38: Renewable Energy Site Assessment Policy

3.2.2 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 4: Single/Small Scale Wind Turbine Developments
- 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

3.3 **Planning Background**

- 3.3.1 There have been no previous planning applications affecting the site. Prior to submission of the current planning application the applicant sought a screening opinion from this Service which concluded that an Environmental Impact Assessment would not be required.
- 3.3.2 There is a current planning application on land around 1km to the south east of the site for a 67m high turbine at Bughtknowes Farm which has still to be determined (CL/11/0173). There are also a number of applications for similar forms of development within a 7km radius of the site all of which are undetermined.

4 Consultation(s)

- 4.1 **Environmental Services:** There are no objections to this application subject to the use of conditions to ensure that noise emissions in respect of the nearest properties do not exceed current standards.

Response: Noted. Sound level measurements for the turbine were submitted in accordance with ETSU-R-97 guidelines for L90- 10min levels and performed according to the International Standard IEC 64100-11 December 2002. The guidelines recommend the application of noise limits at the nearest noise sensitive properties to protect outside amenity and prevent sleep disturbance inside dwellings. From the manufacturer's guidance documents, it is considered likely that dwellings over 420m away from the proposed turbine site will not be affected by noise levels. There are no dwellinghouses within 420m of the site. Any consent granted would be subject to appropriate conditions.

- 4.2 **SNH:** The proposal is unlikely to impact upon any protected species or the Westwater SPA/SSSI. The landscape appraisal should adhere to the minimum criteria outlined in their guidance.

Response: Noted. I am satisfied that sufficient information on landscape and visual impacts has been submitted to allow determination of the application.

- 4.3 **BAA:** No objection.

Response: Noted.

- 4.4 **NATS:** has no safeguarding objection to the proposal.

Response: Noted.

- 4.5 **Ministry of Defence (MOD):** No objection. However advise that they must be notified of any granting of consent and when work commences and finishes on site. The turbine should also be fitted with aviation lighting for air traffic safety reasons.

Response: Noted. The MOD will receive notice of the final decision relating to this application. An informative will be attached to any consent granted to ensure that the developer advises MOD directly when work commences and finishes on site. A condition will be attached to ensure that a red warning light is installed on the mast.

- 4.6 **Roads and Transportation Services:** The applicant will have to demonstrate that the corridor width along the haul route required for abnormal loads can be achieved. An industrial standard access should be provided whilst existing visibility at the access point needs to be maintained. A formal section 96 agreement and dilapidation survey is required on any proposed haul route. Appropriate drainage and warning signs should be installed.

Response: Noted. The applicant has advised that the haul route comprises the A706, the B016 and Tashieburn Road (Wilsontown to Auchengray) until reaching the

farm access. Deliveries would consist of 10 abnormal loads transporting the crane, the low loader and turbine parts and 76 normal loads carrying construction material. Appropriate conditions can be attached to address the matters raised by Roads whilst a section 96 agreement would cover concerns about the potential damage to the haul route if Committee grants consent.

- 4.7 **West of Scotland Archaeology Service:** The proposal does not raise any substantial archaeological issues.

Response: Noted.

5 Representation(s)

- 5.1 Statutory neighbour notification was not required in this instance. However, the application has been advertised in the local press as an Article 12(5) Development requiring Advertisement due to the Scale or Nature of Operations (as the turbine exceeds 20 m in height). In response to the aforesaid, 8 letters of objection were received. A summary of the representations that have been received are set out below:

(a) Concern about the appearance of the structure.

Response: An assessment of the visual and landscape impact of the proposal is set out in section 6 below.

(b) Noise Impact

Response: The Council's Environmental Services recommend that, if granted, conditions are attached to any approval that will govern noise levels from the site. In addition the applicant has submitted a noise assessment demonstrating that the turbine complies with current standards. In any event the nearest dwellinghouse is 850 m from the turbine which significantly exceeds the minimum distance required to meet guidelines.

(c) The area has been inundated with wind farm applications.

Response: Currently within 10km of the site there are three existing operational wind farms at Blacklaw, Stallashaw Moss and Pates Hill. In addition, there are an additional 6 undetermined applications for single turbines within a 7km radius of the site. It is accepted there are potentially cumulative impact issues and as such each application needs to be carefully assessed taking account of the capacity of the topography and landscape to absorb the additional structures. A full assessment of the visual and landscape impacts has been undertaken (see section 6 below).

(d) Wind power is subsidised, inefficient and does not provide consistent power.

Response: The need for windfarms is clearly set out in national guidance. The purpose of the planning process is to assess the physical impact of each proposal.

(e) Impact upon house values

Response: This is not a relevant planning issue.

(f) Collision risk with birds and affect upon wildlife in general

Response: SNH have not objected to this application on grounds of adverse impacts upon birds and wildlife.

(g) Adverse impact upon road network

Response: SLC Roads and Transportation Services have not objected subject to appropriate conditions being applied. Road widening and re-alignment may be required in sections of the public road resulting in improvements to the road network

and traffic safety. The applicant has agreed to undertake road repairs to damage incurred by construction vehicles. This would be formalized through means of a section 96 agreement and a pre and post survey of the affected roads.

- 5.2 These letters have been copied and made available for inspection in the usual manner and on the Planning Portal.

6 Assessment and Conclusions

- 6.1 This proposal involves the erection of a 67m high wind turbine and ancillary development at Upper Haywood Farm near Forth. 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 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.
- 6.2 Government guidance on planning matters is found in the Scottish Planning Policy that was published in February 2010. This establishes a target of 50% of Scotland's electricity to be generated from renewable sources by 2020. Subsequently this target has been increased to 100% by 2020 by the Scottish Government.
- 6.3 The SPP is primarily concerned with larger scale renewable energy projects and wind farms. However, it highlights the importance of renewable sources for the regeneration of electricity as being an integral part of the Government's energy policy. It states that planning authorities should support the development of a diverse range of renewable energy technologies and support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. The design and location of any wind farm development should reflect the scale and character of the landscape. The location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised. A range of benefits are often voluntarily provided by developers to communities in the vicinity of renewable energy developments. These can include community trust funds. 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 every generation targets
 - Effect on the local and national economy and tourism and recreation interests
 - Benefits and disbenefits for communities
 - Aviation and telecommunications
 - Noise and shadow flicker, and
 - Cumulative impact.
- 6.4 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 site is identified as lying in the Rural Investment Area where Policy STRAT 5: Rural Investment Area affirms the Local Plan strategy to support sustainable communities that tackle exclusion and isolation and redresses imbalances in the economy. Any business development should conform with Policy CRE 2 - Stimulating the Rural Economy.

- 6.5 Policy CRE2: Stimulating the Rural Economy provides guidance on a range of uses that the Council would consider appropriate within the countryside subject to other planning considerations such as access, design, amenity and impact on the environment being satisfactorily met. Energy-related developments are listed as an acceptable use in the countryside so long as they meet the criteria in Policy ENV 38: Renewable Energy Site Assessment. 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, however it is considered that the landscape and visual impacts will not be significant.
- 6.6 Policies ENV4: Protection of the Natural and Built Environment and ENV21: European Protected Species are also relevant. They advise that development which could affect European Protected Species will only be permitted where an assessment of the proposal indicates that it will not adversely affect conservation interest and integrity. Ecology studies have been carried out by the applicant and this demonstrates that protected species would not be affected.
- 6.7 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 has agreed 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.
- 6.8 Turning to the specific renewable energy policies in the local plan, two are relevant. Policy ENV16: Renewable Energy Development states that the wider application of medium and smaller scale renewable technologies will generally be supported by the Council provided that they meet the relevant criteria in Policy ENV38. The criteria within Policy ENV38: Renewable Energy Site Assessment covers a number of issues such as impact on landscape character, the cumulative impact of windfarm developments on the landscape, impact on local nature conservation sites, impact on ecological and ornithological interests, impact on residents, impact on views from tourist routes, radar and air safety issues and access for construction traffic. These criteria are also contained in the SPG, each one of which will be listed and assessed in detail below. However, the site is on the tip of an exposed plateau at a relatively high altitude where the wind resource is ideal and it does not fall within a designated or sensitive landscape type. The woodland backdrop helps mitigate the impact. Furthermore the 'Spatial Framework and Landscape Capacity for Wind Farms' which informed the SPG on Renewable Energy identifies the area as having medium/high landscape capacity to accommodate wind turbines however this scope is limited due to the extensive wind farm development on this landscape type.
- 6.9 In terms of other material considerations the proposal requires to be assessed against South Lanarkshire Local Plan SPG Renewable Energy (December 2010). Policy REN 4 states applications for single wind turbine developments will only be acceptable if they accord with guidance in table 6.1 and that they meet the relevant criteria in Policy REN 6 - Assessment Checklist for Renewable Energy. The relevant guidance in table 6.1 relates to areas where cumulative impact limits further development due to the proximity of the site to Black Law, Muirhall and Pates Hill. Developers should submit a cumulative impact assessment and show the proposal does not undermine the governing landscape objectives of the area in which it is situated.

6.10 Policy REN 6 requires all proposals for wind farms and other renewable energy development to be assessed against the relevant criteria set out in Table 8.1 of the document. The criteria are considered in turn;

- **Impact on international and national natural heritage designations**

The application site is not located within any sites with international or national designations. Additional information has been provided that shows protected species will not be affected.

- **Impact on Southern Uplands Foothills and Pentland Hills Area of Significant Protection**

The application site is not located within these areas.

- **Impact on the Green Belt**

The application site is not located within the Green Belt.

- **Impact on Landscape Character**

The turbine would be located within the Plateau Moorland Landscape type. The South Lanarkshire Landscape Character Assessment (November (2010) states that further scope for wind energy development in this landscape type is limited; further developments should be very carefully sited so as to avoid further significant expansion of the visual and landscape impacts, including cumulative impacts in areas already supporting extensive windfarm development; the spread of turbines towards or across the boundary with Plateau Farmlands should be avoided so as to avoid cumulative effects and blurring of the two landscape types; extensive visual effects or visual domination of Plateau Moorland turbines on nearby river valleys should be avoided. The Supplementary Planning Guidance: Renewable Energy (December 2010) then advises that Plateau Moorland has a medium/high landscape capacity to absorb wind turbines. However this site is located in an area where cumulative impacts limit further development. In the North East Clydesdale/Black Law area it advises:

1. Creation of a wide enough buffer in the surrounding farmlands to prevent visual coalescence of developments in the Plateau Farmlands and Plateau Moorlands and to prevent further significant visual impacts on Carlisle and Forth.

2. Prevention of coalescence of currently clearly separated wind farms to the east of Blacklaw and thereby prevent extension of a Wind farm Landscape.

3. Prevention of further extension of the Landscape with Wind farms into the Pentland Hills.

At 66 m in height the proposed turbine is relatively small scale in comparison to the industrial scale sized wind turbines at existing wind farms. The site is entirely contained within the Plateau moorlands and is located a sufficient distance back from existing wind farms and turbines to avoid adverse cumulative impacts and coalescence. Intervisibility with existing turbines is limited to a few locations due to the screening benefits of landscape and topography. There will be no significant visual impact upon any river valley or the Pentland Hills or on nearby settlements at Carlisle and Forth.

- **Impact on Special Landscape Areas**

The application site is not located within a Special Landscape Area.

- **Assess the effects of the development on areas where cumulative impact limits further development**

This assesses the effects of the development on areas, identified in the SPG, where cumulative impacts limit further development. The applicant has submitted a cumulative landscape and visual assessment report which concludes that cumulative impacts upon landscape types affecting plateau moorland, plateau farmland and the North West facing slopes of the Pentland Foothills range between minor and moderate. Elsewhere the effects are considered negligible. In respect of cumulative visual impacts for residents and road users along the minor road linking Auchengray and Wilsontown significant adverse effects have been identified due to the succession of views and the intervisibility of the proposed turbine with the wind farm at Stallashaw Moss. That viewpoint is only 1km from the site. Assessments of other viewpoints suggest that the impact will not be significant due to the distance and distinct separation between existing windfarms at Blacklaw, Pates Hill and Stallashaw Moss. Significant impacts are localized and across the wider area the impacts are negligible. Where the turbine is visible it will be seen in the context of existing wind farms and as such can more easily blend in as it will not introduce a new wind farm feature to the landscape.

- **Cumulative Impacts**

Cumulative landscape and visual impact assessment requires to be taken into consideration. The distance between the proposal and other operational and consented wind farms is sufficient to avoid adverse cumulative impacts.

- **The contents of the LVIA to be submitted with the application**

This criteria states that for wind turbine developments of less than 4 turbines, the Council will require developers to follow SNH guidance which sets out appropriate levels of landscape and visual impact appraisal. I am satisfied that sufficient information has been submitted to allow a full and proper appraisal of the landscape and visual impacts.

- **Impact on Nature Conservation Interests**

This 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. A detailed ecological survey was submitted by the applicant and this concluded that there would be no adverse impacts upon designated sites and habitats. SNH are content with the methodology and conclusions of the report based on the position of the turbine in relation to landscape features and this would include further bat surveys. In respect of ornithology SNH do not consider there will be any significant impact on birds. Mitigation measures outlined in the ecological report can be covered by condition.

- **Impact on Trees and Woodland**

The proposal will not have an impact on trees or a woodland area.

- **Impact on Historic Environment**

The proposal would not have a direct impact or an adverse impact on the setting or character of any historic heritage designations.

- **Impact on Peat and Soils**

The site does not affect an identified peatland and the impact upon soils would not be significant.

- **Impact on Prime Agricultural Land**

The application site does not sit on Prime Agricultural Land.

- **Impact on Water**

At this scale of development adverse impacts upon the water regime are not anticipated notwithstanding a condition will be applied to ensure drainage details are submitted for approval.

- **Impact on Residential Amenity**

There will be no adverse effect on the amenity of residents as a result of odour, shadow flicker, reflected light or other omissions. Environmental Services have advised that conditions should be used to ensure that noise levels meet the required limits. The turbine will not visually intrude upon the nearest dwellings and settlements as there is sufficient separation distance.

- **Impact on Tourism**

This criterion requires that views from key tourist routes and visitor attractions must not be adversely affected to an unacceptable degree. The turbines would not be prominent from the Clyde Valley tourist route while no visitor attractions would be adversely affected.

- **Transport Impacts**

Roads and Transportation Services have not objected subject to conditions covering access, visibility and a swept path analysis of the haul route proving that the site can be adequately accessed. The applicant has agreed to conclude a section 96 agreement to ensure any surface defects arising from construction traffic are repaired and conditions can be utilized to address public safety and other traffic related issues.

- **Impact on Transmitting or Receiving Systems**

At the size of turbine proposed interference with telecommunication systems is not expected however a condition will be applied to ensure any future problems are resolved.

- **Impact on Radar and Defence**

NATS, BAA and MOD have no objections therefore air traffic safety will not be compromised.

- **Restoration and Section 75 Obligation**

The applicant has provided details of decommissioning and restoration costs. A suspensive condition would be used to require the submission of a restoration bond for the approval of the Council before works starts on site. This will ensure that the turbines are removed and the site is restored to grassland once the consent expires or the turbines become redundant.

- **Financial Contribution**

The applicant has agreed to make a contribution to the Council's Renewable Energy Fund. This would be addressed by a Section 75 Obligation between the applicant and the Council.

6.11 In summary the site is located within the Rural Investment Area where the local plan encourages investment and sustainable development which contributes to the local

economy. The site is located within a landscape character type that generally has the capacity to accommodate small scale turbine proposals. It would sit in grassland at the edge of a commercial conifer which provides a degree of backclothing and screening benefits beyond the immediate locality. The distance between the proposed turbine and existing wind farms is sufficient to avoid adverse cumulative impacts and coalescence. Although within the area where cumulative impacts limit further development due to existing wind farm development it is considered that the character and nature of the plateau moorland landscape and surrounding area can accommodate a turbine of the size proposed without spoiling landscape and countryside amenity and appreciation. The amenity of the nearest residential properties and nearby settlements will be protected due to the distance between them and the turbine site. Noise and shadow flicker is not deemed to be an issue. Transport issues can be covered by conditions and the conclusion of section 96 agreement. The income generated from the turbines will help support and sustain the farming operation at Upper Haywood. Heating and lighting from a clean source will be provided and the proposal will help the Government meet its renewable energy targets.

6.12 In view of the above assessment and after careful consideration it is recommended that planning permission be granted.

7 Reasons for Decision

7.1 The proposal complies with national guidance on wind farm development, Policies STRAT 5, STRAT9, CRE 2, ENV4, ENV 16, ENV17, ENV 21 and ENV 38 of the adopted South Lanarkshire Local Plan and Policies REN 4 and REN 6 of the Supplementary planning Guidance

Colin McDowall
Executive Director (Enterprise Resources)

28 November 2011

Previous References

◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans

- ▶ Consultations
 - Ministry of Defence 09/03/2011
 - Scottish Natural Heritage 21/03/2011
 - West of Scotland Archaeology Service 14/03/2011
 - BAA Aerodrome Safeguarding 27/04/2011
 - National Air Traffic Services Ltd 07/03/2011
 - Roads and Transportation Services (Clydesdale Area) 02/11/2011

Scottish Natural Heritage	27/09/2011
Environmental Services	01/09/2011
Scottish Natural Heritage	27/09/2011

► Representations

Representation from : Colin Frost, Station Cottage, Auchengray, ML11 8LW, DATED 25/05/2011

Representation from : Robert McShane, 38 Auchengray Road , Auchengray, Carnwath ML11 8RN, DATED 25/05/2011

Representation from : Stephen Godfrey, 3 Muirhall Steadings, Auchengray, ML11 8GX, DATED 25/05/2011

Representation from : John McShane, 63 Auchengray Road, Auchengray, ML11 8RN, DATED 25/05/2011

Representation from : Kelly Fyfe, Ivy Cottage, Tashieburn Road, Haywood, Forth ML11 8ES, DATED 23/05/2011

Representation from : Miss Laura Fyfe, Ivy Cottage, Tashieburn Road, Haywood, Forth ML11 8ES, DATED 23/05/2011

Representation from : Laura Fyfe, Ivy Cottage, Tashieburn Road, Haywood, Forth ML11 8ES, DATED 23/05/2011

Representation from : Nancy Fyfe, Ivy Cottage, Tashieburn Road, Haywood, Forth ML11 8ES, DATED 23/05/2011

Contact for Further Information

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

Ian Hamilton, Planning Officer, Council Offices, South Vennel, Lanark, ML11 7JT
Ext 3186(Tel:01555 673186)
E-mail: planning@southlanarkshire.gov.uk

CONDITIONS

- 1 The consent shall be carried out strictly in accordance with drawing numbers: A01, A02 & A03.
- 2 That the permission hereby granted is for a temporary period only and shall expire on 25 years from the date of consent.
- 3 That prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-

i. be granted in favour of the planning authority;

ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;

iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development;

iv. contain indexation provisions so that the all site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each anniversary of the date of this consent by the same percentage increase in the General Index of Retail Prices (All Items) exclusive of mortgage interest published by or on behalf of HM Government between the date hereof and such relevant anniversary;

v. come into effect on or before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.

No work shall begin at the site until (1) written approval of the planning authority has been given to the terms of such guarantee and (2) thereafter the validly executed guarantee has been delivered to the planning authority.

In the event that the guarantee becomes invalid for any reason, the turbine hereby approved shall be shut down and no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the planning authority.

- 4 That on the expiry of 25 years from the date of the permission, or in the event that the turbine becomes obsolete or redundant, it must be removed along with its associated hardstandings and the site reinstated to grassed agricultural ground to the satisfaction of the Council as Planning Authority within 3 months.
- 5 Noise from the wind turbine shall not exceed 35db LA90 (10min) or background LA90 (10 min) + 5db, whichever is the greater at the boundary of the curtilage of any noise sensitive properties at all times at wind speeds of up to 9 metres per second as measured within the site.
If the tonal noise emitted by the development exceeds then threshold of audibility by 6.5db or more, then the acceptable noise specified above shall be reduced by

5db, always providing that the definition of audibility for the purposes of this condition shall be described in 'The Assessment and rating of Noise from Wind Farms (ETSU-R-97).

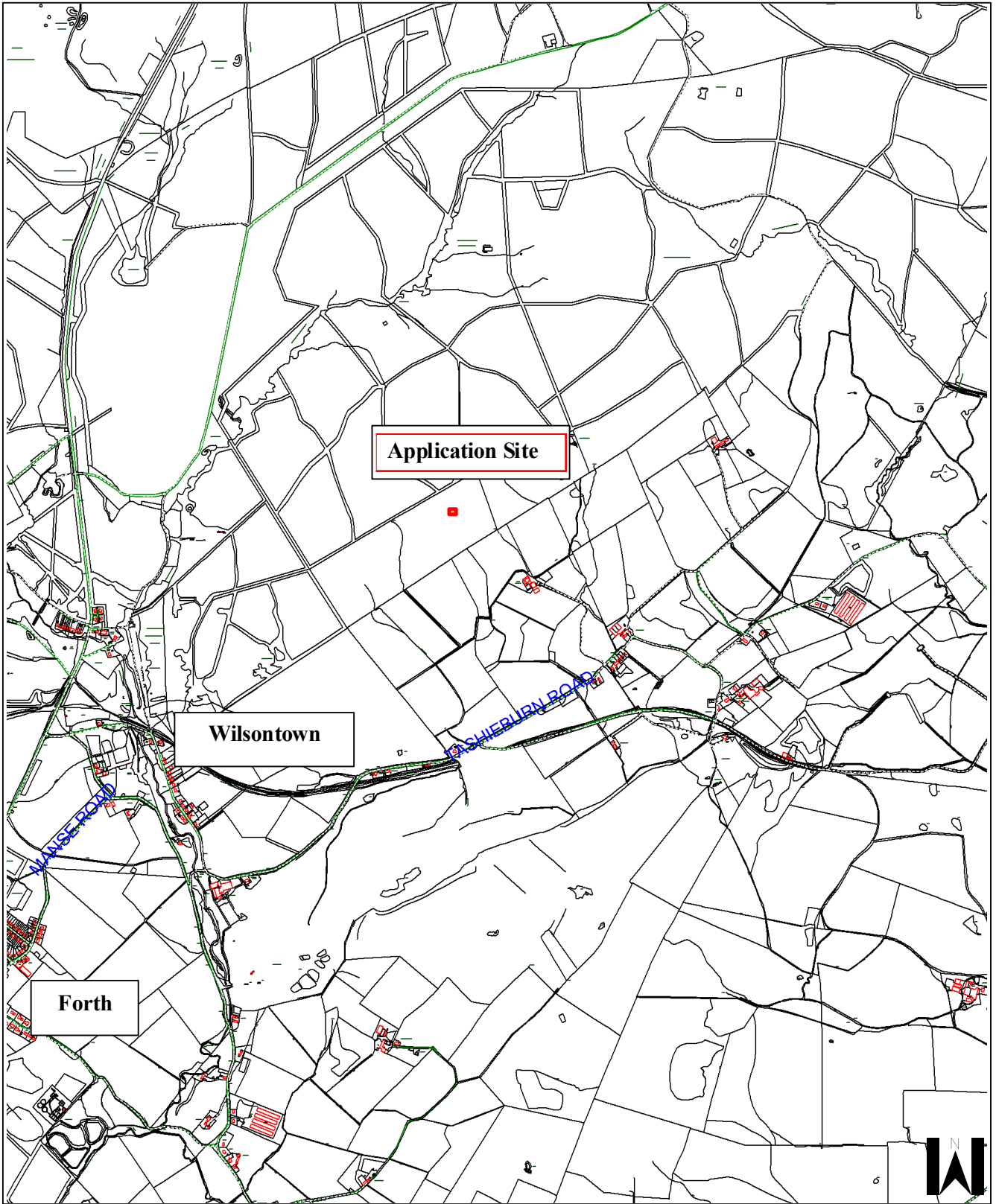
- 6 The development shall be carried out strictly in accordance with the mitigation measures outlined in the Ecological Survey Report (Direct Ecology Ltd, 2011).
- 7 That prior to works commencing on site a method statement indicating the proposals for the construction and delivery of the turbine shall be submitted to the Council as Roads and Planning Authority for approval, and shall thereafter be implemented to the Authority's satisfaction. The statement shall include the following additional information:
 - a) The intended turbine transportation route, timings and methodology, including a swept path analysis
 - b) All temporary works including relocation of signs, guardrails, bollards, street furniture and all temporary measures.
 - c) Any alteration to the public road network.
 - d) Details of the construction compound including staff car parking.
 - e) Details of proposed signage during the delivery and construction period.
 - f) Any necessary mitigation.
- 8 That before the development hereby approved is brought into use, the connection from the public road to the site requires to be upgraded to incorporate a minimum 7.3 metre wide industrial standard junction together with any required over sail areas constructed in accordance with the specification and to the satisfaction of the Council as Roads and Planning Authority.
- 9 That before the development hereby approved is completed or brought into use, the first 15 metres of this access from the edge of the public road shall be hard surfaced across its full width to prevent deleterious material being carried onto the road.
- 10 Any access gates shall be hung to open inwards only and positioned to facilitate the largest vehicle entering the site.
- 11 That before the development hereby approved is completed or brought into use, a visibility splay of 4.5 metres by 30 metres to the west and 4.5 metres by 60 metres to the east, measured from the road channel shall be provided at the vehicular access and everything exceeding 0.9 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 0.9 metres in height shall be planted, placed or erected within these sight lines.
- 12 That prior to the commencement of development, details of the land drainage works shall be submitted to and approved by the Council as Planning Authority.
- 13 That the development hereby approved shall not be commenced until the land drainage works have been completed in accordance with the plans submitted to and approved by the Council as Planning Authority under the terms of Condition 12 above.
- 14 That before the turbine becomes operational, an omni-directional red light shall be installed at the highest practical point on the mast of the turbine hereby approved and shall have a setting of 25 candela or infrared lighting with an optimised flash patten of 60 flashes per minute of 200ms to 500ms duration to the satisfaction of

the Council in consultation with the Ministry of Defence. The light shall remain in place throughout the operation of the consent and maintained to the satisfaction of the Council.

- 15 That before development starts, full details of the design of the transformer station shall be submitted and approved by the Planning Authority.
- 16 That prior to the turbine being erected on site, the colour of the turbine shall require to be approved in writing by the Planning Authority.
- 17 The applicant will investigate and rectify television interference arising from the development.

REASONS

- 1 For the avoidance of doubt and to specify the drawings upon which the decision was made.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 To ensure the satisfactory restoration of the site.
- 4 In the interests of amenity and in order to retain effective planning control.
- 5 To protect local residents from noise nuisance.
- 6 To minimise the impact upon wildlife.
- 7 In the interest of road safety.
- 8 In the interest of public safety.
- 9 To prevent deleterious material being carried into the highway.
- 10 In the interest of road safety.
- 11 In the interest of road safety.
- 12 To ensure the provision of a satisfactory land drainage system.
- 13 To ensure the provision of a satisfactory land drainage system.
- 14 To ensure the mast is visible to aircraft at night.
- 15 In the interests of amenity and in order to retain effective planning control.
- 16 In the interests of amenity and in order to retain effective planning control.
- 17 To minimise disruption to television reception in the area.



For information only

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