

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

Application No	CL/11/0050
Planning Proposal:	Erection Of Wind Turbine 53.7m (To Blade Tip), And Formation Of Associated Access And Hardstanding

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr James P Baird
- Location : Auchnotroch Farm
Auchenheath
ML11 9XQ

2 Recommendation(s)

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

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

2.2 Other Actions/Notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) 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, are 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.
 - ◆ That the applicant will be responsible for meeting the Councils legal expenses in respect of the legal agreements.

3 Other Information

- ◆ Applicant's Agent: Green Cat Renewables
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Plan (adopted 2009)**
 - STRAT4: Accessible Rural Area
 - CRE2: Stimulating the Rural Economy
 - ENV4: Protection of Natural and Built Environment

- ENV21: European Protected Species
- ENV29: Regional Scenic Area and Areas of Great Landscape Value
- ENV16: Renewable Energy Development
- ENV17: Renewable Energy Community Benefit
- ENV38: Renewable Energy Site Assessment

**Supplementary Planning Guidance:
Renewable Energy (adopted December 2010)**

- REN 4: Single/Small Scale Turbine Developments
- REN6: Assessment Checklist for Renewable Energy Proposals

◆ Representation(s):

- ▶ 6 Objection Letter
- ▶ 0 Support Letter
- ▶ 0 Comments Letter

◆ Consultation(s):

Ministry of Defence

West of Scotland Archaeology Service

National Trust For Scotland

Roads and Transportation Services (Clydesdale Area)

BAA Aerodrome Safeguarding

Arquiva

Environmental Services

Historic Scotland

Scottish Natural Heritage

NATS

Planning Application Report

1 Application Site

- 1.1 The application site is located in an agricultural field comprising improved grassland in open countryside at Auchnotroch Farm, Auchenheath. The site is approximately 1 km east of Auchenheath on an elevated plateau at the foot of the prominent hill, Blackhill which is a Scheduled Ancient Monument. In the South Lanarkshire Landscape Character Assessment the site falls within the Plateau Farmlands landscape type. Access to the farm is currently via the minor public road that connects the B7086 and B7018. The area is characterized by sporadic residential development, the nearest dwellinghouse being approximately 500m from the site.

2 Proposal(s)

- 2.1 Detailed planning permission was originally sought for the erection of two 84m high turbines either side of the farm steading at Auchnotroch Farm. Following discussions with the applicant, the proposal was altered to seek consent for the installation of one 53.71metre high wind turbine, with a 330 kw capacity, mounted on a concrete base. The turbine is triple bladed with a hub height of 37metres. An equipment house (3metres x 2metres) will be positioned close to the base of the turbine. The turbine would be some 360m to the south west of the steading and around 300m back from the public road. An access track extending to around 500m in length would be formed off an existing farm track which runs around the southern edge of the farm steading.
- 2.2 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.
- 2.3 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.
- 2.4 It is expected that the turbine would be landed at Grangemouth then transported along the A904, M9 and M8 towards Glasgow. The turbine will then join the M73 and on to the M74, at Junction 10 the route moves on to the B7078 southbound and turns on to the B7081 at Lesmahagow before turning on to an unclassified road at Dillerburn which passes the site. The construction phase would be ongoing for approximately 5 to 7 months, from construction of the access track through erection and commissioning of the wind turbine. The traffic involved throughout the project construction phase includes the turbine component delivery vehicles, lorries of aggregates for construction of new track and crane hardstanding, concrete deliveries, reinforcement steel and cabling, as well as personnel commuting. This would generate around 120 heavy vehicles movements a day together with 6-10 trips by employees.

3 Background

3.1 Local Plan Status

3.1.1 In terms of local plan policy the site is located in the Accessible Rural Area where Policy STRAT4: Accessible Rural Area, Policy CRE2: Stimulating the Rural Economy and Policy STRAT9: Environmental Mitigation and Enhancement apply. The site is located within a Special Landscape Area therefore Policy ENV29: Regional Scenic area and Areas of Great Landscape Value is relevant. Policies ENV4: Protection of Natural and Built Environment and ENV21: European Protected Species also need to be taken into account

3.1.2 Given that the proposal relates to a renewable energy development, Policy ENV16: Renewable Energy Development and Policy ENV38: Renewable Energy Site Assessment also apply. The renewable energy policy context is further set out in Supplementary Planning Guidance: Renewable Energy (SPG) which was adopted in December 2010. Within this document Policies REN4: Single/small Wind Turbine Developments and REN6: Assessment Checklist for Renewable Energy Proposals apply.

3.2 Relevant Government Advice/Policy

3.2.1 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.

3.2.2 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.

3.2.3 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.

3.2.4 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 will be regularly updated. The 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.

3.3 Planning Background

3.3.1 There are no records of any previous planning applications on the application 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 Other applications for wind turbines within the locality are relevant in the assessment of cumulative visual and landscape impact, a summary of which are below:

- Marshall Farm Farm – 1 turbine 67m in height (to blade tip) granted consent subject to the conclusion of a section 75 Obligation (CL/11/0002).
- Southfield Farm – 1 turbine 67m in height (to blade tip) granted consent subject to the conclusion of a section 75 Obligation (CL/11/0004).
- Auchtygemmell Farm – 2 turbines 46.6m in height (to blade tip). Granted consent September 2011 (CL/11/0121)
- Dillars Hill – 2 turbines 46.5m in height (to blade tip). Granted consent September 2011 (CL/11/0225).
- Muirhouse Farm – 2 turbines 46.5m in height (to blade tip). Granted consent September 2011 (CL/11/0274).
- Nethertown – 1 turbine 45m in height (to blade tip) currently being assessed by this Service (CL/11/0463)

Various other wind turbine proposals within the wider area are also considered, and these have been subject of cumulative impact assessments.

4 Consultation(s)

- 4.1 **National Air Traffic Services Ltd** – Following reconsultation on the amended scheme, they have advised that they have no safeguarding objections to the application.
Response: Noted
- 4.2 **BAA Aerodrome Safeguarding** – Following reconsultation on the amended scheme, have advised that the proposal does not conflict with their safeguarding criteria.
Response: Noted
- 4.3 **Ministry of Defence** – Following reconsultation on the amended scheme, have no objection to the proposal subject to the fitting of aviation lighting to the turbine in the interests of air safety.
Response: Noted. A suitably worded condition will be attached to any consent issued.
- 4.4 **Scottish Natural Heritage** – note that an ecologist survey report recorded a low number of bats foraging and commuting in the vicinity of Auchnotroch farmhouse and none were recorded along the hedgerow located south of the proposed turbine. Best practice guidance is for turbines to be located at least 50 metres from a hedgerow or trees. Although the hedgerow is of poor quality, SNH advises that its loss should be compensated by restoring or enhancing another hedgerow within the farm.

In respect of European Protected Species, it is recommended that an updated survey is undertaken immediately prior to the proposed works, and that all construction works are undertaken in accordance with the mitigation as outlined in the Environmental report of January 2010.

Wintering bird surveys were undertaken for the site, and the site was identified as having low suitability for wintering and breeding birds. SNH are satisfied with the methodology for the bird surveys undertaken and are content that there will be no significant impacts on birds. However if the proposed works are to be undertaken during the bird nesting season (April – August inclusive) then a qualified ecologist should check the site for nesting birds prior to the commencement of the works. If nesting birds are found to be present then suitable mitigation should be proposed and implemented.

As the proposal will not impact upon a National Scenic Area, SNH does not intend to offer landscape and visual advice.

Response: Noted. The agent has advised that due to other site constraints, the relocation of the turbine away from the hedge would not be possible. Indeed the removal of a section of hedgerow adjacent to the turbine to facilitate installation would reduce the risk of bats colliding with the turbine blades, as pipistrelle bats do not generally cross gaps within linear features. Suitable conditions covering mitigation for hedgerow loss, the carrying out of additional surveys and the protection of European Protected Species during construction, will be attached to any consent granted.

- 4.5 **West of Scotland Archaeology Service (WoSAS)** – note that the Environmental Statement submitted in support of the application acknowledged that there was potential for the presence of unknown sub-surface archaeological remains associated with the recorded Roman road remaining within the development site. There are also several other archaeological sites in the wider area, including a scheduled barrow and the former site of a standing stone at Blackhill Farm, the presence of which would indicate a moderate probability of encountering unknown, sub-surface archaeological remains during ground disturbance associated with construction of the wind turbine and associated infrastructure. Rather than utilising an archaeological watching brief during construction works, WoSAS recommend that greater control is necessary and that this should take the form of a suspensive condition attached to the planning consent. This essentially requires a project design document, which sets out the scope of the archaeological work that will take place on site to be agreed by both the Council and WoSAS prior to the start of any work on site.

Response: Noted. The necessary condition would be attached to any consent granted.

- 4.6 **National Trust for Scotland** – advise that they have owned a small area of ground at the summit of Blackhill since 1936, and the prominent viewpoint there is visited by the local community, and tourists alike. As well as being a spectacular viewpoint over the Clyde valley, the area is rich in archaeology. The Trust is generally in favour of well-designed renewable energy development in suitable locations. In this case the Trust considers that the erection of a turbine in close proximity to Blackhill viewpoint will have a negative impact on the landscape around the Blackhill ridge which comprises 3 summits along the south bank of the Clyde valley. It would also have a significant visual impact on the wider panoramic vistas to the west and north west of the viewpoint and will create a dominate feature in the local area which is out of keeping and out of proportion. Despite the amendment to the application to reduce the number and height of the turbines, the proposal is still very prominent in the landscape from such a significant viewpoint as Blackhill.

Response: Noted. A detailed assessment of the visual impact of the proposed turbine is contained in paragraph 6 below.

- 4.7 **Arqiva Services Ltd** – have no objection to the application

Response: Noted.

- 4.8 **Historic Scotland** – advise that they have considered the proposal in terms of the impact on the setting of scheduled monuments in the area and do not consider that there will be any unacceptable impacts.

Response: Noted

4.9 **Roads and Transportation Services (Area Engineer)** – no objection. They advise that certain conditions relating to visibility and access arrangements are attached to any consent granted. 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. 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 chooses to grant consent

4.10 **Environmental Services** – No objections subject to conditions relating to noise and shadow flicker. The applicant is particularly advised that the noise impact from other nearby consented turbines would be taken into account when assessing whether noise levels exceed standard guidelines.

Response: Noted. These matters can be covered by conditions and informatives if consent is granted.

5 Representation(s)

5.1 Neighbour notification was not required to be served when the original proposal was submitted. However the application was advertised in the local press due to the nature and scale of the development. Following the submission of the amended plans, those who had objected to the original proposal were notified in writing of the changes and the application was re-advertised in the local press. Following this publicity 6 letters of representation have been received. These are summarised below:

a) The turbine will be clearly visible from Blackhill which is a viewpoint visited by many every year. The views due west from Blackhill will be compromised by this turbine and other turbines within 5 km which are either erected or have gained planning permission. Such a proposal in a sensitive area should have been subject to a full environmental impact assessment.

Response: The view from Blackhill already compromises of a number of single turbines and windfarms in the middle- to long distance. The scale of the proposed turbine and the separation distance with those erected, and consented west and north-westward towards Blackwood mean that it would be read as a line of turbines following the contours of the rolling plateau farmland. Due to perspective and the perceived greater separation distance, the turbine would not read as an extension to the grouping of approved turbines at Auchtygemmel and Muirhouse. The applicant made significant changes to the proposal and it is now considered that the proposed turbine at Auchnotroch would sit below the skyline and is positioned sufficiently far enough away from the viewpoint that it would not become a dominant feature in the panorama.

The point made regarding the need for an Environmental Assessment requiring to be submitted due to the cumulative impact of turbine proposals in the area is noted. However each of these applications has been submitted for a discrete area of land in separate ownership. Each of the proposals has to be submitted on its merits however visualisations showing the cumulative impact has been provided and taken into consideration.

b) The turbine will have to be fitted with a flashing light to warn low flying aircraft and this will be visually intrusive. The light will cause light pollution in a “dark sky area”.

Response: Noted. The light which is necessary for safety purposes will be fixed to the highest practical point of the turbine and will be 25 candela luminosity, which is

equivalent to 25 candles. This light would not be visible to the naked eye but it would be visible to night time air crew as a result of the equipment they use.

c) It is understood that a quarry will be opened up at Auchnotroch to provide bottoming for the access track. This is likely to involve blasting noise and dust which has the potential to create a health hazard. During construction phase all settlements in the area will be affected by earth moving, compacting equipment, and possible steel piling.

Response: The formation or reopening of a borrow pit to gain bottoming material, does not form part of this application, and a further planning application for such development would be necessary. Issues of noise nuisance during construction would be dealt with under the appropriate environmental legislation.

d) The construction of wind turbines involves the transportation of large loads and frequent trips with material along narrow rural roads. The roads are already difficult to negotiate and in a poor state of repair. The Auchnotroch Road is barely coping with the current volume of traffic, and will not support the demand of heavy construction loads envisioned by the developer, let alone the extra traffic which would be necessary if difficult sub-soil conditions were encountered for the turbine base.

Response: Roads and Transportation Services have no objection to the proposal subject to a number of conditions relating to delivery routings and traffic management. Damage and any repairs to the infrastructure will be addressed as part of the Section 96 agreement that the developer will be required to agree with the council prior to consent being issued.

e) The woods on Muirhouse Farm provide a habitat for numerous birds and other wildlife, and Blackhill itself is used as a reference point by migratory birds. The fields at Muirhouse and Auchnotroch are visited by pink-footed geese. All this wildlife will be frightened away by noise, lights and general disturbance associated with this development.

Response: Scottish Natural Heritage (SNH) have been consulted on the proposal and have no objection subject to conditions relating to further pre-start surveys of the wildlife in the vicinity. The ecology and ornithology impact issues are discussed within section 6 - Assessment and Conclusions of this report.

f) The BBC state that the development will cause interference to 1500 televisions. This would have an unacceptable impact to people's enjoyment. There is no information about possible TV interference by this particular turbine.

Response: The BBC response was contained in the Environmental Statement submitted for the original proposal of two turbines at 84metres (height to blade tip) and further advised that with the national programme of digital switch over currently ongoing, no significant impact on TV reception was expected. The application has now been amended to one turbine at 53.7metres, and Arqiva Services were re-consulted on this amended proposal. They have no objections to the proposal.

g) The proposal will set an undesirable precedent which will blight the landscape which is noted for its landscape value.

Response: The Scottish Government has set a target of 100% renewable energy by 2020. The Scottish Planning Policy encourages planning authorities to support the development of wind farms in locations where the technology can operate efficiently, and environmental and cumulative impacts can be satisfactorily addressed. Each application is assessed, on its own merits against national and local guidance and policies, including the cumulative impact of windfarms and individual wind turbines.

h) Other Government agencies, such as the National Trust for Scotland, include in their advice on Renewable Energy that local communities be included in the consultations and developers should identify any local benefits which might accrue. The developer at Auchnotroch has made no effort to inform the people affected by this proposal.

Response: The duty to notify neighbours within 20 metres of the application site falls to the Planning Authority. In this case because of the extent of the applicant's land holding there were no neighbours to be notified. However due to the scale of the proposal, the application was advertised in the local press.

j) The houses nearest the turbine will suffer from blade and transformer noise. No noise assessment has been published in the supporting information for this type of turbine. Dwellings in New Kayes Road will be affected by turbine noise as it will be carried on the prevailing wind, and the topography of Blackhill and Dillars Hill actually amplify any noise. The removal of Newkayes Wood will exasperate this

Response: A Noise Assessment has been prepared which shows that there would not be an adverse impact on the amenity of nearby residents. Conditions would be attached to any consent issued to limit noise levels at sensitive receptors.

k) There are no plans or information contained in the submission about where the cabling from the turbines would be routed to the grid connection point.

Response: The electricity produced would be transformed to 11 kV and linked by underground cables running to the grid connection point, which is likely to be in a small GRP located at the end of the access track.

l) Large volumes of soil will have to be removed during excavation work, and there exists the potential for silt and other contaminates to run into the nearby Hallhill Burn and from there into the River Nethan.

Response: Construction will be carried out in accordance with SEPA requirements and the Water Environment (Controlled Activities) (Scotland) Regulations 2005 to ensure that the risk of pollution to adjoining water-courses is minimised.

m) The position of the turbine is of concern as it would be visually intrusive in an area of great natural beauty, and would have a negative impact on the amenity of houses in the locality.

Response: A full assessment of the visual impact of the proposal, including the effect on residential amenity, follows in Section 6 of this report. However it is noted that the nearest dwelling to the turbine, Norwood, is 500 metres to the west.

n) The developer proposes to remove part of a hedgerow which lies within 50 metres of the turbine blade sweep, while all available Government guidance stresses the importance of key habitats in the protection of bats. Whilst the positioning of the turbine close to the hedgerow makes the cultivation of the field simpler, it will have an adverse effect on bats.

Response: SNH have no objection to the proposal and note the findings of the bat survey which was submitted as part of the application. This advised that a low number of bats were recorded foraging and commuting within the vicinity of the farm house, however no bats were recorded communing or foraging along the hedgerow located south of the proposed turbine. SNH further advise that the section of hedgerow here is of poor quality and its removal will reduce the risk of bats colliding with the blades as pipistrelle species generally do not cross gaps within linear features. SNH ask that the applicant compensate for the loss by restoring or enhancing another hedgerow within the farm, and a suitable condition will be attached to any consent granted to address this matter.

o) There has been no site specific wind monitoring undertaken, so it is not possible to assess any gain against the obvious landscape damage.

Response: Noted.

p) The revised photomontages which include the neighbouring turbines at Auchtygemmel, Muirhouse and Nethertown, require to be reworked as the turbines shapes are shown to be all the same. The proposed turbine at Nethertown is not the same as those at Auchtygemmel or Muirhouse and also has blades 10 metres longer. The revised turbine proposal at Auchnotroch is also wrongly shown on the photomontages, as in reality it is a lot squatter than the image suggests. The photomontages are not representative of views in the area as they do not include the view from those properties closest to the turbine.

Response: The photomontages provide a representation of the visual appearance of the turbine from a variety of locations and it is considered that the information now provided is sufficient to enable a full assessment of the application to be carried out.

q) The Indicative Turbine Elevation drawing is not to scale and it is therefore difficult to gauge the actual shape of the turbine making it hard to directly compare with those turbines in the immediate vicinity that have already gained planning permission. Utilising different turbine types will have a severe negative impact on the Area of Great Landscape Value.

Response: The drawing of the turbine shows all dimensions clearly marked. The differences in turbine design are not considered to be significantly noticeable given that the closest consented turbine to Auchnotroch proposal is over 500 metres away.

r) No invasive site investigation has been undertaken in an area of past coal mining activity to access the size and nature of the turbine foundation work.

Response: The site is not in an area where a Coal Risk Assessment is required.

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 The application seeks detailed consent for a 53m high turbine at Auchnotroch Farm near Auchenheath. 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 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.

- 6.4 In terms of local plan policy, the application site is located within the Accessible Rural Area where Policy STRAT4 states that the local plan strategy will be to build on the economic potential of the area's high quality natural and built environment and tourism potential and to ensure that these qualities are not eroded. 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 STRAT9: Environmental Mitigation and Enhancement 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 so significant as to merit refusal of the application.
- 6.5 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.
- 6.6 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.
- 6.7 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.

6.8 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 the impact on the Blackhill viewpoint which is national heritage designation in terms of the guidance and areas where cumulative impact limits further development due to the proximity of the site to other consented turbines. 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.

6.9 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 but it does sit in close proximity to the Blackhill viewpoint which is a Scheduled Ancient Monument. The impact on the setting of Blackhill has been carefully assessed and following the reduction in the number of turbines and the height it is not considered there would be an adverse impact on its setting. Historic Scotland has concurred with this view.

- **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 application site is identified in the Spatial Framework and Landscape Capacity Report as lying within a Special Landscape Area and the Plateau Farmland, landscape topography type. This landscape type is a medium to large scale landscape with an undulating landform and medium to large field sizes; it is open with sparse tree cover and scattered settlements. This landscape type has a medium/low capacity for windfarm development and is best suited to accommodating smaller scale windfarms, preferably with 1 -3 turbines. Small scale turbine developments may be accommodated in selected locations away from settlements and existing large wind farms on Plateau moorland. There should be a wide separation to avoid the potential for cumulative impacts that would change the landscape character. Applications for smaller developments will only be acceptable if they do not adversely affect the open character of the area and without creating cumulative impact.

An assessment of the proposal on the immediate and wider area has been carried out and following the amendment to the size and number of turbines, photomontages have been submitted which show the proposal in relation to consented or proposed turbines in the area. At 53.7 metres the turbine is considered as small scale. The blades and monopole of the turbine will be off-

white to assist the structure to blend into the landscape, and as the application site sits on an elevated plateau the turbine will be viewed with a backdrop of a hill and sky. The visual impacts diminish significantly the greater distance from the site as demonstrated by submitted photomontages. As the site is approximately 1 kilometre from the nearest settlement of Auchenheath there will be no adverse impact on the setting of the village. There are a number of individual turbines already erected or having planning consent within 2 kilometres, however there are no large wind farms nearby although a number can be seen on the horizon. The Blackhill Viewpoint situated 1Km to the east is a well known landscape feature which attracts walkers due to the extensive views it commands from the top. A photomontage has been taken from the top which shows the turbine sitting a good distance below and based on the information provided it is considered that the setting of Black Hill can be adequately protected especially as the turbine sits below the viewer in a context of an undulating landscape with open panoramic views to the horizon.

- **Impact on Special Landscape Areas**

While the site also falls within a Special Landscape Area it is considered that the turbine can be accommodated without affecting the special qualities of the designated landscape. The pattern of fields, trees, and hedgerows will remain undisrupted. Although the turbine will be situated at the foot of Blackhill, this important feature in the landscape will still be visible for many miles and it is not considered that a single turbine of this scale would dominate views of the hill.

- **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 carried out a cumulative visual impact assessment covering this site and other pending, consented and operational wind turbines in the vicinity at Draffan and Lochhead has been undertaken. Collective views of a number of these turbines can be achieved from a number of localities, most notably Blackhill, however the impact is diluted by the separation distances between the individual developments. Consents have been issued for a number of turbines in the Auchtygemmel/ Muirhouse area, and the cumulative assessment of this proposal has shown that this turbine will appear to be associated with that cluster when viewed from the wider landscape and nearby settlements such as Lesmahagow and Blackwood.

The single turbine can be accommodated at Auchnotroch but future proposals will necessitate much closer scrutiny as ultimately the capacity of the landscape to absorb these structures may be reached and further approvals could result in definite adverse cumulative visual impacts.

- **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. It is considered that sufficient information has been submitted to allow a full and proper appraisal of the landscape and visual impacts.

- **Impact on Nature Conservation Interests**
 The nearest designated habitat (Upper Nethan Valley Woods) is over 1.5km distant and therefore proposed turbine will have no adverse impact on its status. SNH are satisfied with the findings of the submitted surveys that there will be no impact on migratory and breeding birds, and the likelihood of an adverse effect on bats is low due to the position of the single turbine, and its relationship with neighbouring hedgerows, but the opportunity will be taken to form compensatory hedge planting in the vicinity. There are no nearby watercourses which would support otters or water voles, and the applicant will be required to update surveys prior to commencing development.
- **Impact on Trees and Woodland**
 The proposal will not have an impact on trees or a woodland area.
- **Impact on Historic Environment**
 An assessment of the impact on the setting of the Blackhill viewpoint is set out above.
- **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**
 Issues which require to be assessed in respect of residential amenity include shadow flicker, noise and visual dominance.

The applicant has submitted details of the noise output from the turbine and this shows that there would not be an unacceptable level of noise created. Given the above, it is considered that the turbine can be accommodated at this location without significant noise nuisance. However should any noise nuisance be created in the future then the Council's Environmental Services have powers to investigate the matter and take action as necessary.

The separation distances between the turbines and all residential properties are in excess of industry recommendations for avoiding shadow flicker. The shadow flicker diagram, submitted with the application demonstrates that surrounding properties will be unaffected as they are more than 10 rotor diameters (330 metres) from the wind turbine.

The nearest dwelling (Auchnotroch) is over 400 metres away, and at this distance the size and style of turbine it is considered not to adversely affect the visual amenity of that house. Due to topography the properties with the greatest visibility of the proposed turbine are located along Newkayes Road, but the separation distances are judged to be sufficient to minimise visual and physical impact to an acceptable level.

- **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**

It is not considered that the proposed development will create any significant road safety issues. The construction and decommissioning period will have the most impact on the roads infrastructure due to the delivery of the equipment. These periods of activity will be relatively brief. Roads and Transportation Services do not object to this proposal. 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.

6.10 To conclude, the site is located within a Special Landscape Area and close to Blackhill viewpoint which is a Scheduled Ancient Monument. In addition, a number of similar proposals have been granted consent in the surrounding area. Careful consideration has been given to the impact of the proposal on the landscape character of the area, its cumulative impact with other turbines and the effect on the setting of Blackhill. The number of turbines and the height has been significantly reduced and therefore it is considered that the characteristics of this particular site and the scale of the turbine are such that the proposal will not have an adverse impact on the landscape character or have a significant cumulative impact with other turbines in the area. Historic Scotland has advised that they do not consider the setting of the Blackhill viewpoint would be adversely affected. Other issues including the impact on ecology and transport matters have been satisfactorily addressed and the impact on residential amenity would be minimal. As a result the proposal meets the terms of the policies contained within the adopted local plan and the SPG. After careful consideration of all relevant matters it is recommended that planning permission be granted.

- 7.1 The proposal complies with Policies STRAT 4, STRAT9, CRE 2, ENV4, ENV21, ENV 16 and ENV 38 of the adopted South Lanarkshire Local Plan and policies REN 4 and REN 6 of the Supplementary Planning Guidance on Renewable Energy.

Colin McDowall
Executive Director (Enterprise Resources)

28 November 2011

Previous References

- ◆ None

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
 - Historic Scotland 16/02/2011 & 21/02/2011
 - Scottish Natural Heritage 24/02/2011, 02/03/2011, 20/09/2011 & 18/10/2011
 - West of Scotland Archaeology Service 09/03/2011 & 20/09/2011
 - Environmental Services 08/04/2011, 22/09/2011 & 13/10/2011
 - Arquiva 28/03/2011 & 31/10/2011
 - BAA Aerodrome Safeguarding 04/04/2011, 14/09/2011 & 12/10/2011
 - Ministry of Defence 02/03/2011, 28/09/2011 & 18/10/2011
 - National Air Traffic Services Ltd 20/04/2011 & 07/03/2011
 - Roads and Transportation Services (Clydesdale Area) 31/10/2011
 - National Trust For Scotland 23/09/2011

► Representations

Representation from : Sheila & Ronnie Montgomery, Kelvinhead, Newkayes Road, Auchenh Heath, ML11 9XJ, DATED 10/03/2011

Representation from : David Morrison, Newkayes Bungalow, Newkayes Road, Auchenh Heath, ML11 9XJ, DATED 06/04/2011

Representation from : David Morrison & Henrietta P Meikle, Newkayes Bungalow, Newkayes Road, Auchenh Heath, ML11 9XJ, DATED 11/03/2011

Representation from : David J Morrison, Received by Email, DATED 23/10/2011

Representation from : Sheila and Ronnie Montgomery, Kelvinhead, Newkayes Road, Auchenh Heath, Lanark ML11 9XJ, DATED 03/11/2011

Representation from : David J Morrison , Received by email DATED 12/11/2011

Contact for Further Information

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

Ailsa Graham, Planning Officer, Council Offices, South Vennel, Lanark, ML11 7JT

Ext 3190 (Tel :01555 673190)

E-mail: planning@southlanarkshire.gov.uk

CONDITIONS

- 1 This decision relates to drawing numbers: APP-002 turbine elevation dated 6/9/2011; APP-001 location plan dated 22/9/2011; Sub- station Type B, drawing SP/B.
- 2 That the permission hereby granted is for a temporary period only and shall expire 25 years from the date of this consent.
- 3 That on the expiry of 25 years from the date of this permission, or in the event that the turbine become obsolete or redundant, it must be removed along with its associated hardstandings, control buildings and access tracks, and the site reinstated to grassed agricultural ground within 3 months, all to the satisfaction of the Council as Planning Authority
- 4 That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with West of Scotland Archaeology Service.
- 5 That no development shall take place until updated surveys to determine the presence or absence of badgers at the site have been undertaken and submitted to and approved by the Council as Planning Authority. The development shall not begin until any such action as is recommended by these surveys has been implemented and completed in accordance with the agreed details. These surveys shall provide details of measures to protect the property from potential future badger activity, measures to allow the free movement of badgers through the site, measures to reduce the risk of badger road mortalities and measures to prevent badgers establishing new setts within the application site during the various phases of development.
- 6 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 12 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.

- 7 That the development is carried out strictly in accordance with the terms of the application and the accompanying Environmental Statement and additional information, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.
- 8 All external colours shall be agreed in writing with the Council as Planning Authority prior to the commencement of works.
- 9 That during the delivery and construction period of the development hereby approved, the existing visibility splays of 4.5 metres x 150 metres to the south and 4.5 metres x 70 metres to the north as measured from the road channel shall be provided at the vehicular access, and everything exceeding 1.05 metres in height above the road channel level shall be removed from the sight line areas and thereafter nothing exceeding 1.05 metres in height shall be planted, placed or erected within these sight lines. During this period the first 15 metres of the vehicular access from the edge of the public road, shall be hardsurfaced to the satisfaction of the Council as Planning Authority.
- 10 That before the development hereby approved is operational, a drainage system capable of preventing any flow of water from the site onto the public road or neighbouring land, or into the site from surrounding land shall be provided and maintained to the satisfaction of the Council as Roads and Planning Authority.
- 11 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.
 - 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.
- 12 That a 25 candela omni-directional red light or infrared lighting shall be installed and maintained at the highest practical point on the turbine hereby approved, and

it shall have 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.

- 13 That prior to any works commencing on site further details of replacement planting shall be submitted for the written approval of the Council. These detail shall include:
 - a) details of the amount of hedgerow to be removed to facilitate the development;
 - b) details of the location of the replacement hedge and/or tree planting. For the avoidance of doubt this mitigation planting shall be within 500 metres of the application site as defined in red on the approved plans;
 - c) details of all planting species. For the avoidance of doubt these shall comprise solely of native species;
 - d) details of the on-going maintenance schedule.
- 14 At the reasonable request of the Planning Authority, and following a complaint to the Council relating to noise emissions arising from the operation of the wind turbine, the use of the turbine shall be discontinued and the complaint investigated. The turbine shall not be brought back into use until the complaint has been resolved to the satisfaction of the Council as Planning Authority, including the implementation of alternative mitigation measures where necessary.
- 15 At the reasonable request of the Planning Authority, and following a complaint to the Council relating to shadow flicker, the use of the turbine shall be discontinued and the complaint investigated. The turbine shall not be brought back into use until the complaint has been resolved to the satisfaction of the Council as Planning Authority, including the implementation of alternative mitigation measures where necessary.
- 16 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.
- 17 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.
- 18 Noise from the wind turbine shall not exceed 35db LA90 (10min) or background LA90 (10 min) + 5db (A) between 7am and 8pm and 43 db at al other times, whichever is the greater at the boundary of the curtilage of any noise sensitive properties at all times at wind speeds of up to 10 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).

The cumulative effect of all turbines operating within the vicinity of the site shall be taken into consideration in determining whether noise levels exceed ETSU operating levels.

- 19 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.
- 20 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 19 above

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 In the interests of amenity and in order to retain effective planning control.
- 4 In order to safeguard any archaeological items of interest or finds.
- 5 To ensure that provision is made to safeguard the ecological interest on the site.
- 6 In the interests of amenity and in order to retain effective planning control.
- 7 For the avoidance of doubt and to specify the documents upon which the decision was made.
- 8 In the interests of amenity and in order to retain effective planning control.
- 9 In the interest of road safety
- 10 To ensure the provision of a satisfactory drainage system.
- 11 In the interest of traffic and public safety.
- 12 To ensure the mast is visible to aircraft at night.
- 13 To ensure that provision is made to safeguard the ecological interest on the site.
- 14 In the interests of amenity and in order to retain effective planning control.
- 15 In the interests of amenity and in order to retain effective planning control.
- 16 In the interests of road safety
- 17 In the interests of road safety
- 18 In the interests of residential amenity
- 19 To ensure the provision of a satisfactory land drainage system.
- 20 To ensure the provision of a satisfactory land drainage system

For information only

For information only

