

Report

Report to:	Planning Committee
Date of Meeting:	23 March 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/20/1730
Planning proposal:	Erection and operation of windfarm consisting of 21 turbines up to a maximum height to blade tip of 200m (Consultation from Scottish Ministers under S36 of the Electricity Act 1989)

1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	Cumberhead West Wind Farm Ltd
Location:	Cumberhead West Wind Farm Cumberhead Forest Near Coalburn Lanark South Lanarkshire

2 Recommendation(s)

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

- (1) that the Scottish Government be informed that South Lanarkshire Council has no objection to the proposed erection of 21 wind turbines (up to 200 metres in height) and associated infrastructure under Section 36 of the Electricity Act 1989; and
- (2) that the Head of Planning and Economic Development be authorised to undertake any discussions in relation to further agreements of conditions and planning obligations if required, with the Scottish Government.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Scottish Government is also advised that approval should be subject to the conclusion of a legal agreement(s) covering:-
 - Community Contribution Payments
 - The funding of a Planning Monitoring Officer

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

3 Other information

- ◆ Applicant's Agent: ITP Energised
- ◆ Council Area/Ward: 04 Clydesdale South
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**
Policy 2 - Climate Change
Policy 3 - Green Belt and Rural Area
Policy 4 - Development management and placemaking
Policy 15 - Natural and Historic Environment
Policy 17 - Water Environment and Flooding
Policy 19 - Renewable Energy

Supplementary Guidance

- 1: Sustainable Development and Climate Change
- 2: Green Belt and Rural Area
- 3: Development Management, Placemaking and Design
- 9: Natural and Historic Environment

Proposed South Lanarkshire Local Development Plan 2 (2018)

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

- SDCC2 Flood Risk
- NHE2 Archaeological Sites and Monuments
- NHE3 Listed Buildings
- NHE4 Gardens and Designed Landscapes
- NHE5 Historic Battlefields
- NHE6 Conservation Areas
- NHE8 National Nature Reserves and Sites of Special Scientific Interests
- NHE9 Protected Species
- NHE11 Peatland and Carbon Rich Soils
- NHE12 Water Environment and Biodiversity
- NHE16 Landscape
- NHE18 Walking, Cycling and Riding Routes
- NHE20 Biodiversity
- RE1 Renewable Energy

Supporting Planning Guidance

- Renewable Energy

◆ **Representation(s):**

▶	0	Objection Letters
▶	0	Support Letters
▶	0	Comment Letters

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

West of Scotland Archaeology Service

Countryside and Greenspace

Douglas Community Council

Lesmahagow Community Council

Roads Transportation Services Bridges Structures Section

Coalburn Community Council

Planning Application Report

1 Application Site

- 1.1 The application site is an approximate 1,050ha area of land mainly comprising the western portion of Cumberhead Forest, approximately 4.3km east of the settlement of Coalburn. The majority of the site comprises this portion of the forest with a thin ribbon then extending east through the restored Poneil opencast coal mine, past the John Dewar complex to the public road that abuts the M74 motorway. A further thin strip runs south of the forest, following an existing timber haulage route that joins Station Road at Douglas West Farm.
- 1.2 The application site is located approximately 1.56km to the south of Coalburn and 2.68km to the north west of Douglas. The site is located within an area where there are several wind farms, either in operation, under construction or consented. The current application site is immediately north of the consented Cumberhead Wind Farm, while to the south east are the operational Nutberry Wind Farm and consented Dalquhandy Wind Farm. The operational wind farms of Galawhistle and Hagshaw Hill (and extension) sit further south and south east respectively in the immediate area. Collectively, the wind farms comprise what is known as the 'Hagshaw Cluster'.
- 1.3 Vehicular access to the site is proposed from an existing private access road which extends from the public road network at the roundabout at Junction 11 of the M74 and runs past the John Dewar bonded warehouse site onto an existing private haul road. A new link is proposed to join from the existing haul road into an existing network of access tracks through Cumberhead Forest. The access tracks would require upgrading but it should be noted that the majority of these works are shared between other windfarm developments with only a small, final portion of new access required to connect the turbine area of the site into this existing network.

2 Proposal(s)

- 2.1 An application has been made to the Scottish Government under Section 36 of the Electricity Act 1989 for the erection of 21 wind turbines (up to 200m in height to blade tip) and associated infrastructure with a 30 year operating lifespan. The proposals comprise the following components:-
 - Twenty-one, 200m tall (to blade tip) wind turbines and their foundations
 - Crane hardstanding areas adjacent to each turbine
 - On site access tracks between turbines
 - Substation
 - Welfare Facilities and Maintenance Room
 - On site energy/ battery storage facility (approximate capacity of 40 Mega Watt (MW))
- 2.2 The installed turbine generation capacity of the proposals would be approximately 126MW with an additional potential on-site battery storage capacity of 40MW. It should be noted that battery technology has greatly increased over a very short period in recent times and is expected to continue to evolve rapidly. Whilst currently the average achievable battery storage capacity is 5MW it is hoped that, given the long term nature (30 years) of these proposals, if successful, battery storage of 40MW is achievable.
- 2.3 As the proposals relate to a wind farm with an electrical generating capacity of over 50MW the application is made under Section 36 of the Electricity Act, 1989. Unlike an application for planning permission, the S36 application is made to the Scottish Government who are the Consenting Authority with South Lanarkshire Council being a Statutory Consultee as part of the assessment process.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long-term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020".
- 3.1.2 Scottish Planning Policy (SPP) December 2020 aligns itself with NPF3 and one of its policy principles states that "This SPP introduces a presumption in favour of sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 3.1.3 The Scottish Government's Onshore Wind Policy Statement (Dec 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges "the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts".
- 3.1.4 All national policy and advice is considered in detail in section 6 of this report.

3.2 Development Plan Status

- 3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans.
- 3.2.2 The South Lanarkshire Local Development Plan (SLLDP) was adopted on 29 June 2015 and contains the following policies against which the proposal should be assessed:-
- Policy 2: Climate change
 - Policy 3: Green belt and rural areas
 - Policy 4: Development management and placemaking
 - Policy 15: Natural and historic environment
 - Policy 17: Water environment and flooding
 - Policy 19: Renewable energy

3.2.3 The following approved Supplementary Guidance documents support the policies in the SLLDP and also require assessment:-

- Supplementary Guidance 1: Sustainable Development and Climate Change
- Supplementary Guidance 2: Green Belt and Rural Area
- Supplementary Guidance 3: Development Management, Placemaking and Design
- Supplementary Guidance 9: Natural and Historic Environment
- Supplementary Guidance 10: Renewable Energy

3.2.4 On 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (SLLDP2); a number of modifications to the proposed Plan were recommended. At the Planning Committee on 1 December 2020 members agreed to the approval of all of the modifications in the examination report; the publication and public deposit of the Plan, as modified; and the submission of the Plan to Scottish Ministers. The Council has now advised the Scottish Ministers of its intention to adopt the Plan. Local Development Plan 2 is, therefore, the Council's most up to date policy position and is afforded significant weight in the assessment and determination of planning applications. In this instance the following policies are relevant:-

Volume 1

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

Volume 2

- SDCC2 Flood Risk
- NHE2 Archaeological Sites and Monuments
- NHE3 Listed Buildings
- NHE4 Gardens and Designed Landscapes
- NHE5 Historic Battlefields
- NHE6 Conservation Areas
- NHE8 National Nature Reserves and Sites of Special Scientific Interests
- NHE9 Protected Species
- NHE11 Peatland and Carbon Rich Soils
- NHE12 Water Environment and Biodiversity
- NHE16 Landscape
- NHE18 Walking, Cycling and Riding Routes
- NHE20 Biodiversity
- RE1 Renewable Energy

Supporting Planning Guidance: Renewable Energy

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that, given SLLDP2 is now the Council's most up to date policy position, it is the principle material consideration when assessing applications of this nature (Section 36 of the Electricity Act) and therefore SLLDP policies are only referenced if they do not accord with the policy context in SLLDP2.

3.3 Planning Background

3.3.1 There is no relevant planning history on the site itself, but as stated previously in 1.2 above, there are several wind farms, either operational or consented surrounding the site forming what is known as the Hagshaw Cluster. The following is a summary of these developments:-

- Hagshaw Wind Farm (operational) 26 turbines at 55 metres to hub
- An application to replace this windfarm with 14 turbines at 200 metres to tip height was granted by the Scottish Government in 2020
- Hagshaw Hill Extension (operational) 20 turbines at 80 metres to tip height
- Galawhistle Wind Farm (operational) 22 turbines, 18 at 110.2 metres to tip and 4 at 121.2 metres to tip
- Nutberry Wind Farm (operational) 6 turbines at 125 metres to tip height
- Cumberhead Wind Farm (consented) 11 turbines at 126.5 metres to tip height
- A planning application to increase the number of turbines at this site to 14 at a height of 149.9 metres to tip height (12 turbines) and 180 metres to tip height (2 turbines) was granted by the Planning Committee on 25 August 2020 subject to the completion of a legal agreement
- Dalquhandy Wind Farm (consented) 11 turbines at 149.9 metres to tip height and 4 at 131 metres to tip
- Douglas West (consented) 13 turbines at 149.9 metres to tip height
- Douglas West Extension (pending consideration with the Energy Consents Unit) for 13 turbines at 200 metres to tip height

3.3.2 The above applications have either been approved planning permission by the Council or the Council have issued consultation responses of no objection through the Section 36 consenting process.

3.3.3 Immediately west of the current proposals is an application for 8 turbines at 230 metres to tip (proposed Hare Craig Wind Farm). This planning application is within the Administrative Boundary of East Ayrshire and is pending consideration.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – no objection subject to conditions requiring the further approval of an Abnormal Load Route Assessment including any works required to the public road network, crossing arrangements through any public paths, a Road Safety Audit, a Timber Transport Plan with the route of timber extraction being through the proposed wind farm access route only and a Traffic Management Plan. The Traffic Management Plan is to include, but not be limited to, proposals for the routing of all traffic and measures to monitor route use, required signage, provisions for emergency vehicles, wheel washing, staff car parking, a nominated road safety officer, access routes for turbine carnage and monthly reporting of vehicle movements.

Response: Noted, any consultation response to the Scottish Government stating no objection would recommend the above conditions to be attached to any consent, if issued.

4.2 **Roads and Transportation Services (Flood Prevention)** - no objections subject to design criteria certificates relating to drainage being submitted.

Response: Noted and the relevant certificates form part of the recommended construction environmental management plan (CEMP) condition requirements.

- 4.3 **Roads and Transportation Services (Structures Team)** – note that the proposed abnormal load route from Junction 11 of the M74 does not cross any roads structures which are owned or maintained by South Lanarkshire Council.

Response: Noted.

- 4.4 **Countryside and Greenspace** – content with the proposed mitigation measures and environmental commitments in relation to biodiversity, landscape and public access. Request a public access plan to be agreed for the site.

Response: Noted and an access management plan forms a condition within the recommendation made as part of the response to the Scottish Government.

- 4.5 **West of Scotland Archaeology Service (WOSAS)** – agree in the main with the archaeological assessment within the Environmental Impact Assessment (EIA) Report but note the lack of a field survey to physically investigate archaeological heritage on site. Given the lack of a field survey a condition is recommended requiring implementation of a programme of archaeological works prior to any construction works taking place.

Response: Noted, any consultation response to the Scottish Government stating no objection would be predicated on the basis of a condition requiring the further approval of archaeological works.

- 4.6 **Environmental Services** – have no objections to the proposals subject to noise limits being placed on the proposals to protect the amenity of residential properties in the area. The limits are based on the Noise Assessment carried out within the applicant's EIA Report and are, therefore, considered achievable throughout the lifetime of the wind farm. The shadow flicker assessment and conclusions is also acceptable.

Response: Noted and the recommended conditions relating to noise levels form part of the recommendation to the Scottish Government.

- 4.7 The following consultees had no comments to make on the proposals:-

Coalburn Community Council
Douglas Community Council
Lesmahagow Community Council

5 Representation(s)

- 5.1 Statutory advertisement of the application was undertaken by the applicant in December 2020.

- 5.2 No letters of representation have been received following this advertisement.

6 Assessment and Conclusions

- 6.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it is development comprising a wind farm with a generating capacity of over 50MW. In this instance, South Lanarkshire Council is a Consultee to the application process and is not the Consenting Authority. 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 instance, the application is made under the Electricity Act 1989 and not the Planning Act and, therefore, the Development Plan does not have the primacy it normally would for planning decisions but it is still an important material consideration in this instance. Given the Development Plan does not have primacy in this instance, it is appropriate to base any assessment of the application in relation to the Council's most up to date policy position which, as outlined in 3.2 above, is the

proposed South Lanarkshire Local Development Plan 2 (LDP2). Reference will still be made to SLLDP (2015) but only if there is a conflict with LDP2.

- 6.2 In terms of National Planning Policy and Guidance, NPF 3 notes in paragraph 3.8 that the Government seeks to meet at least 30% of overall energy demand from renewables by 2020.
- 6.3 The Scottish Government's Onshore Wind Policy Statement (December 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges "the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts".
- 6.4 SPP Policy Principles (page 9) states that "This SPP introduces a presumption in favour of sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 6.5 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises areas into their distinct groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes areas described as 'community separation for consideration of visual impact' and is relevant to this proposal. SPP indicates that this represents an area not exceeding 2km around settlements. This distance, however, is to be determined by the planning authority based on landform and other features which restrict views out from the settlement. It is noted that in this instance there are no communities within 2km of the turbines. Group 3 identifies 'areas with potential for wind farm development'. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. These considerations are fully assessed below at sections 6.6 onwards of this report. Paragraph 170 of SPP states that "Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities." Taking into account the above and for the reasons set out in sections 6.6 onwards, it is considered the proposed development accords with SPP.
- 6.6 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon

Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy of GCVSDP requires proposals to accord with local development plans. With regard to this proposal, it is noted that the majority of the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development by its nature contributes to developing low carbon energy. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse effect. Consequently, it is considered that the proposal accords with Policy 10 of Clydeplan.

- 6.7 Turning to local planning policy in the proposed South Lanarkshire Local Development Plan 2 (LDP2), the overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' Policy 1 Spatial Strategy states, inter alia, that supporting renewable energy developments in appropriate locations is one of a number of ways the strategic vision of the Plan will be met. It is considered that, in principle, a scheme of 21 turbines with a capacity of 126MW accords with this strategic vision subject to a detailed assessment of the proposal in relation to policy specific criteria as carried out below.
- 6.8 Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. Not all of the criteria are relevant and those that are include (3) utilising renewable energy sources; (6) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species), blue/ green networks and identify opportunities for enhancement of the natural heritage; and (13) avoid or minimise disturbance of carbon-rich soils. The proposed wind farm proposals would have a generating capacity of some 126MW together with the potential for additional battery storage capacity of up to 40 MW and, therefore, in line with Government targets on renewable energy generation, it is considered that the proposal complies with Policy 2 subject to a detailed assessment of the proposals in relation to the specific criteria (6 and 13). This is addressed further under the criteria specific policies as below.
- 6.9 Policy 4: Green Belt and Rural Area states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. Policy 4 does not specify renewable energy as a specific use in the countryside but supports development that cannot be accommodated within an urban settlement. It is considered that this scale of renewable energy would be a form of development that could not be accommodated within an urban settlement and is, therefore, an appropriate rural use. Policy 4 further states that the scale of renewable energy will be governed by considerations set out in Policy 18 – Renewable Energy. It is, therefore, considered that, subject to a successful assessment against Policy 18, the proposals are not contrary to the strategic aims of Policy 4.
- 6.10 Policy 18: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular, the considerations set out at paragraph 169 and additionally for onshore wind developments of 15 metres or greater in height, the terms of Table 7.2 of LDP2. Table 7.2 sets out the Spatial Framework for Wind Energy and applies to all wind energy developments of 15 metres or greater in height. The spatial framework identifies those areas that are likely to be most appropriate for onshore

wind farms as a guide for developers and communities. It sets out three groupings in relation to wind energy development. These are as follows:-

- Group 1: Areas where wind farms will not be acceptable
- Group 2: Areas of significant protection
- Group 3: Areas with potential for wind farm development

6.11 Group 1 areas comprise of National Parks and National Scenic Areas (NSA). There are no National Parks or NSA that will be affected by the proposed development and, therefore, the proposals are not located within a group 1 area.

6.12 Group 2 Areas of significant protection; SPP and SG10 recognise the need for significant protection of particular areas which include:-

- National and international designations
- Other nationally important mapped environmental interests
- Community separation for consideration of visual impact

6.13 Group 2 area interests also apply to other policy criteria in relation to the natural and built environment. In relation to this, a full assessment of all international, national and local designated assets is, therefore, carried out in relation to Policy 14 below and includes assets such as listed buildings and the water environment which are not classed as Group 2 Areas of significant protection in the spatial framework for onshore wind but are, however, detailed policy considerations.

6.14 Policy 14: Natural and Historic Environment and its associated LDP2 Volume 2 Natural and Historic Environment (NHE) policies provide the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features as listed in Table 6.1 of the SLLDP from adverse impacts resulting from development, including cumulative impacts. The policy categorises each of the natural and historic environment designations within three distinct groups and are assessed in turn below.

6.15 Category 1 areas are international designations and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites). Policy 14 states that development will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. The application site is not located within any SPA or SACs but is located adjacent to the Muirkirk and North Lowther Uplands SPA. This SPA is designated for its population of hen harriers, merlin, peregrine, golden plover and short-eared owls. Whilst not within the SPA it is considered that the application site lies within the core foraging ranges of the site's qualifying interests (the aforementioned bird species) and, therefore, there is potential for an impact on this SPA. In their consultation response to the Scottish Ministers, NatureScot note that there is potential for the proposals to have an impact upon the qualifying interests of the SPA but that it would not have an impact upon the integrity of the site in relation to its qualifying interests. In short, NatureScot do not consider that the proposals would have an impact on the conservation objectives of the SPA (protection of the qualifying species) but that they may have an impact on the species themselves in relation to foraging and habitat.

NatureScot, therefore, suggest that a Habitat Management Plan (HMP) should be created to reduce the attractiveness of the site to the qualifying species to discourage them from the wind farm area. The qualifying species do not normally use commercial

forestry for habitat and foraging due to its dense, closed canopy cover. Therefore, the gaps left from felling for the turbines should be closed again through new tree planting and management of grasslands (swards) which in turn would limit the potential attractiveness of the site to these species and discourage them migrating into the wind farm area. It is considered that whilst an HMP would effect mitigation, a Habitat Management Group (HMG) should also be set up to ensure implementation and monitoring of the HMP is carried out throughout the lifetime of the turbines. The HMG should comprise the developer and relevant professionals from the Council, NatureScot and the RSPB. Conditions requiring an HMG and HMP form part of the recommendation to the Scottish Government and, subject to their implementation, it is considered that the proposals shall not have a detrimental impact upon these national designations.

- 6.16 Policy 14 states that in Category 2 (National Designation) areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of further policy criteria provided in the NHE Policies within LDP2 Volume 2.
- 6.17 National Designations include several historical assets and they are set out below in relation to their own specific policy:-
- Policy NHE 2 Archaeological Sites and Monuments states that developments which have an adverse effect on scheduled monuments or their settings shall not be permitted unless there are exceptional circumstances
 - Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and not diminish its interest
 - Policy NHE 4 Gardens and designed landscapes aims to protect the quality and historic integrity of designed landscapes and avoid damage to their special character
 - Policy NHE 5 Historic battlefields requires development to take cognisance of the battlefield and demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site
- 6.18 There are no scheduled monuments, listed buildings, Inventory Gardens and Designed Landscapes (GDL) or Historic Battlefields within the application site. There are six Scheduled Monuments within 10km of the proposed development but only one (Glenbuck Ironworks) is within 5km of the proposed development. There is one A Listed Building within 10km of the proposed development at St Bride's Chapel, Douglas. There are no other designated national historic assets within a 10km radius of the proposed development. It is considered that the proposals are located on rising land that separates and, therefore, differentiates them from the setting of any of these historic assets. This separation, therefore, does not lead to a view where they would be seen in the foreground and, therefore, have a direct visual impact on their setting. It is, therefore, considered that the proposals accord with the relevant policy criteria in policies NHE 2 - 5 in this instance. It should be noted that Historic Environment Scotland are also a consultee to this application and will be providing further detailed comments to the Scottish Government in relation to the proposals impact in relation to national, historic assets.

- 6.19 The remaining, relevant national designations within Policy 14 Category 2 are Sites of Special Scientific Interest (SSSI), priority peatland and the Water Environment.
- 6.20 Policy NHE 8 states that development which affects a Site of Special Scientific Interest (SSSI)/National Nature Reserve will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- 6.21 Birkenhead Burn SSSI is approximately 75 metres from the application site. This SSSI is notified for its fossil interest and, therefore, it is considered that the proposals would have no impact upon this interest given it is geological in nature. There is a proposed turbine (No. 19) located within 100 metres of this SSSI. Normally a micro-siting tolerance of 100 metres is permitted for turbines but it is considered that in relation to this turbine there should be no tolerance allowed and the final position of this turbine should be agreed in advance with no deviation then allowed. A condition removing the standard micro-siting tolerance from this turbine, therefore, forms part of the recommendation to ensure there is no impact on the SSSI.
- 6.22 Birk Knowes SSSI is located approximately 500 metres from the site and again the notified interest of this site is for fossil interests and rock sequence. It is therefore considered that the proposals would have no impact upon this geological interest.
- 6.23 Muirkirk Uplands SSSI which is designated for its geological features and upland habitats as well as for populations of hen harriers and short-eared owls sits adjacent to the site. As noted in 6.14 there is potential impact upon the ornithological interests of the site but it is considered that there would not be any impact upon the geological features. As referenced in 6.15, appropriate mitigation is proposed in respect of the ornithological interests.
- 6.24 Policy NHE11 Peatland and Carbon Rich Soils seeks to protect peatland from adverse impacts resulting from development. Whilst not on the majority of the site, there are areas of the development that may have an impact on priority peatland. These areas are the access track between turbines 2 and 3, turbine 3 itself and the proposed met mast. As part of the EIA Report, an Outline Peat Management Plan is proposed with the restoration of approximately 26ha of forested peat to blanket bog and the enhancement of a further area of blanket bog currently suffering from impacts from forestry. It is considered that the principle of this peat management is satisfactory. This will require active management of the peatland and it is considered that this aim could fall within the remit of the proposed Habitat Management Group. It should be noted that both SEPA and Nature Scot are separate consultees to this Section 36 application and as part of their responses to the Scottish Government, peat management would be addressed.
- 6.25 Policy NHE12 Water Environment and Biodiversity states development proposals should protect and where possible, enhance the water environment. This Policy should also be read in tandem with Policy 16 Water Environment and Flooding and Volume 2 Policy SDCC2 Flood Risk. These Policies state that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. The EIA Report contains a chapter on hydrology, hydrogeology and geology that concludes that the proposals will have a minimal impact upon the water environment. Mitigation measures are proposed to further minimise the development's impact and this includes following a CEMP to ensure no oils or other potential pollutants during the

construction phase are spilled and enter watercourses. Other mitigation includes surface draining for the areas of hardstanding to direct surface water into the surrounding water table. The application area is not identified as being at the risk of flooding. It is considered that the proposals will have a limited impact upon the water environment and that the mitigation measures proposed are suitable. Roads and Transportation Services (Flood Risk Management) have no objections to the proposals. It should also be noted that separately, SEPA will be providing further detailed advice on the water environment to the Scottish Government in their consultation response.

6.26 In terms of category 3 areas, Policy 14 sets out natural and historic assets at a local level and these are taken in turn below.

6.27 In relation to Non-Scheduled archaeological sites, Category B and C Listed Buildings and Conservation Areas, the relevant policy criteria is as follows:-

- Policy NHE 2 in relation to non-scheduled archaeological sites and monuments requires these assets to be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.
- Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and ensure that proposals will not diminish its interest.
- Policy NHE 6 Conservation Areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.

6.28 As noted in 6.17 and 6.18, it is considered that the proposals would not have any impact on A listed buildings. In relation to B and C category listed buildings, again there are none within the application site. There is one B listed building (Auchlochan Bridge) and one C listed building (Covenanters' Monument) within 5km of the proposed development. Auchlochan Bridge is located to the east of the development and is located on the 5km radius from the development. This distance and the location of the bridge at a lower level from the proposed turbines is considered adequate in ensuring that this historic asset and its setting is not adversely affected by the proposals. The Covenanters' Monument lies some 1.5km west of the proposals and it is considered that this and the intervening topography is adequate in ensuring that the setting of this historic asset is also not adversely affected by the proposals. It should also be noted that Penbreck Wind Farm will also be in the foreground from this asset when looking eastwards and, therefore, it is considered that this negates any impact on setting of the proposed turbines behind. The Douglas Conservation Area is approximately 7km from the site, however, it is considered that this distance and the fact that the Conservation Area is located at a lower level within the urban heart of the settlement, it will be shielded from view of the turbines.

6.29 In relation to non-scheduled archaeological sites, a desk-based assessment has been carried out which identifies 14 cultural heritage features within the boundary of the application site and a further 14 within a 1km radius of the site boundary. The majority of these relate to past agricultural activity within the area or some limited industrial use relating to lead mining. WoSAS state, however, that there is potential for the area to produce archaeological material relating to earlier phases of occupation including records of a possible burial cairn, standing stone and cists as well as prior evidence of the recovery of an Early Bronze Age axe. Whilst there is no direct impact of any known historical features on site, it is considered that there is archaeological potential given these records. WoSAS have, therefore, requested that a written scheme of

investigation and a programme of archaeological works are implemented as part of any approval. A suitable suspensive archaeological condition forms part of the recommended response to the Scottish Government.

- 6.30 Policy 14 includes Special Landscape Areas within its category 3 (Local designations). Volume 2 Policy NHE16 Landscape requires development to maintain and enhance SLAs and the wider landscape. The Douglas Valley SLA is the nearest to the application site and lies approximately 3.5km to the south-east of the site boundary. Further afield are the Middle Clyde Valley SLA, the Upper Clyde Valley and Tinto SLA and the Leadhills and Lowther Hills SLA all located between 5 and 15km from the application site. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the EIA Report. The SLAs have been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. Of the four SLAs, three are considered not to experience significant effects due to a combination of distance, limited opportunities to view the proposed development from the area as a whole, as well as the existence of existing wind farms and wind turbines in closer proximity to these SLAs. In regard to the remaining SLA (Douglas Valley SLA), it is considered that this SLA's designation relates to the broad, open valley floor whilst the proposals are located on the northern edge of the valley and in the rising slopes and hills of the northern side of the valley. It is, therefore, considered that the integrity of the SLA's character is not compromised by the wind farm developments and the special nature of the valley is maintained. Further landscape and visual impact assessment is carried out in further detail below.
- 6.31 The remaining relevant category 3 interests are core paths and Rights of Way. Policy NHE18 Walking, Cycling and Riding Routes requires the safeguarding of existing and proposed routes within the Council's Core Paths Plan. The EIA Report states that developing a public access strategy for the site to allow recreational access through the site is one of the environmental commitments of the scheme. The proposals do not affect any core paths or right of ways during construction or operation. It is, therefore, considered that the proposals are acceptable in relation to public access. A condition requiring approval of an Access Management Plan forms part of the recommended response to the Scottish Government.
- 6.32 Whilst not specifically included in categories 1, 2 or 3, protected species are a natural asset within the Policy 14 criteria. Policy NHE9 further supports Policy 14 by stating that new development must demonstrate that it would not have an adverse impact upon protected species. Policy NHE20 expands on this theme by expecting new development to not have an adverse impact upon the biodiversity of an area and should consider opportunities to contribute positively to biodiversity conservation and enhancement.
- 6.33 Protected species surveys have been carried out as part of the EIA Report which state that the development would not have a significant impact upon protected species and habitats. The majority of the habitat is commercial forestry and is, therefore, considered to be of low conservation value. It is considered that whilst the habitat within the application site is relatively poor in ecological terms, there are always potential habitat enhancement measures that can be implemented as part of the scheme and it is expected that these would form part of any subsequent Habitat Management Plan.
- 6.34 It is therefore considered that, following the above consideration in relation to designations, that the proposals meet the relevant policy criteria in this instance. As noted at 6.10 above, Policy 18 Renewable Energy sets out a spatial framework for Wind Energy. In this instance, in view of the assessment from 6.12 onwards in relation

to national and international designations (SPA, SSSI, Inventory of Gardens and Designed Landscapes, Inventory of Historic Battlefields and Priority Peatland) it is considered that, whilst located in proximity to these designations, they are not considered to have a detrimental impact upon them. Overall, therefore, it is concluded the aims of Policy 14 are met.

- 6.35 The final qualifying criteria of being located within a Group 2 categorisation (Areas of Significant Protection) is applicable only if proposals are located within 2km of any city, town or village. Whilst the settlement of Coalburn is within 2km of the application boundary this relates to the red line boundary for the access tracks. In reality, Coalburn is 4.3km to the east of the nearest proposed turbine which ensures a buffer of over 2km from the turbines is achieved. It is therefore considered that the application site is located within a Group 3 (Areas with potential for wind farm development) categorisation that the spatial framework states wind farms are likely to be acceptable subject to detailed consideration against identified policy criteria.
- 6.36 Policy 18 is an overarching renewable policy and, therefore, defers the detailed, development management consideration to the Assessment Checklist for Renewable Energy Proposals contained within LDP2 Volume 2. Volume 2 Policy RE1 Renewable Energy outlines the considerations, criteria and guidance that must be taken into account for all renewable energy proposals. These are the Assessment Checklist contained with Appendix 1 of LDP 2, Volume 2, the Supporting Planning Guidance on Renewable Energy, the South Lanarkshire Landscape capacity for wind energy 2016 (as amended by the Tall Wind Turbines Guidance 2019) and other relevant LDP2 Policies. All the RE1 above referenced criteria and guidance have been included in the following Assessment Checklist and are referenced where appropriate. As previously noted, the Council is only a consultee in the assessment of this application and, therefore, only the relevant criteria is assessed. Other criteria that relate to the remit of other consultees such as the Civil Aviation Authority, Ministry of Defence etc, therefore, do not form part of this assessment as they will be providing their own responses to the Scottish Government.
- 6.37 The relevant LDP2 Volume 2 Appendix criteria are taken in turn as follows:-
- 6.38 Impact on international and national designations.
National and international designations have been previously assessed at paragraphs 6.12 to 6.34 and it is considered that there are no adverse effects on national and international designations.
- 6.39 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).
This has previously been assessed in paragraph 6.24.
- 6.40 Community separation for consideration of visual impact.
As noted in 6.35 there are no communities within 2km of the proposed turbines.
- 6.41 Economic benefits.
This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Section 13 of the EIA Report presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development represents a major investment in South Lanarkshire and has the opportunity to deliver a range of positive economic impacts through construction and operation. Reference is also made to the making of community benefit payments based on electricity generated if the wind farm becomes operational.

6.42 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.

It is considered that the generating capacity of the proposed wind farm (126MW) with a potential additional battery storage of 40MW represents a significant renewable energy project which would contribute to Scotland's renewable energy targets.

6.43 Effect on the natural heritage, including birds - Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats.

This consideration has been carried out at 6.15 and again at 6.32 to 6.33 above. It is considered that subject to the mitigation described in the EIA and the setting up of a HMG the proposed development accords with the consideration set out in Table 7.1 criteria 7 a) of the SG and SPP regarding effects on the natural heritage, including birds. Nature Scot's consultation response to the Scottish Government agrees that the proposed mitigation and an HMG are acceptable in relation to ecology and the natural environment.

6.44 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).

As noted above, it is considered appropriate to recommend the implementation of a HMP as part of any consent.

6.45 Landscape and visual impacts

It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. First, the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Landscape impact is in essence an assessment of whether a landscape and its character is susceptible to development or not. Secondly, the visual impact is assessed followed by the impact on visual residential amenity. Visual impact is therefore, in essence, a development's impact in relation to how it impacts upon receptors. The landscape and visual assessment takes into account cumulative impacts. SPP makes reference to wild land which is a consideration when assessing landscape impacts. There are no areas of designated wild land within South Lanarkshire and there will be no impact on areas of wild land outwith South Lanarkshire from the proposed development.

6.46 The application site is located within the Rolling Moorland Landscape Character Type (LCT) and Rolling Moorland with Forestry, LCT subtype, as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). 19 of the turbines are located within the Rolling Moorland with Forestry LCT subtype with only 2 turbines in the south east corner falling within the Rolling Moorland LCT, although noting that these turbines are located in a small corner of this LCT on the boundary with the Rolling Moorland with Forestry LCT subtype. The proposed access track also falls within this Rolling Moorland LCT. The key characteristics of the Rolling Moorland LCT are its distinctive upland character created by elevation and the rolling or undulating landform, the predominant lack of modern development, as well as a sense of apparent wildness and remoteness that separates the LCT from the lower lying farmed and settled lowlands. The Rolling Moorland with Forestry subtype's key characteristic in relation to its distinction from Rolling Moorland is that it is a landscape influenced by the presence of forestry. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands.

- 6.47 With regard to the access tracks it is considered that the section leading from Station Road follows an existing timber route and, therefore, would have no further significant landscape or visual impact. The other access track in part follows the existing former Poneil/Dalquhandy coal haulage route that is still in place within the landscape. Several of the surrounding wind farms have permission to utilise this track for their construction and, therefore, it is considered that these proposals would not have any additional landscape or visual impact. It is further considered that the large, rolling and undulating landscape is of a scale that the 2 access tracks would not physically change its nature or cause a detrimental visual impact. With regard the infrastructure associated with the turbines (sub-station, battery storage building etc.), it is again considered that their small scale in relation to the large scale of the landscape would minimise their impact and that, due to their location, they would also be screened from most views by the existing forestry. It is therefore considered that no further assessment of these tracks and the associated infrastructure is required and, therefore, the remaining assessment relates solely to the wind turbines.
- 6.48 As noted previously, the immediate landscape surrounding the application site has several operational and consented wind farms. The landscape and visual impact assessment, therefore, does not concentrate solely on the proposals impact upon the landscape but also its cumulative impact in relation to other existing and consented wind farms. As noted in 3.3.1, there are several wind farms operational and consented within the immediate locale leading the area to be named the Hagshaw Cluster. This cluster is identified in Figure 5.2 Significant Cumulative Development of the Supporting Planning Guidance: Renewable Energy (SPG). This is identified as an area where there are existing multiple developments. Figure 5.2 illustrates, at a regional level, 8 areas of multiple developments and their separation from each other. This figure is included to demonstrate the need to ensure that none of these 8 areas are significantly extended in order to prevent potential coalescence between groups. In this instance, the current cluster (multiple developments 7) is to be protected from extending too far north to avoid visual creep with another area of multiple development (multiple developments 6). It is considered in this instance that whilst the application site is on the north west edge of this cluster, it would instead distinctly relate to the Hagshaw Cluster and be associated with the forestry surrounding Nutberry Hill which is a characteristic in common with several of the wind farms in the cluster, therefore, ensuring that it reads visually as a part of this cluster. The northern edge of the proposals are in line with the existing northern edge of the cluster and would maintain adequate separation from the Kype Muir Clusters (Multiple developments 6) as it would not extend into the rolling moorland on this northern side but stay tight along the forestry LCT subtype to ensure there is no creep into the land form that stretches to these Kype developments. It is therefore considered that, in cumulative terms, the proposals do not lead to coalescence between multiple development areas.
- 6.49 The application site is located within an area that is identified as having medium capacity for wind turbines at a scale of 150 metres to 250 metres within the finalised Tall Turbine Addendum, 2017 to the South Lanarkshire Landscape Capacity Study 2016 (hereon referred to as the Addendum). This Addendum seeks to inform developers of areas within South Lanarkshire where turbines over 150 metres may be appropriate. It identifies areas into 4 categories of capacity, High, Medium, Low and None. It should be noted that the majority of South Lanarkshire is identified as None in relation to capacity. The capacity study is a high level, strategic document and whilst trying to inform developers of the more suitable locations, each site's context and the nature of the proposals have to be fully taken into account when making assessments. The Addendum also contains furthermore, LCT specific advice to again help inform developers in relation to siting tall turbines. The Addendum provides guidance for siting turbines of 150 to 200 metres in rolling moorland LCT (and its forestry subtype). It

states that due to the modest scale of landforms in this LCT, taller turbines might have adverse visual or adverse scale effects if not carefully sited. It does note that most of the areas where turbines could be most comfortably sited already have wind farm development leaving little capacity for further development in this LCT. It continues to note that, in association with the windfarms whose turbine heights vary from 55 metres to 149.9 metres in height, the addition of the proposed larger turbines could, therefore, be perceived as an extension to an operational or consented wind farm.

- 6.50 In terms of the landscape capacity of the area, as previously noted, the application site is effectively a gap within an area characterised by wind farm development. The rolling nature of the landscape also provides a background and backcloth in which to frame turbines within the application site. In landscape terms, in a landscape of this scale and taking account of the heights and topography of the surrounding wind farms, the erection of 21 turbines at 200 metres to tip height would not appear incongruous within this landscape which is already characterised by wind farms as they are located within this perceived gap on the western edge of the established cluster. It is also considered that the turbines would rise out of the existing forestry which would initially soften their appearance on the landscape. Whilst the current forestry is not permanent as it will mature and be felled, it is unlikely that the land would be used for anything other than forestry and, therefore, another cycle of trees would be planted which would again start to provide this softening effect over the long term.
- 6.51 Due to height and siting, 17 of the 21 turbines would require aviation lighting. An assessment of the lighting was included as part of the LVIA which takes into account the required lighting for the Hagshaw repowering turbines. It concludes this would minimise the visual impact of the current proposals. Whilst it is considered that given the required lighting for the Hagshaw turbines, the current proposals are not introducing night time lighting into the area, they are not immediately adjacent to these turbines and, therefore, there may be a perceptible gap between lighting schemes. This gap is not considered to have a significantly, detrimental visual impact but is one that should be taken account of. The landscape is not designated as being a 'dark sky' and the John Dewar complex has night time lighting that is visible within the wider area while the lighting required by other turbines. Therefore, it is considered that, to ensure that the design of the lighting scheme takes account of the current lighting within the cluster and is designed in tandem with other developments, a condition requiring further approval of the lighting scheme forms part of the recommendation to the Scottish Government.
- 6.52 In terms of other cumulative visual impacts, it is considered that the design of the proposals and the scale of the turbines would minimise them looking out of place in relation to the other turbine proposals in the area and, again it's considered that they would be read as part of a larger scheme on the landscape.
- 6.53 As part of the LVIA carried out within the EIA Report, a Residential Visual Amenity Study (RVAS) was included. The RVAS identified 12 individual properties within 2km of a proposed turbine. None of these properties are located nearer than 1.3km from a turbine. It should be noted that there are some properties nearer than 1.3km to a turbine but these properties have an interest or connection with the proposals and are, therefore, not taken into account. The nearest individual properties to a turbine are 2 properties at Dunside Waterworks being 1.38km from the site. The remaining 10 properties are located further from a turbine with the next distance being 1.47km away and the remaining 9 all over 1.5km away. The RVAS was carried out at all 12 properties and it was concluded that whilst there would be visual impact, it was not of the significance to render any property to be considered 'an unattractive place to live' or have an 'overbearing' visual impact but noted that their outlook would change by

the addition of turbines. It is considered that the distance from the turbines to the properties, with the shortest distance being 1.38km, still helps minimise the visual impact of the turbines as does the rolling topography and forestry that softens the turbines impact on the landscape. The turbines would be located within other wind farm development and would, therefore, not involve the introduction of this form of development on the visual landscape. The spacing of the turbines also ensures that they do not form a visual barrier. It is, therefore, considered that the distance between communities is acceptable in this instance and that, whilst the turbines would have a visual impact, it is one that is not of a significance to be considered detrimental to the visual amenity of the area.

6.54 Impacts on communities and individual dwellings, including visual impact, noise and shadow flicker.

The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of the Assessment Checklist. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraph 6.45 to 6.53 above.

6.55 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the EIA Report (Chapter 9). The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and recommend that an appropriate condition can be attached which require the noise limits to be validated, if consent is granted to ensure the required levels are met. In addition, Environmental Services recommend as part of this condition a requirement of a procedure in the event of there being a noise complaint from the proposed development that requires addressing. Shadow flicker is assessed at section 15 of the EIA Report. The shadow flicker analysis within this Chapter of the EIA report modelled potential shadow flicker based on 10 rotor diameters from each of the proposed turbines and within 130 degrees either side of north. The results of the flicker analysis showed there was potential for ten receptors to encounter shadow flicker. 7 of these properties were assessed as likely to experience a worst case scenario of shadow flicker less than the 30 hours per year threshold that is considered significant. The remaining 3 properties were assessed as breaching the 30 hour a year threshold but it is noted that all 3 properties are connected and involved with the proposed wind farm and as such are not taken into account. Environmental Services have not raised any concerns in relation to the shadow flicker assessment. It is, therefore, considered that there are no receptors affected to a detrimental degree by potential shadow flicker from the proposals.

6.56 Impact on Public Access.

This consideration has been assessed in 6.31 above.

6.57 Impacts on the historic environment.

This consideration has been assessed in 6.17 to 6.18 and 6.26 to 6.29 above.

6.58 Impacts on tourism and recreation.

The EIA Report assesses the likely effects of the proposals on tourism and recreation in Chapter 13. The assessment in the EIA Report concludes the proposed development would not generate any significant adverse effect on any of the tourist and recreational assets. The New Lanark World Heritage Site and Falls of Clyde Visitor Centre and Wildlife Reserve are national and regional attractions located over 10km from the application site. It is considered that the overall effect of the proposals on these attractions would not be significant. There are a number of walking routes

within the area, however, it is considered that due to the existing wind farms in the area that there is already a high expectancy for walkers or cyclists visiting the area to see a wind farm. Therefore, the proposals are not considered to be significant in this respect. Overall, the effects are considered not to be significant on tourism and recreation.

6.59 Impact on road traffic and on trunk roads.

The EIA Report in Chapter 12 provides an analysis of the proposals with respect to the potential impact it may have on the road network. The proposed route for turbine delivery is to use the M74 motorway, exiting at junction 11, then exiting the Poniel interchange western roundabout on to the existing Dalquhandy private access road leading to the existing wind farm site. Roads and Transportation Services have no objections to the proposals subject to conditions as outlined within 4.1 above. These conditions form part of the recommended response to the Scottish Government.

6.60 Impacts on hydrology, water environment and flood risk

These considerations have been assessed in 6.25 above.

6.61 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust, and any consent granted will require a decommissioning and restoration condition attached. The EIA Report sets out a brief summary of the decommissioning proposals which includes all components being removed from site and disposed of and/or recycled as appropriate, and in accordance with regulations in place at that time. If required, exposed parts of the concrete turbine foundations would be ground down to below sub-soil level with the remaining volume of the foundations left in situ. The turbine base area and crane pads would be returned to their original appearances unless further consents were granted. It is, therefore, considered as part of any response to the Scottish Government that, if consent is granted, conditions shall be attached requiring that a decommissioning and restoration plan and to secure a decommissioning bond that satisfies the Council's requirements.

6.62 Energy storage.

The proposed development contains on site battery storage of up to 40MW as part of the scheme which would allow for energy generation by the wind farm even when the grid has no capacity.

6.63 Site decommissioning and restoration bond.

As noted at paragraph 6.61 above, it would be a requirement of any consent that decommissioning and a restoration bond or financial guarantee should be put in place to meet all the expected costs of the proposed decommissioning and restoration phase. The bond or guarantee will have to satisfy the Council's criteria.

6.64 Forestry and woodland removal.

The majority of the site is a commercial forest that, therefore, has only a certain lifespan until being felled. To accommodate the turbines and their bases approximately 59.38ha of forestry will require to be felled however, 61.96h of offsite compensatory planting is proposed as part of the scheme. It is considered that the commercial nature of the forestry proposals are acceptable in this instance. It is also noted that Scottish Forestry will also be consulted by the Scottish Government as part of the proposals.

6.65 Impact on Prime Agricultural Land.

There is no Prime Agricultural Land within the application site.

6.66 Borrow pits.

Assessment Checklist Criteria 24 requires borrow pits associated with windfarms to comply with the requirements in paragraph 243 of SPP. Paragraph 243 of SPP states that borrow pits should only be permitted if there are significant environmental or economic benefits compared to obtaining material from local quarries and that if they are acceptable, they should be restored following the construction period of the wind farm. Borrow pits are proposed for the construction of the wind farm. In this instance, the remoteness of the application site does add an economic and environmental cost to the project in terms of lorry distances. It is, therefore, considered that borrow pits would be acceptable in this instance. A condition requiring a restoration plan for any borrow pit would form part of any response to the Scottish Government.

6.67 Environmental Protection

Assessment Checklist Criteria 25 requires that all appropriate authorisations or licences under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. It is noted that SEPA will be providing a detailed consultation response to the Scottish Government including comments on Environmental Protection. The Council will, however, be responding requesting that a condition requiring the submission and approval by the Planning Authority, in consultation with SEPA and NatureScot, of a Construction Environmental Management Plan (CEMP) which includes a site specific Construction Method Statement, Site Waste Management Plan (SWMP), Pollution Prevention Plan and surface water management plan be attached to the consent, if granted.

6.68 Mitigation

Assessment Checklist Criteria 27 requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report, the application was submitted with a robust EIA Report containing appropriate mitigation measures and environmental commitments (Chapter 18). The response to the Scottish Government will recommend the implementation of all the mitigation measures as outlined within Chapter 18 of the EIA.

6.69 Legal agreement

Assessment Checklist Criteria 28 requires, where appropriate, the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance, a legal agreement to secure a community benefit payment (as discussed in paragraph 6.72 below) and the financial provision for a Planning Monitoring Officer will be required to be entered into if consent is granted.

6.70 Environmental Impact Assessment (EIA)

Assessment Checklist Criteria 29 requires all applications for all renewable energy developments which fall within the scope of the Environmental Assessment Legislation to be accompanied by an Environmental Statement. As noted throughout Section 6 of this report, an Environmental Impact Assessment Report accompanied the Section 36 application submission.

6.71 It is, therefore, considered that the proposals meet the relevant Assessment Checklist Criteria and the relevant Policies of LDP2 where appropriate.

6.72 SPP states that, where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit. The applicant has confirmed that, should consent for the proposed development be granted and implemented, the applicant would provide a package of

community benefit. The level of contribution is not a material consideration in the assessment of the application.

Conclusion

- 6.73 The proposals are for the erection of twenty one wind turbines at a height of 200 metres to tip and associated infrastructure including battery storage with an electricity generating capacity of over 50MW and, therefore, the application has been made to the Scottish Government under Section 36 of the Electricity Act 1989. South Lanarkshire Council is a statutory consultee as part of a Section 36 application.
- 6.74 Due to the surrounding wind farm developments, either operational or consented, within the immediate area the application site is effectively a 'gap' site within a larger wind farm area. The proposed turbines are considered suitable in terms of scale and siting and that, if constructed, they would be read as part of a larger wind farm group on the landscape. The design and layout of the turbines and the separation distance and scale of the landscape minimise the visual impact the proposals may have on surrounding settlements and individual receptors. The proposed mitigation measures are considered appropriate subject to being conditioned to any permission. No objections have been received from consultees.
- 6.75 In view of the above, it is considered that the proposals accord with national, strategic and local planning policy on renewable energy development. It is, therefore, recommended that the Council in its consultation response does not object to the application subject to the conditions listed in the paper apart and the conclusion of a legal agreement to address the matters described on the front page of the report.

7 Reasons for Decision

- 7.1 The proposed 21, two hundred metres to tip height turbines and associated infrastructure are considered acceptable; are not considered to have any significant, adverse impact within the surrounding area; and accord with National Policy and the relevant provisions of the Development Plan and allow a consultation response of no objection being made to the Scottish Government subject to the imposition of the attached, recommended environmental and transportation conditions.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

2 March 2021

Previous References

- ◆ None

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2

► Consultations	
Roads Development Management Team	28.02.2021
Environmental Services	28.02.2021
Roads Flood Risk Management	28.02.2021
West of Scotland Archaeology Service	28.02.2021
Countryside and Greenspace	28.02.2021
Roads Transportation Services Bridges Structures Section	28.02.2021

Contact for further information

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

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Conditions and reasons

01. Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the application and the accompanying Environmental Impact Assessment (EIA) Report including all Appendices, dated November 2020, including all mitigation and monitoring measures stated in it, and other documentation lodged in support of the application.

Reason: to ensure that the Development is carried out in accordance with the approved details.

02. No development shall commence unless and until full details of the proposed wind turbines (including, but not limited to, the power rating and sound power levels, the size, type, external finish and colour), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The wind turbines shall be constructed and operated in accordance with the approved details and maintained in the approved colour, free from external rust, staining or discolouration, until such time as the wind farm is decommissioned. All wind turbine blades shall rotate in the same direction.

Reason: To ensure that the environmental impacts of the turbines forming part of the Development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.

03. No wind turbine, anemometer, power performance mast, switching station, transformer building or enclosure, ancillary building or above ground fixed plant shall display any name, logo, sign or advertisement (other than health and safety signage) unless and until otherwise approved in writing by the Planning Authority.

Reason: in the interests of the visual amenity of the area.

04. Prior to the commencement of works in respect of each or any of;
- control building;
 - substation;
 - battery storage building;
 - associated compounds;
 - any construction compound boundary fencing;
 - external lighting; and
 - parking areas.

Final details of the external appearance, dimensions, and surface materials of the relevant element shall be submitted to and approved in writing by the Planning Authority. The substation building, associated compounds, fencing, external lighting and parking areas approved shall be constructed in accordance with the approved details and maintained as such for the lifetime of the development, hereby approved, unless otherwise agreed in writing by the Council, as Planning Authority.

Reason: To ensure that the environmental impacts of the sub-station and ancillary development forming part of the Development conform to the impacts assessed in the EIA Report and in the interests of the visual amenity of the area.

05. Each turbine, buildings, compounds, areas of hardstanding, tracks and watercourse crossings shall be erected in the position indicated upon Figure 3.1 (Site Layout Plan) within the Environmental Impact Assessment Report, dated April 2019. With the exception of Turbine 19, a variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis:

- (a) if the micro-sited position is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service
- (b) if the micro-sited position is of between 50 metres and 100 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. Unless otherwise agreed in writing by the Council, as Planning Authority the said provisions relating to micro-sited position shall not have the effect such that any micro-sited position will:
 - bring a turbine any closer to an uninvolved property than is already approved
 - bring a turbine outwith the planning application boundary
 - breach the 50m water buffer zones
 - take place within areas of peat of greater depth than the original location.

It should be noted that this condition does not allow any micro-siting provision for Turbine 19 and any change from its position as approved will require the written approval of the Council, as Planning Authority in consultation with NatureScot.

Reason: to control environmental impacts while taking account of local ground conditions.

06. Within 3 months of commissioning the approved wind farm the applicant shall submit to the Planning Authority an "as built plan" at an appropriate scale indicating the location of any track, turbine, crane pad and restored borrow pit within the development.

Reason: In order to retain effective planning control

07. No development shall commence unless and until a scheme for the working and restoration of each borrow pit has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:

- (a) a detailed working method statement based on site survey information and ground investigations;
- (b) details of the handling of any overburden (including peat, soil and rock);
- (c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;
- (d) a programme of implementation of the works described in the scheme; and
- (e) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be undertaken at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall be implemented in full.

Reason: To ensure that excavation of materials from the borrow pit(s) is carried out in a manner that minimises the impact on road safety, amenity and the environment, and to secure the restoration of borrow pit(s) at the end of the construction period.

08. No blasting shall take place until such time as a blasting method statement has been submitted to and approved in writing by the Planning Authority.

The method statement shall include details of measures required to minimise the impact of blasting on residential and other noise-sensitive properties in the vicinity of the site. It shall also include the following measures:-

- Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;
- Blasting techniques and instantaneous charge levels shall be employed such that the predicted peak particle velocity shall not exceed 6 mm/s in any plane in 95% of all blasts in any one month period, and no individual blast shall exceed a peak particle velocity of 12 mm/s as would be measured on the ground adjacent to any vibration-sensitive building;
- Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;
- Within the constraints of safe practice, blasting shall be avoided under weather conditions which are likely to direct or focus the blast air overpressure towards neighbouring noise sensitive properties; and
- Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

No blasting shall take place except between the following times:-

10.00 - 12.00 and 14.00 - 16.00-Mondays to Fridays and;
10.00 - 12.00 Saturdays.

For the avoidance of doubt, in any instance where a charge is set and it is expedient under HSE regulations to carry out the blast outwith these times the Council shall be alerted via email no later than 2 hours after the blast.

Reason: To ensure that blasting activity is carried out within defined timescales to control impact on amenity.

09. At least one month 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 provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
- 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 with the exception of Phase 1 felling 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, 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.

Reason: In the interests of amenity and in order to retain effective planning control.

10. No development shall commence unless and until the terms of appointment of an independent Environmental Clerk of Works ("ECoW") by the Company have been submitted to, and approved in writing by the Planning Authority.. The terms of appointment shall:
- (a) impose a duty to monitor compliance with the ecological and hydrological commitments and mitigations measures provided in the EIA Report and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved;
 - (b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
 - (c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;
 - (d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity;
 - (e) Advising the Company on adequate protection of nature conservation interests on the site; and
 - (f) Directing the micro-siting and placement of the turbines and infrastructure.

The ECoW shall be appointed on the approved terms throughout the period from Commencement of Development to completion of post construction restoration works.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the construction and restoration phases.

11. No later than eighteen months prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier), details of the terms of appointment of an ECoW by the Company throughout the decommissioning, restoration and aftercare phases of the Development shall be submitted for the written approval of the Planning Authority.

The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development during the decommissioning, restoration and aftercare phases.

12. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Peat Management Plan and Ground Water and Surface Water Monitoring Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and NatureScot. The CEMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the EIA Report and Appendices dated November 2020. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The method statement shall include the following:
- a) A plan of the construction operations at an appropriate scale;
 - b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
 - c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
 - d) Track design approach
 - e) Maps of tracks indicating double and single tracks and position of passing places.
 - f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
 - g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
 - h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
 - i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and SNH and SEPA guidance.
 - j) A management plan for minimising the emission of dust from the construction and operation of the development.
 - k) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
 - l) Compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
 - m) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.
 - n) Peat Management Plan (PMP) - a PMP shall be submitted to and approved by the Planning Authority in consultation with SEPA and NatureScot and thereafter all work will be carried out in accordance with the plan within the required timescales.
 - o) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.

- p) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- q) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- r) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during high periods of high rainfall.
- s) Timing and extent of any necessary re-instatement.
- t) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
- u) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.
- v) Ground Water and Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA. All works require to be carried out by component qualified professional. The methodology of such monitoring including locations frequency, gathering of information of baseline levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented within the timescales set out to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- w) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor the environmental effects of the development, including the effects on noise and dust, during the construction phase and the operational phase. The methodology of such monitoring including locations frequency, gathering of information on background levels, etc shall be submitted to the planning authority for approval prior to the commencement of works on site. Thereafter, the plan shall be implemented to the satisfaction of the Planning Authority and the results of such monitoring shall be submitted to the planning authority on a 6 monthly basis, or on request.
- x) a site waste management plan

Reason: To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.

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

Monday to Friday 7.00am to 7.00pm,
Saturday 7.00am to 1.00pm;

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

In relation to when borrow pits are operational as approved by condition 7, then the noise levels shall be restricted to 55dB LA eq (1hr) or background LA90 (1hr) + 10dBA, whichever is the lesser and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, shall be considered as Borrow Pit noise.

Reason: In the interests of local amenity.

14. No work shall start on site until a Traffic Management Plan (TMP) and Timber Transport Plan (TTP) have been submitted for the written approval of the Council, as Planning and Roads Authority. The plans shall be produced in consultation with Roads and Transportation Services, Police Scotland and the Council's Access Officer. Proposals shall include signage at conflicts with the Council's Core Path and Wider Network and arrangements for maintenance of such signage. The plans shall also include:
- a. The routing of all traffic associated with each phase of the Development (construction, operational and decommissioning) on the local road network generally in accordance with the phasing and vehicle movements as set out in Table 12.10 of the EIA Report dated November 2020. This shall provide the date when the access is no longer required other than for occasional intermittent use by light vans and cars.
 - b. Measures to ensure that the specified routes are adhered to, including monitoring procedures;
 - c. Details of all signage and lining arrangements to be put in place;
 - d. Provisions for emergency vehicle access;
 - e. Wheel washing facilities;
 - f. Site staff car parking;
 - e. Identification of a nominated person to whom any road safety issues can be referred;
 - f. access routes for any turbine erection crane; and
 - g. Details of monitoring and recording the vehicle movements and tonnage to and from site require to be submitted to the Planning Authority monthly or on request.

Following approval, the TMP and TTP shall be implemented as approved for the lifetime of the consent, hereby approved, unless otherwise agreed in writing by the Council.

Reason: In the interests of road safety.

15. That prior to commencement of works on site the applicant shall submit, for the written approval of the Council as Planning Authority, an Abnormal Load Route Assessment taking account of the works undertaken at Junction 11 associated with Douglas West Windfarm. Details of all works and modifications to the Council's local road network associated with this Abnormal Local Route Assessment shall also be submitted for the written approval of the Council as Planning Authority.

Following approval of the Abnormal Load Route Assessment and details of any required, associated works, these shall be implemented as approved and maintained as such until all abnormal loads have delivered to the site.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

16. That all timber extraction vehicle movements onto the public road shall be via the proposed windfarm construction route onto the western roundabout of the B7078 at Junction 11.
17. That no development shall commence until a Road Safety Audit (Stage 2) for all infrastructure to be constructed and adopted, or altered, on any public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, is approved by the Planning Authority in consultation with the Roads Authority.

Reason: In the interest of road safety

18. Prior to commencement of works on site the applicant shall submit, for the written approval of the Council as Roads Authority, details showing safe crossing arrangements where the proposed construction access meets the Council's core path CL/5735/3 and connecting wider network path CL/5157/1 along with arrangements where other paths are encountered. Once approved the safe crossings shall be implemented and maintained for the lifetime of the construction period.

Reason: In the interests of road safety and access

19. That prior to commencement of any works on site the applicant shall submit to the Council as Planning Authority a copy of their communication strategy to inform the local community of the construction programme and ongoing works to include developer contact points.

Reason: In the interests of road safety

20. Prior to commencement of development the developer shall submit a detailed Access Management Plan (AMP) for the written approval of the Planning Authority, and thereafter adhere to and implement the AMP within the timescales set out. The AMP shall be produced in consultation with the Council's Countryside and Greenspace Services and a programme of community consultation shall be undertaken on a draft AMP. Proposals shall incorporate and identify the Council's Core Path and Wider Network and provide signage where the network identifies links. No works shall commence on site until such times as the AMP has been approved in writing by the Planning Authority.

Reason: In the interests of amenity and in order to retain effective planning control.

21. No development shall commence unless and until a Habitat Management Plan (HMP) has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot.

The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat improvements and creation of new habitats to aid biodiversity on site.

The HMP shall include provision for regular monitoring and review to be undertaken to consider whether amendments are needed to better meet the habitat plan objectives. In particular, the approved HMP shall be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted for the written approval of the Planning Authority in consultation with NatureScot.

The HMP shall set out details of the implementation of a Habitat Management Group.

Unless and until otherwise agreed in advance in writing with the Planning Authority, the approved HMP (as amended from time to time) shall be implemented in full and within the timescales set out in the approved HMP.

Reason: In the interests of good land management and the protection of habitats.

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

Reason: To safeguard environmental impacts, ecology, species and habitats and maintain effective planning control.

23. No development shall commence unless and until the Company has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation, including archaeological walkover survey which has been submitted by the applicant, agreed by West of Scotland Archaeology Service and approved by the Council, as 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 Council, as Planning Authority in agreement with the Wets of Scotland Archaeology Service. The approved programme of archaeological works shall be implemented in full.

Reason: To ensure the protection or recording of archaeological features on the site.

24. No development shall commence unless and until a method statement and monitoring plan has been submitted to, and approved in writing by, the Planning Authority. for the avoidance of doubt this shall:-
- detail all mitigation measures to be taken to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of the section 36 consent and which may be affected by the Development.

- include water quality sampling methods and shall specify abstraction points.
- be implemented in full.

And monitoring results shall be submitted to the Planning Authority on a quarterly basis or on request during the approved programme of monitoring.

Reason: To maintain a secure and adequate quality water supply to all properties with private water supplies this may be affected by the Development.

25. Unless otherwise agreed in writing by the Planning Authority, if one or more wind turbines fails to generate electricity for a continuous period of twelve months a scheme setting out how the relevant wind turbine(s) and associated infrastructure will be removed from the site and the ground restored shall be submitted for the written approval of the Planning Authority no later than one month after the date of expiry of the twelve month period.

The approved scheme shall be implemented within six months of the date of its approval, to the satisfaction of the Planning Authority.

Reason: To ensure that any redundant wind turbine(s) are removed from Site, in the interests of safety, amenity and environmental protection.

26. No wind turbines shall be erected unless and until a scheme for aviation lighting for the Development has been submitted to, and approved by, the Planning Authority. The scheme shall include details of any aviation lighting required by Civil Aviation Authority and Ministry of Defence which is to be applied.

No lighting other than that described in the scheme shall be applied, other than that required for health and safety purposes, unless otherwise agreed in writing by the Planning Authority.

The required aviation lighting shall thereafter be maintained as approved for the lifetime of the Development.

The Development shall be operated in accordance with the approved scheme.

Reason: In the interests of aviation safety and visual amenity.

27. No development shall commence unless and until a decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot and SEPA). The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

28. The wind turbines shall be decommissioned and cease to generate electricity by no later than the date falling thirty years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Commissioning without the prior written approval of the Scottish Ministers in consultation with the Planning Authority.

No later than five years prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy (condition 27), shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

- (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- (c) a dust management plan;
- (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- (f) details of measures for soil storage and management;
- (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (h) details of measures for sewage disposal and treatment;
- (i) temporary site illumination;
- (j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- (k) details of watercourse crossings; and
- (l) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.

The Development shall be decommissioned, the site restored and aftercare undertaken in accordance with the approved plan, unless and until otherwise agreed in writing in advance with the Planning Authority in consultation with NatureScot and SEPA.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

29. In respect of noise, the following shall apply:

1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within Chapter 9 of the Environmental Impact Assessment Report, November 2020, the following noise limits shall be adhered to-

The cumulative day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 40dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

The cumulative night time noise (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

The cumulative noise (at any time) from the wind turbines must not exceed a noise level of 45dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any financially involved noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

Should the permitted ETSU-R-97 conditions above be apportioned within the format of the IOA Good Practice Guide Example- the proposed noise limits for the receptors shown shall be reduced in following number of Decibels at the standardised wind speeds shown-

Receptor	7m/s	8m/s	9m/s
Dunside W'ks Cottage	-1	-2	-1
Dunside	-2	-3	-2

2.0 Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in condition 38 shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97. The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

3.0 Investigation of Complaints

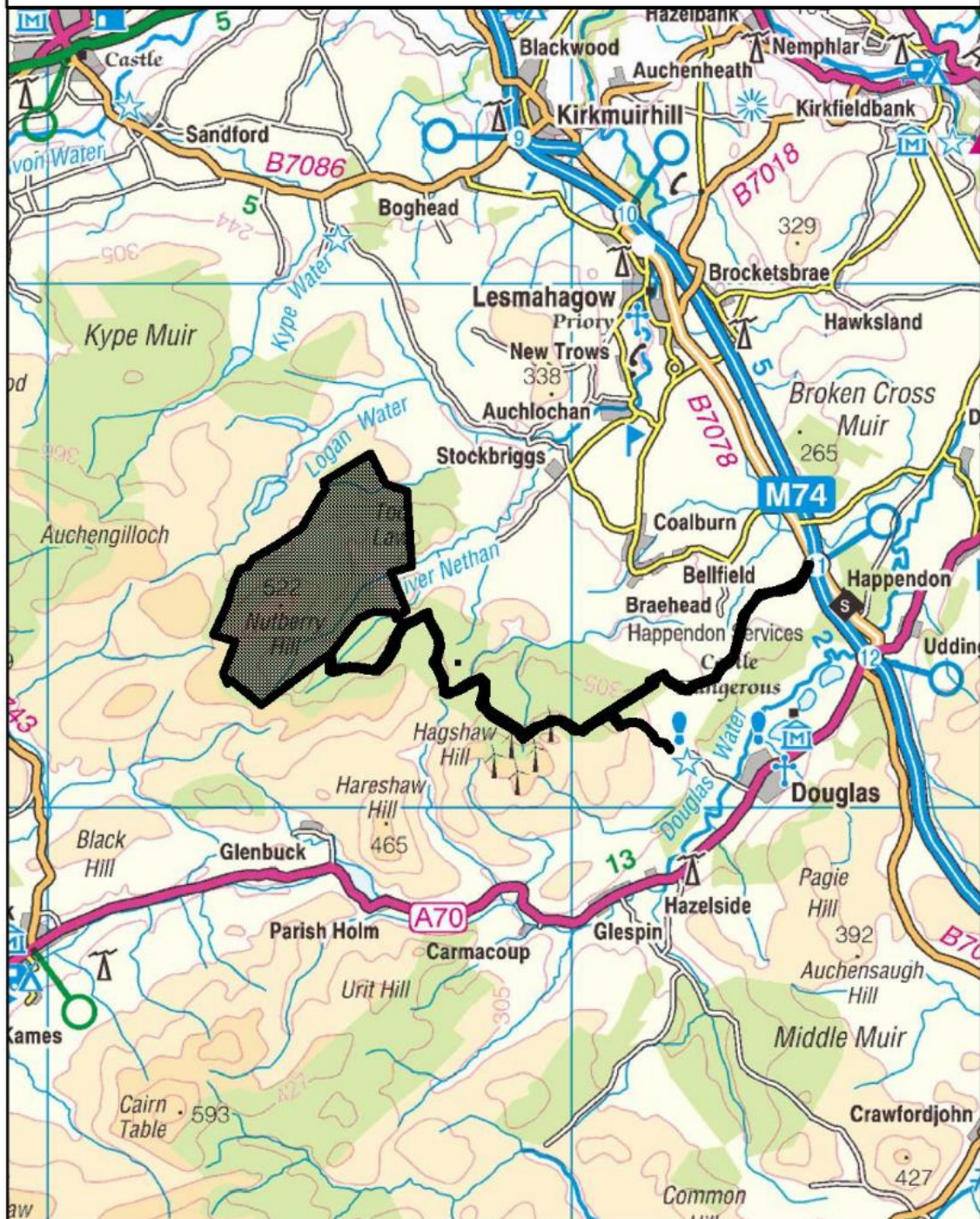
At the reasonable request of the Planning Authority and following a complaint to it relating to noise emissions arising from the operation of the wind farm, the wind farm operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise emission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97. The Planning Authority shall inform the wind farm operator whether the noise giving rise to the complaint contains or is likely to contain a tonal component or an amplitude modulation.

Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority for prior approval. Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation is considered by the Local Planning Authority to be present in the noise immissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.

Reason: In the interests of residential amenity

P/20/1730

Cumberhead West Wind Farm



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Scale:
1:100,000
Date:
26/02/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development