

# Report

Report to:	<b>Planning Committee</b>
Date of Meeting:	<b>13 September 2022</b>
Report by:	<b>Executive Director (Community and Enterprise Resources)</b>

Application no.	P/21/1127
Planning proposal:	Erection of 6 No. wind turbines (5 with a maximum height to tip of 250m and 1 with a maximum height to tip of 209m) and associated infrastructure including access tracks and electrical control building

## 1 Summary application information

Application type:	Detailed planning application
Applicant:	Mill Rig Wind Farm LLP c/o Banks Renewables Limited
Location:	Mill Rig Wind Farm Waterhead Peelhill and Linbank Highway Strathaven South Lanarkshire

## 2 Recommendation(s)

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

- (1) Grant detailed planning permission (subject to conditions) based on conditions attached.

### 2.2 Other actions/notes

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

The Committee should note that the decision notice should not be issued until the following matters are concluded:-

A Legal Agreement securing:-

- ◆ a Section 96 legal agreement to ensure bridge assessment analysis is undertaken to ensure that all bridges affected by the proposals can safely accommodate the abnormal loads and the submission of a report (demonstrating suitable check certification has been carried out) for further approval. For the applicant to carry out any remediation required on any bridge not considered to be capable of carrying the proposed loads following approval of the works by the Council, as Road Authority. The agreement shall also contain details of a suitable inspection regime of the bridges during the construction of the wind turbines and the resultant requirements and responsibilities following these inspections.
- ◆ Community Contribution Payments

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Planning Obligation within 6 months of the date of the Committee, the proposed development may be refused on the basis that, without the planning control/developer contribution which would be secured by the Planning Obligation, the proposed development would be unacceptable.

If, however, this matter is being progressed satisfactorily the applicant will be offered the opportunity to enter into a Processing Agreement, if this is not already in place. This will set an alternative agreed timescale for the conclusion of the Planning Obligation.

All reasonable legal costs incurred by the Council in association with the above Legal Agreement shall be borne by the applicant

### 3 Other information

- ◆ Applicant's Agent: Laura McGowan  
Land Use Consultants
- ◆ Council Area/Ward: 05 Avondale and Stonehouse
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan 2 (Adopted 2021)**  
Policy 1 Spatial Strategy  
Policy 2 Climate Change  
Policy 4 Green Belt and Rural Area  
Policy 5 Development Management and Placemaking  
Policy 14 Natural and Historic Environment  
Policy 15 Travel and Transport  
Policy 16 Water Environment and Flooding  
Policy 18 Renewable Energy  
Policy RE1 Renewable Energy  
Policy DM1 New Development Design  
Policy GBRA2 Business Proposals within Green Belt and Rural Area  
SDCC2 Flood Risk  
SDCC3 Sustainable Drainage Systems  
NHE9 Protected Species  
NHE20 Biodiversity

#### **Supporting Planning Guidance: Renewable Energy**

#### ◆ Representation(s):

▶	0	Objection Letters
▶	164	Support Letters
▶	1	Comment Letter

#### ◆ Consultation(s):

Darvel and District Community Council

Prestwick Airport

Roads Development Management Team

Environmental Services

West of Scotland Archaeology Service

SEPA West Region

Historic Environment Scotland

Scottish Water

Roads Flood Risk Management

SP Energy Networks

Countryside and Greenspace

BAA Glasgow

Transport Scotland

Civil Aviation Authority (CAA)

MoD (Windfarms)

National Air Traffic Services Limited

Nature.Scot

East Ayrshire Council

Roads and Transportation Services Bridges Structures Section

## **Planning Application Report**

### **1 Application Site**

- 1.1 The application site is an area approximately 393 hectares in size mainly comprising commercial forestry with an area of sloping moorland and is located on the western boundary of the South Lanarkshire Council administrative boundary, approximately 12km southwest of the settlement of Strathaven. The application site extends into the administrative boundary of East Ayrshire Council (EAC) with access taken from the A71. In tandem with this planning application, an application has been submitted to East Ayrshire Council (EAC Ref: 21/0440/PP) for alterations to the existing access from the A71. This application is currently pending consideration. The application site is located adjacent to the existing Bankend Rig Wind Farm (Planning Ref: EK/06/0311) and it is proposed to utilise part of the existing access road that serves this wind farm.
- 1.2 The application site is located on land designated as Rural Area within the South Lanarkshire Local Development Plan 2 (2021). The site is located within a landscape designated within NatureScot's Landscape Character Assessment (2019) as a Plateau Moorland Landscape Character Type (LCT) and within the Rolling Moorland Forestry LCT within the South Lanarkshire Landscape Character Assessment 2010 (LCA).

### **2 Proposal(s)**

- 2.1 Planning permission is sought for the erection of 6 No. wind turbines and associated infrastructure including an electrical control building, cabling and access track. As noted in 1.1 above, it is proposed to utilise existing portions of the Bankend Rig Wind Farm access track including the existing access off the A71, subject to widening. Again, as noted in 1.1 above, this access point and the majority of the access road are located within East Ayrshire and subject to a separate planning application. All 6 proposed turbines are located within the South Lanarkshire Council administrative boundary.
- 2.2 Five of the proposed turbines are to have a maximum height to tip of 250m with the remaining proposed turbine having a maximum height of 209m to tip. The proposals would have an estimated generating capacity of 36 Mega Watts (MW).

### **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) June 2014 aligns itself with NPF3 and one of its policy principles states that "This SPP introduces a presumption in favour of development that contributes to 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 (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”.

### 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 Following formal adoption on 9 April 2021, the proposals are required to be assessed against the South Lanarkshire Local Development Plan 2 (SLLDP2).

In this regard, the application site and associated proposal is affected by the following policies contained in SLLDP2:-

#### Volume 1

- ◆ Policy 1: Spatial Strategy
- ◆ Policy 2: Climate Change
- ◆ Policy 4: Green Belt and Rural Area
- ◆ Policy 5: Development Management and Placemaking
- ◆ Policy 14: Natural and Historic Environment
- ◆ Policy 15 Travel and Transport
- ◆ Policy 16 Water Environment and Flooding
- ◆ Policy 18: Renewable Energy

#### Volume 2

- ◆ Policy DM1 New Development Design
- ◆ Policy RE1 Renewable Energy
- ◆ Policy GBRA2 Business Proposals within Green Belt and Rural Area
- ◆ SDCC2 Flood Risk
- ◆ SDCC3 Sustainable Drainage Systems
- ◆ NHE9 Protected Species
- ◆ NHE20 Biodiversity

Supporting Planning Guidance: Renewable Energy

- 3.2.3 All these policies and guidance are examined in the assessment and conclusions section of this report.

### 3.3 **Planning Background**

- 3.3.1 The application involves proposals with an electrical generating capacity of over 20MW and therefore is classed as a Major application within the Electricity Generation category of the Hierarchy of Development. As such, the applicant carried out the statutory Pre-Application Consultation (Planning Ref: P/20/0009/PAN) required for Major applications. The current application submission includes the required Pre-application Consultation Report following this consultation procedure.
- 3.3.2 Due to the nature of the proposals being considered to constitute an Environmental Impact Assessment (EIA) proposal, the planning application has been submitted with an EIA Report (EIAR). A scoping exercise was carried out to inform the scope of the EIAR prior to it being written (Planning Ref: P/18/1345).
- 3.3.3 As noted in 1.1 above, an application to widen the existing access from the A71 and access route to site has been submitted to East Ayrshire Council (EAC) (EAC Ref: 21/0440/PP) which is currently pending consideration.

### **3.4 Appropriate Assessment Under Habitat Regulations**

- 3.4.1 The application site is located adjacent to the northern boundary of the Muirkirk and North Lowther Uplands Special Protection Area (SPA). This SPA is classified for its internationally important populations of hen harrier, merlin, peregrine, short-eared owl and golden plover. Whilst not located within this SPA, given the proposals are within close proximity there is potential that they could impact upon the integrity of the SPA designation. As such, as Competent Authority, South Lanarkshire Council is required to carry out an Appropriate Assessment of the proposals in relation to the conservation objectives of the designation before any further planning decision can be made.
- 3.4.2 As part of their consultation response (4.6 below) NatureScot have considered the proposals and state that, subject to strict adherence to their proposed mitigation (a Breeding Bird Protection Plan and habitat management to reduce the attractiveness of the application site to the SPA qualifying species) it is their opinion that the proposals would not adversely affect the integrity of the SPA.
- 3.4.3 As noted in 4.6 below, conditions securing the mitigation proposed by NatureScot form part of the recommendation of approval. In this instance, it is considered that if the development proposals are carried out in line with strict mitigation relating to breeding birds and habitat management, they would not adversely affect the integrity of the SPA. It is therefore considered that subject to suitable mitigation, South Lanarkshire Council, as Competent Authority, has carried out an Appropriate Assessment in relation to the qualifying interests of this SPA and that the proposals are acceptable under this assessment.

## **4 Consultation(s)**

- 4.1 **Roads Development Management** – no objections to the proposals subject to conditions relating to further approval of a Traffic Management Plan (TMP) and the subsequent implementation of the approved TMP.  
**Response:** Noted. Appropriate conditions can be attached to any consent issued.
- 4.2 **Roads (Structures)** – note that the abnormal load route includes crossing 13 South Lanarkshire Council bridges. Require a Section 96 legal agreement be entered into to ensure bridge assessment analysis is undertaken to ensure that the bridges can safely accommodate the abnormal loads and is incorporated into a report containing suitable check certification for further approval. If any bridge is not capable of carrying the proposed loads remedial measures on these bridges will be required to be carried out by the applicant to the Council's approval. The agreement shall also contain details of a suitable inspection regime of the bridges and the resultant requirements and responsibilities following these assessments.  
**Response:** Noted and a legal agreement to secure these requirements forms part of the recommendation of approval.
- 4.3 **Countryside and Greenspace** – no objections to the proposals subject to a public access strategy through the site being drawn up by the applicant following public consultation. Support NatureScot's comments in relation to habitat management.  
**Response:** Noted and an access strategy condition forms part of the recommendation of approval. NatureScot's comments are discussed in 4.6 below.
- 4.4 **West of Scotland Archaeological Service (WoSAS)** – note that there is potential for the site to contain archaeological interest and therefore a programme of archaeological works should be carried out before any construction commences.  
**Response:** Noted. An appropriate condition can be attached to any consent issued.
- 4.5 **Environmental Services** – content with the noise impact assessment (NIA) submitted as part of the application and have no objections subject to the mitigation proposed within the NIA, namely that compliance and validation measurements shall be carried out by an appropriately qualified, independent consultant. Also require a blasting statement condition in relation to borrow pits and a condition requiring shadow flicker investigation should any complaint be received.  
**Response:** Noted. Appropriate conditions form part of the recommendation of approval.

- 4.6 **NatureScot** – as noted in 3.4 above, consider that subject to mitigation the proposals will not have an adverse impact on the integrity of the adjacent SPA. As well as the mitigation recommended in relation to the SPA, they state that they object to the proposals unless mitigation relating to the further approval of a Habitat Management Plan forms a condition of any planning permission, if granted. Also recommend conditions in relation to the employment of an Environmental Clerk of Works (ECoW) and the further approval and subsequent implementation of a Construction Environmental Management Plan (CEMP).  
**Response:** Noted. Appropriate conditions in relation to the SPA mitigation, the employment of an ECoW and the further approval of a Habitat Management Plan and CEMP form part of the recommendation of approval.
- 4.7 **Historic Environment Scotland** – no objection.  
**Response:** Noted.
- 4.8 **SEPA** – no objection subject to conditions requiring surface water management to form a requirement of any CEMP.  
**Response:** Noted and surface water management is one of the criteria required to be addressed by the CEMP which forms part of the recommendation of approval.
- 4.9 **Ministry of Defence** – no objection subject to conditions requiring aviation lighting.  
**Response:** Noted and the conditions relating to aviation lighting form part of the recommendation of approval.
- 4.10 **Scottish Water** – no objections.  
**Response:** Noted.
- 4.11 **Darvel and District Community Council** – support the proposals.  
**Response:** Noted.
- 4.12 **Sandford and Upper Avondale Community Council** – support the proposals.  
**Response:** Noted.
- 4.13 **Prestwick Airport** – originally objected to the proposals on the grounds of aviation safety and Radar. Following discussions with the applicant, a Primary Radar Mitigation Scheme has now been agreed in principle. Now have no objections subject to conditions requiring further approval of the detailed Primary Radar Mitigation Scheme being attached to any decision, if issued.  
**Response:** Noted and the requested conditions form part of the recommendation of approval.
- 4.14 **National Air Traffic Services Limited** – originally objected to the proposals on the grounds of aviation safety and Radar. Following discussions with the applicant, a Primary Radar Mitigation Scheme has now been agreed in principle. Now have no objections subject to conditions requiring further approval of the detailed Primary Radar Mitigation Scheme being attached to any decision, if issued.  
**Response:** Noted and the requested conditions form part of the recommendation of approval.
- 4.15 **BAA Glasgow Airport** – originally objected to the proposals on the grounds of aviation safety and Radar. Following discussions with the applicant, a Primary Radar Mitigation Scheme has now been agreed in principle. Now have no objections subject to conditions requiring further approval of the detailed Primary Radar Mitigation Scheme being attached to any decision, if issued.  
**Response:** Noted and the requested conditions form part of the recommendation of approval.
- 4.16 The following consultees had no comments to make on the proposals:-
- ◆ Roads Flood Risk Management
  - ◆ Scottish Power Energy Networks
  - ◆ Civil Aviation Authority (CAA)
  - ◆ Transport Scotland
  - ◆ East Ayrshire Council
  - ◆ Scottish Ministers

## **5 Representation(s)**

- 5.1 Statutory neighbour notification was undertaken and the proposal advertised in the local press for non-notification of neighbours. Following this publicity 1 letter of comment was received requesting that all flora and fauna are protected as part of the development. As noted throughout Section 6 of the report below, the planning application was submitted with an EIA Report that contains a full ecological appraisal including mitigation measures in relation to wildlife.
- 5.2 In addition, 164 letters including 158 pro forma letters, were submitted in support of the proposals.
- 5.3 No letters of objection have been received.
- 5.4 These letters are available for inspection on the planning portal.

## **6 Assessment and Conclusions**

- 6.1 Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the approved Glasgow and the Clyde Valley Strategic Development Plan 2017 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2 2021 (SLLDP2) and associated Supporting Planning Guidance: Renewable Energy.
- 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 SPP, therefore, promotes renewable energy projects but only 'the right development in the right place; it is not to allow development at any cost'. As noted in 6.1, the planning system should be plan led and this is re-enforced as being part of the Core Values of the Planning Service set out in SPP Paragraph 4. It is, therefore, considered that whilst the principle of renewable energy is supported at a National Level, it is only supported if the proposals are deemed to be considered 'the development in the right place' and that the primary, determining criteria for this assessment should therefore be the Development Plan.
- 6.6 The proposed development therefore requires, firstly, to be considered against the 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. 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 requires proposals to accord with local development plans. Diagram 6 of the GCVSDP identifies areas of the city region where onshore wind maybe appropriate and the application site is identified as within one of these areas. It is, therefore, considered that at a strategic level the Development Plan supports the principle of renewable energy subject to a detailed assessment against the local development plan.

- 6.7 In terms of the adopted South Lanarkshire Local Development Plan 2, Policy 1 'Spatial Strategy' of the SLLDP2 states that the Plan will encourage sustainable economic growth and regeneration, protect and enhance the built and natural environment and move towards a low carbon economy and that this will be achieved, inter alia, by supporting 'development that accords with and supports the policies and proposals in the development plan and supplementary guidance. As the site is located within land designated as within the Rural Area, the application, therefore, requires to be assessed under the Policy 4 'Green Belt and rural area'. This states that support will not be given for development proposals within the Countryside, unless they relate to uses which must have a countryside location. Policy 4 recognises that there are specific circumstances where proposals may require to be located within a rural area if it can be demonstrated that there is an established need for the proposed development. SLLDP2 Volume 2 Policy GBRA2 Business Proposals within Green Belt and Rural Area lists renewable energy as an appropriate use in the Rural Area subject to it conforming to SLLDP2 Policy 18: Renewable Energy. Further assessment of the proposals against SLLDP2 Policy 18 is considered below but the principle of the renewable energy use within the Rural Area accords with the spatial strategy set out within SLLDP2 Policies 1 and 4 in this instance. Again, the overall acceptability of such a development must, however, also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.8 Policy 2 'Climate Change' of the SLLDP2 states that proposals for new development must, where possible, seek to minimise and mitigate against the effects of climate change. The proposals are for a renewable energy development and, therefore, intrinsically support minimising the effects of climate change through greener energy generation. It is, therefore, considered that the principle of the development accords with SLLDP Policy 2 in this instance. Again, the overall acceptability of such a development must, however, also meet other Policy and Development Management criteria and these issues are considered in detail further in the report.
- 6.9 Policy 5 'Development Management and Placemaking' states that development proposals should take account of and be integrated within the local context and built form. New development should also have no significant adverse impacts on the local community. This advice is supported through SLLDP2 Volume 2 Policy DM1 New Development Design.
- 6.10 Policy 14: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. This advice is supported through a range of topic specific SLLDP2 Volume 2 Policies NHE1 to NHE21 and reference to the relevant specific policy is made throughout the remainder of the assessment below.
- 6.11 Policy 18: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in 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 SLLDP2. It further states that all renewable energy proposals shall be assessed against the relevant criteria and requirements set out in the Assessment Checklist for Renewable Energy Proposals (hereon referred to as the Checklist) contained within SLLDP2 Volume 2. SLLDP2 Volume 2 Policy RE1 Renewable Energy supports Policy 18 and states that as well as the Checklist, renewable energy proposals should also take into account the considerations, criteria and guidance contained within the Supporting Planning Guidance on Renewable Energy, Landscape Capacity Study for Wind Energy (2019 as amended) and other relevant policies in SLLDP2. Part of the Checklist includes an assessment of the criteria referenced in

Policies 5 and 14 and their associated SLLDP2 Volume 2 Policies as referenced above. The assessment below, therefore, also includes the assessment against these policies criteria.

- 6.12 SLLDP2 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
- 6.13 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.
- 6.14 Group 2 Areas of significant protection; SPP and the Spatial Framework for Wind Energy 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
- 6.15 In terms of international designations, there are none located within the application site. As noted in 3.4 above, the site is in close proximity to a SPA, however, subject to appropriate mitigation, the proposals are not considered to have a significant, adverse effect on the integrity of this international designation.
- 6.16 In terms of national designations, the application site is also adjacent to the Muirkirk Uplands Site of Special Scientific Interest (SSSI) which, like the SPA is designated for its ornithological interests but also for the quality of its blanket bog and upland habitat mosaic. As noted elsewhere, the proposals are not considered to have a significant impact on ornithological interests. The construction element of the site is not considered to have any connection with the water table of the SSSI and therefore would not impact upon the blanket bog. A further SSSI, Blood Moss and Slot Burn SSSI is located some 3.5km from the site. Again, this SSSI is designated for blanket bog habitat and it is considered that the proposals would have no impact upon this SSSI.
- 6.17 In terms of national historic designations there are no Historic Battlefields, Inventory Gardens and Designed Landscapes (IDGL), A Listed Buildings or Conservation Areas within the site boundary. There are 5 Scheduled Monuments within 10km of the site. The nearest, Glen Carr (SM2469), is some 2.7km from the site boundary and it is considered that this distance and the topography of the area minimises any impact the proposals may have on this or any of the more distant Scheduled Monuments. There is one A Listed Building within 10km of the application site, the Alexander Morton Monument which is some 6km from the site and it is again considered that this is an adequate distance to ensure there is no impact on the setting of this historic asset. There is one IGDL within 10km of the application site but again at a distance of 5.5km from the site, it is considered that the proposals would not have an adverse impact upon the setting of this historic asset. 2 historic battlefields (Battle of Loudon Hill and Battle of Drumclog) are within 1.5km and 3.5km of the site respectively. It is considered that these distances are adequate in ensuring the interpretation and setting of both battlefields are not impacted upon by the proposals. Historic Environment Scotland (HES) and West of Scotland Archaeology Service (WoSAS) have raised no concerns in relation to the proposals impact on either battlefield. There are 4 Conservation Areas within 10km of the application site, all located outwith South Lanarkshire Council's administrative boundary. The closest ones (Darvel Central and Morton Park) are 4.6km from the application site, however, the proposals would not have an adverse impact on these historic designations.

- 6.18 The third criteria of the Group 2 Areas of significant protection relates to community separation for consideration of visual impact. This is defined by SPP as an area not exceeding 2km around cities, towns and villages identified on the local development plan with an identified settlement envelope or edge. There are no communities within 2km of the application site.
- 6.19 It is therefore considered that the proposals and application site can be considered to fall within Group 3: Areas with potential for wind farm development.
- 6.20 As noted in 6.11 above, Policies 18 and RE1 require renewable energy proposals to be assessed against the Checklist and other relevant policies of SLLDP2. These are taken in turn below.
- 6.21 Impact on international and national designations.  
National and international designations have been previously assessed at paragraphs 6.15 to 6.19 above and it is considered that there are no adverse effects on national and international designations.
- 6.22 Community separation for consideration of visual impact.  
As noted in 6.18 above, the proposals are not located within 2km of any communities.
- 6.23 Economic benefits.  
This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. It is acknowledged that there will be some construction employment related to the development but as the development only involves 6 turbines and associated infrastructure, there is unlikely to be other economic opportunities associated with the development. It is, therefore, considered that there is little weight in any consideration of the development in relation to economic benefits.
- 6.24 Scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.  
It is acknowledged that, as with any renewable energy project, if developed, the proposals would add to renewable energy targets. If approved, the proposals would have a renewable energy generation capacity of 36MW. Part of the proposals involve utilising parts of an existing access track and avoiding peatland where possible which minimises the construction footprint of the project and carbon release. The EIAR notes that approximately 78,905 tonnes of CO2 would be emitted through the manufacturing, construction and decommissioning of the turbines and it is expected that within 2.4 years of the 30 year lifespan of the turbines the renewable energy generated would have paid back this carbon release resulting in the remaining 27.6 year being in a carbon credit for electricity generation.
- 6.25 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 criterion, in line with SLLDP2 Volume 2 Policies NHE9 (Protected Species) and NHE20 (Biodiversity), states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. Ecological and Ornithological chapters form part of the EIAR, including a Protected Species Survey, submitted as part of the application. It concludes that the development would not have a significant impact upon protected species and habitats. The site is predominantly commercial forestry comprising Sitka Spruce and therefore does not have a high habitat value for wildlife, including protected species. Whilst evidence of protected species was not found within the application site, mitigation measures such as pre-construction surveys and a stand off from trees that have the potential for bats to roost form part of the EIAR. NatureScot have raised no concerns in relation to these chapters and the proposed mitigation within the EIAR.
- 6.26 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).  
As noted in 3.4 and 4.6 above, habitat management is considered a requirement to ensure the proposals do not have a significant, adverse impact upon the adjacent SPA and a condition

requiring further approval of a Habitat Management Plan forms part of the recommendation of approval.

- 6.27 Landscape and visual impacts including landscape capacity and cumulative developments.  
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 own landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. To evaluate this firstly an assessment of the impact of the proposals on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is carried out. Secondly an assessment on the visual impact including residential amenity is carried out. The assessment takes into account cumulative impacts. A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the application.
- 6.28 The application site is located within the Rolling Moorland Forestry Landscape Character Type (LCT), as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). The key characteristics of this LCT are its distinctive upland character created by the combination of elevation, exposure, rolling or undulating landform and the pre-dominant lack of modern development. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 (Landscape Capacity Study) and its Tall Turbine Addendum (2019) provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the Rolling Moorland Forestry LCT. The application site is in an area defined as having medium capacity for turbines with heights between 150m to 250m where it is considered that the rolling and large nature of the LCT has a character than can support large scale turbine heights; the topography of the LCT allows for potential screening of turbines and apart from other turbines; and there is little other development that would provide a scale indicator for tall turbines and increase their sense of dominating the landscape. The LCA suggests that the nature of the LCT with its sense of remoteness in parts isn't suitable for large spread wind farm development and should be sited adjacent to existing wind farm development where possible to limit their visual spread into remoter areas of the LCT. The turbines have been designed in a tight cluster to minimise their visual spread within the landscape. The site is located to an existing wind farm (Bankend Rig) and whilst this wind farm involves turbines at a much lower height (76m), their presence on this part of the landscape results in it not being one of the areas of the LCT characterised by a remoteness. It is also considered that 6 turbines is, in proportion to the scale of the landscape, relatively modest and minimises spread across the large rolling landscape. Whilst the turbines are taller than the surrounding commercial forestry, it is considered that the forestry would have a softening effect on the turbines within the landscape as they would provide a setting of the turbine basis within the landscape.
- 6.29 In terms of Visual Impact, this can be categorised in 2 separate considerations. Firstly, there is the general Visual Impact the proposals may have to receptors throughout the wider area and secondly there is the specific Visual Impact proposals can have on residential amenity. Taking each in turn, in terms of general Visual Impact, it is considered that the site is located within a fairly remote location that is not particularly prominent within the landscape which limits its impact to receptors. The site is adjacent to an existing wind farm (Bankend Rig) and is therefore not introducing wind turbines into the landscape. In terms of residential visual amenity, again given the remote location of the proposals there is limited potential to impact upon residential amenity. A detailed assessment of the visual amenity on residential properties within 2km of the proposal formed part of the submitted LVIA. It is considered that due to the design of the proposed development, distance and screening the effects of the proposals on surrounding residential amenity would not be of a scale that would result in residential amenity being significantly impacted. Due to the height of the turbines being over 150m, aviation lighting will be required for some or all of the turbines. It is considered that the remote location of the turbines again minimises any visual impact lighting may have and that the introduction of a maximum of 6 turbines being lit will not dominate the night sky to a degree that they will have a significantly adverse impact on night time visual amenity.
- 6.30 It is therefore considered that the proposals are acceptable in relation to Landscape and Visual Amenity.

- 6.31 Impacts on communities and individual dwellings, including visual impact, residential amenity, 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 Checklist. Criteria 10 contains 3 considerations which are residential visual amenity, noise and shadow flicker.
- 6.32 As noted in 6.18 above, the application site is not located within 2km of any communities. In terms of visual impact on individual dwellings, as noted in 6.29 it is considered the proposals would not have a significant impact on Residential Visual Amenity on the area.
- 6.33 The impact on communities and individual dwellings in respect to shadow flicker and noise requires to be assessed. A noise assessment has been submitted as part of the application submission. Environmental Services raise no issues with the assessment and recommend that an appropriate condition can be attached which requires the noise limits to be validated, if consent is granted, to ensure the required levels are met. A Shadow Flicker assessment has been submitted as part of the application submission which notes that 6 properties lie within the potential shadow flicker radius and are likely to be affected by shadow flicker. Of these 6 properties, five were identified as potentially exceeding the 30 hours per year of shadow flicker that is considered the acceptable threshold and based on an assumption of constant blue skies throughout the year, may receive up to 87 hours of shadow flicker a year. Firstly, it is noted that the surrounding locale is unlikely to have constant blue skies throughout the year, so the predicated shadow flicker hours is a theoretical worst case scenario (assuming the sun is always shining with sufficient intensity to cast a clear shadow from dusk till dawn). In terms of the actual, likely shadow flicker received by these properties, none would exceed the 30 hour threshold. Secondly, the applicant proposes shadow flicker mitigation being installed within the turbines to ensure they can be shut down when required to minimise shadow flicker. Mitigation proposed by the applicant requires the turbines being shut down when shadow flicker is likely to occur. Environmental Services are content with the shadow flicker assessment and proposed mitigation. It is considered that a suitable condition could be employed to minimise the proposals' impact on shadow flicker and ensure that it would not have a detrimental impact upon the amenity of the area.
- 6.34 Impacts on carbon rich soils and peat, using the carbon calculator.  
As noted in 6.24 above, the EIAR notes that approximately 78,905 tonnes of CO<sub>2</sub> would be emitted through the manufacturing, construction and decommissioning of the turbines and it is expected that within 2.4 years of the 30 year lifespan of the turbines the renewable energy generated would have paid back this carbon release resulting in the remaining 27.6 year being in a carbon credit for electricity generation.
- 6.35 Impact on Public Access.  
The proposals do not affect any core paths or right of ways during construction or operation. An access strategy condition forms part of the recommendation of approval. It is, therefore, considered that the proposals are acceptable in relation to public access.
- 6.36 Impacts on the historic environment.  
This consideration set out at criteria 13 of the Checklist, in line with the criterion of SLLDP2 Policy 14, has previously been assessed under National Designations at paragraph 6.16 with the exception of impact upon B and C Listed Buildings. With regard to B and C Listed Buildings, there are 66 B listed and 36 C listed buildings within 10 km of the application site but these are located mainly within existing settlements and farms and not within close proximity to or within the application site. It is therefore considered that there would not be any impact on the settings of these historic assets.
- 6.37 Impacts on tourism and recreation.  
It is considered that the proposed turbines would be unlikely to have any direct impact on any tourism and recreational interests within the area given it does not impact upon any core walking route or other tourist destination.

- 6.38 Impacts on aviation and defence and transmitting or receiving systems.  
No objections have been received from consultees in relation to defence or transmitting or receiving systems. In terms of aviation, as noted in 4.13 to 4.15 above, a Primary Radar Mitigation Scheme has now been agreed. Where consultees have recommended conditions, these form part of the recommendation of approval.
- 6.39 Impact on road traffic and on trunk roads.  
The criterion of this section of the checklist mirrors SLLDP2 Policy 15 (Travel and Transport) which requires that new development does not impact upon any existing walking or cycle route and promotes sustainable travel, where at all possible. In this instance there are no walking or cycling routes affected by the proposals. Transportation Services (Development Management) have no objections to the proposals subject to conditions relating to the further approval and implementation of a Traffic Management Plan. They also require a Section 96 legal agreement to be entered into in relation to bridge assessment analysis and inspection regime of specified bridges and culverts along the abnormal load delivery route and associated indemnity insurance requirements.
- 6.40 Impacts on hydrology, water environment and flood risk  
This consideration mirrors SLLDP2 Policy 16: Water Environment and Flooding which states 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. SLLDP2 Volume 2 Policies SDCC2 (Flood Risk) and SDCC3 (Sustainable Drainage Systems) contain further, specific guidance on the water environment. The application site is not identified as being at risk of flooding and it is considered that the proposals would not have an additional impact upon the water environment.
- 6.41 Decommissioning and restoration.  
This consideration requires a plan for decommissioning and restoration of the proposed development to be robust. The planning submission contains restoration details of returning the site back to countryside. Conditions requiring further, specific detail of the restoration plan and requiring a financial mechanism such as a bond to be put in place form part of the recommendation.
- 6.42 Forestry and woodland removal.  
Criteria 22 of the Checklist requires the effect proposals may have on forestry and woodland to be fully assessed. It is considered that the only forestry lost through the proposals would be commercial forestry which has a limited lifespan given the commercial nature of its planting.
- 6.43 Impact on Prime Agricultural Land.  
There is no Prime Agricultural Land within the application site.
- 6.44 Borrow pits.  
Four borrow pits are proposed as part of the construction proposals. It is considered that given the remoteness of the site the use of onsite stone for construction is considered the most sustainable option rather than importing material. Conditions relating to noise levels specific to the borrow pits and the further approval of any blasting scheme form part of the recommendation of approval.
- 6.45 Environmental Protection  
Criteria 25 of the Checklist requires that all appropriate authorisations or licenses under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on wastewater and/or water assets which are above and/or underground in the area that may be affected by the proposed development. If approval were to be granted, a Construction Environmental Management Plan would form part of any permission to ensure all construction is carried out in line with all required environmental authorisations and licenses.
- 6.46 Notifiable installations and exclusion zones  
There are none within proximity to the application site.

6.47 Mitigation

Criteria 27 of the Checklist requires the developer to demonstrate that appropriate mitigation measures will be applied. As noted throughout the report, appropriate mitigation has been proposed through the submitted EIAR.

6.48 Legal agreement

Criteria 28 of the Checklist 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 Section 96 legal agreement to ensure bridge assessment analysis is undertaken to ensure that all bridges affected by the proposals can safely accommodate the abnormal loads and the submission of a report (demonstrating suitable check certification has been carried out) for further approval. For the applicant to carry out any remediation required on any bridge not considered to be capable of carrying the proposed loads following approval of the works by the Council, as Road Authority. The agreement shall also contain details of a suitable inspection regime of the bridges during the construction of the wind turbines and the resultant requirements and responsibilities following these inspections. Whilst not a planning consideration, the applicant has committed to making community benefit contributions of £5000 per Mega Watt and it is competent to secure this via a Section 75 Legal agreement.

6.49 In conclusion, it is considered that the proposed development accords with national planning policy and the Development Plan on this form of development. There would also be no adverse impact on visual amenity, habitats, residential amenity or road safety. A range of conditions are proposed which will address the technical issues related to the proposal. The proposed development is acceptable and therefore it is recommended that planning permission is granted.

**7 Reasons for Decision**

7.1 The proposed development complies with Policies 1,2, 4, 5, 14, 15, 16, 18, RE1, DM1, GBRA2, SDCC2, SDCC3, NHE9 and NHE20 of the adopted South Lanarkshire Local Development Plan 2 (2021).

**David Booth**

**Executive Director (Community and Enterprise Resources)**

Date: 2 September 2022

**Previous References**

- ◆ P/20/0009/PAN
- ◆ P/18/1345

**List of Background Papers**

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 (adopted 2021)
- ▶ Neighbour notification advert dated 07.07.2021
  
- ▶ Consultations
  - Darvel and District Community Council 15.07.2021
  - Prestwick Airport 01.09.2022
  - Roads Development Management Team 15.09.2021
  - Environmental Services 12.11.2021
  - West of Scotland Archaeology Service 18.10.2021
  - SEPA West Region 13.08.2021

Historic Environment Scotland	03.08.2021
Scottish Water	01.07.2021
Countryside and Greenspace	25.10.2021
BAA Glasgow	01.09.2022
MoD (Windfarms)	04.08.2021
National Air Traffic Services Limited	01.09.2022
Nature.Scot	11.10.2021
Roads and Transportation Services Bridges Structures Section	30.07.2021
► Representations	Dated:
Joe Allan, 94 Franklin Place, Westwood, East Kilbride, G75 8LS	16.07.2021
Donald Speirs, Unit C, Logie Court, Stirling University Innovation Park, Stirling, FK9 4NF	13.08.2021
Douglas Bryden, 53 Glasgow Road, Strathaven, ML10 6LZ	28.07.2021
Mark Cassidy, Unit C, Logie Court, Stirling University Innovation Park, Stirling, FK9 4NF	22.08.2021
R J McLeod, Received Via Email	28.07.2021
Nick Smith, Logie Court, Stirling University Business Park, Stirling FK9 4NF	22.08.2021
Sandford and Upper Avondale Community Council, Received Via Email	05.07.2022

### **Contact for further information**

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

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## Detailed planning application

Paper apart – Application number: P/21/1127

### Conditions and reasons

01. That the development is carried out strictly in accordance with the terms of the application and the accompanying EIA Report titled "Mill Rig Wind Farm", including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

Reason: To ensure compliance with all commitments made in the EIA Report, in the interests of amenity and in order to retain effective planning control.

02. That consent is granted for a period of 30 years from the date of initial commissioning of the development as submitted in writing to the Council, as Planning Authority. No later than 5 years prior to the end of said 30 year period, the decommissioning scheme referred to in condition 3 of this consent shall be submitted to and approved in writing by the planning authority.

Reason: To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.

03. No later than 5 years prior to the end of the period of this planning permission, or by such date later as may be agreed by the Planning Authority, the applicant shall submit a Restoration and Aftercare Plan including a method statement for the decommissioning of the wind turbine and the restoration of the application site for the approval of the Planning Authority. Decommissioning in accordance with the approved method statement shall be completed within 24 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development.

Reason: To ensure control of the restoration of the site.

04. 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 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.

05. Prior to delivery of turbines details of the confirmed turbine colour, height and manufacture, including illustrations as well as details of size, shall be submitted to, and approved in writing by, the Planning Authority. Only the approved type shall be installed.

Reason: In order to retain effective planning control

06. 1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within the noise assessment undertaken by TNEI Services Ltd for Banks in relation to Mill Rig Wind Farm (as submitted in support of the application under the Environmental Impact Assessment Regulations) , the following noise immissions shall be adhered to-

#### 1.1 Cumulative Day Time

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. This is based on the cumulative projections contained within the noise assessment undertaken by TNEI Services Ltd for Banks in relation to Mill Rig Wind Farm (Table 8.9: Total ETSU-R-97 Compliance Table - Daytime).

#### 1.2 Cumulative Night Time

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. This is based on the cumulative projections contained within the noise assessment undertaken by TNEI Services Ltd for Banks in relation to Mill Rig Wind Farm (Table 8.10: Total ETSU-R-97 Compliance Table - Night time).

#### 1.3 IOA Good Practice Guide Example Condition.

Should the permitted ETSU-R-97 conditions above be apportioned within the format of the IOA Good Practice Guide Example Condition- the proposed noise limits as detailed within the TNEI Services Ltd for Banks in relation to Mill Rig Wind Farm (Table 8.12: Site Specific Noise Compliance Table - Daytime and Table 8.13: Site Specific Noise Compliance Table - Night time) shall be applied. Cognisance shall be given to conditions 1.1 and 1,2 and the cumulative projections based therein.

#### 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 1.0 above 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 emissions 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.

07. That the applicant shall ensure that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'. This is based on the detail provided within the TNEI Services Ltd for Banks in relation to Mill Rig Wind Farm. The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 7.00am to 7.00pm, Saturday 7.00am to 1.00pm and Sunday - No audible activity with no audible activity taking place on Sunday, local and national bank holiday - without prior written approval of the Planning Authority.

Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the council as Planning Authority.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

08. Where appropriate and subject to prior agreement with the Planning Authority at times during which Borrow Pits are operational, then the noise levels shall be restricted to 55dB LAeq (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. The level has been derived from PAN 50 Annex A Controlling the Environmental Effects of Surface Mineral Workings Annex A: The Control of Noise at Surface Mineral Workings.

Details of any blasting at borrow pits should be included with a method statement and relevant reports as necessary.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

09. Where appropriate and subject to prior agreement with the Planning Authority a blasting method statement shall be submitted in writing and approved 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, 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.
- Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

Reason: To minimise disturbance to residents in the vicinity of the wind farm.

10. At the reasonable request of the Planning Authority and following a complaint to it relating to shadow flicker 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. Thereafter an assessment to determine the presence of shadow flicker resultant from the wind farm at the property to which the complaint related shall be carried out. Where shadow flicker is confirmed a scheme of mitigation shall be implemented and thereafter adhered to.

Reason: In the interests of residential amenity

11. That before the development, hereby approved, is energised, 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 & 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.

12. That no development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: In the interest of cultural heritage.

13. That before any work starts on site the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of South Lanarkshire Council as Planning Authority, and thereafter adhere to and implement the TMP within the timescales set out. The TMP shall be produced in consultation with South Lanarkshire Council's Roads & Transportation Services, Police Scotland and include a programme indicating phasing of construction of the project. No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.

FOR THE AVOIDANCE OF DOUBT, the developer shall notify South Lanarkshire Council in writing, as soon as reasonably practical, of any changes in construction, maintenance and decommissioning related activities where these will have an impact on the approved TMP. The developer will consult with the Council and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes within the timescale set out.

Reason: In the interests of road safety

14. The developer shall undertake all work associated with the approved planning consent and any subsequent amendments in accordance with the approved TMP as specified and approved as per condition 13. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment. The developer shall notify the Planning Authority in writing should they propose to remove any excess material from site. Any such notification shall include details of proposed traffic routes and phasing of such operations all for the approval of South Lanarkshire Council as Planning and Roads Authority.

Reason: In the interests of road safety.

15. That before any work starts on site, or unless otherwise agreed in writing with South Lanarkshire Council, the applicant shall submit details of the proposed road alteration works identified through the Abnormal Load Route Assessment and once approved in writing by the Council shall be implemented on site in accordance with the approved drawings and specification and to the satisfaction of the Council as Planning and Roads Authority.

Reason: In the interest of road safety

16. That before any work starts on site, or unless otherwise agreed in writing with South Lanarkshire Council, the applicant shall submit a Stage 2 Road Safety Audit for all infrastructure to be constructed and adopted, or altered, on the public road associated with the findings of the Abnormal Load Route Assessment. The Road Safety Audit shall be undertaken in accordance with the Institute of Highways and Transportation Guidelines and shall be submitted to and approved by the Council as Planning and Roads Authority.

Reason: In the interest of road safety

17. Prior to commencing construction of any wind turbine generators, or deploying any construction equipment or temporal structure(s) 15.2 metres or more in height (above ground level) the undertaker must submit an aviation lighting scheme for the approval of South Lanarkshire Council in conjunction with the Civil Aviation Authority and the Ministry of Defence defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements as required under the Air Navigation Order 2016 determined necessary for aviation safety by the Civil Aviation Authority.

This should set out:

- a) details of any construction equipment and temporal structures with a total height of 15.2 metres or greater (above ground level) that will be deployed during the construction of wind turbine generators and details of any aviation warning lighting that they will be fitted with; and
- b) the locations and heights of all wind turbine generators and any anemometry mast featured in the development identifying those that will be fitted with aviation warning lighting identifying the position of the lights on the wind turbine generators; the type(s) of lights that will be fitted and the performance specification(s) of the lighting type(s) to be used.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason: To maintain aviation safety.

18. The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:
- a) the date of the commencement of the erection of wind turbine generators;
  - b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
  - c) the date any wind turbine generators are brought into use;
  - d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason: To maintain aviation safety.

19. That no shall start on site until the terms of appointment of an independent and suitably qualified environmental consultant as Planning Monitoring Officer ("PMO") have been submitted to, and approved in writing by, the Planning Authority.

FOR THE AVOIDANCE OF DOUBT, the terms of appointment shall:

- (a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;
- (b) require to set out the frequency of PMO visits to site;
- (c) require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and
- (d) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity.

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

Reason: To enable the development to be suitably monitored to ensure compliance with the planning permission and the conditions attached to it.

20. 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 in consultation. The terms of appointment shall:

- (a) impose a duty to monitor compliance with the ecological and hydrological commitments and mitigations measures provided in the Preliminary Ecological Appraisal, Hydrology and Contamination Report and other information lodged in support of the application as well as the required the Construction and Environmental Management Plan as 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 phase.

21. No later than eighteen months prior to decommissioning of the Development or the expiry of this planning permission (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.

22. 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.

23. That before any work starts on site, a Breeding Bird Protection Plan (BBPP) shall be submitted for the written approval of the Council, as Planning Authority in consultation with NatureScot. Once approved, the BBPP shall be implemented fully as approved and maintained as such for the lifetime of the construction period of the development, hereby approved.

Reason: In the interests of the Habitats Regulations.

24. That before any work starts on site, a bat mitigation plan shall be submitted for the written approval of the Council, as Planning Authority. FOR THE AVOIDANCE OF DOUBT, the bat mitigation plan shall include, but not be limited to, the mitigation set out within Annex 2 Bats of the NatureScot consultation response dated 8 October 2021. Once approved, the bat mitigation plan shall be implemented fully as approved and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of protected species.

25. That before any work starts on site but no early than 3 months from the commencement of development,, protected species shall be carried out on site. If any evidence of protected species are found, no works shall commence until Species Protection Plans have been submitted for the written approval of the Council, as Planning Authority. Once approved, the Species Protection Plans shall be implemented fully and maintained as such for the lifetime of the construction of the development, hereby approved.

Reason: In the interests of protected species.

26. Each turbine, buildings, compounds, areas of hardstanding, tracks and watercourse crossings shall be erected in the position indicated upon Planning Application Drawing PA04 Site Layout (Operational) within the Environmental Impact Assessment Report approved by condition 1, above. 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 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 outwith the planning application boundary
- take place within areas of peat of greater depth than the original location.

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

27. That no work shall start on site 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 measures which would reduce the potential future attractiveness of the site to the SPA qualifying species.

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 and reduce the attractiveness of the site to SPA qualifying species.

28. A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP as required by condition 27 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 propose 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

29. That no work shall start on site until a detailed Peat Management Plan (PMP), addressing all areas to be disturbed by construction, has been submitted to and approved in writing by the Planning Authority in consultation with NatureScot and SEPA. The PMP shall be submitted a minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from NatureScot and the Scottish UK wind farm industry. The PMP shall include:
- (a) Detail on how the mitigation proposed in the application documents will be incorporated into the construction activities and incorporate relevant best practice on handling and storage of peat and construction methods designed to minimise impacts on peatland habitats.
  - (b) Further peat probing information in areas of infrastructure that has not previously been probed;
  - (c) Details of layout and management measures taken to reduce the volume of peat disturbance (including final expected volumes, depth and location of any peat disturbed);
  - (d) Updated disturbance and re-use calculations within the site (breaking the peat down into acrotelmic and catotelmic), including a plan showing volumes, location and usage; Details of

any disposal of peat proposed, including volumes, detailed disposal proposals and details of how peat usage has been limited to undisturbed ground; and;

(e) Details of storage and handling of excavated peat, including a plan showing proposed storage areas;

All works on site must be undertaken in accordance with the approved Peat Management Plan unless otherwise agreed in advance in writing by the Planning Authority in consultation with NatureScot and SEPA.

Reason: In the interests of ensuring the conservation of peat resources

30. That no work shall start on site until a Construction Environmental Management Plan (CEMP) 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 including Appendices titled "Mill Rig Wind Farm". Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The CEMP 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 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 Nature Scot 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 South Lanarkshire 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) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
  - (o) 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.
  - (p) 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 periods of high rainfall.
  - (q) Timing and extent of any necessary re-instatement.

(r) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.

(s) 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 competent 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.

(t) 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. (v) a site waste management plan.

(u) a surface water management plan outlining how surface water will be managed and treated. Sediment laden run off from tracks and vehicle movements shall be included as a potential source of pollution within the plan and treated as such.

(v) detail all construction methods and mitigation designed to minimise impacts on peatland habitats.

The development shall be implemented thereafter in accordance with the approved CEMP unless otherwise approved in advance in writing by the Planning Authority in consultation with NatureScot and SEPA.

Reason: To ensure that all works are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the EIA Report accompanying the application, or as otherwise agreed.

31. Only mechanical means of snow clearance shall be used to clear access tracks, unless otherwise agreed in writing by the Planning Authority.

Reason: To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval.

32. In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of 12 months, unless otherwise agreed with the Planning Authority, the turbine(s) shall be replaced (in the case of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and access roads shall be reinstated within three months of the end of the twelve month period of non-generation in accordance with a scheme agreed with the Council as Planning Authority, all to the satisfaction of the Council.

Reason: To ensure that any redundant wind turbine is removed from site, interests of safety, amenity and environmental protection.

33. No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the South Lanarkshire Council in order to avoid the impact of the development on the Primary Radar of the Operator located at Lowther Hill, Cumbernauld and Glasgow and associated air traffic management operations.

Reason: In the interests of aviation safety.

34. No blades shall be fitted to any turbine until the approved Primary Radar Mitigation Scheme has been implemented and the Development shall thereafter be operated fully in accordance with such approved Scheme.

Reason: In the interests of aviation safety.

"Operator" in respect of conditions 33 and 34 of this consent, means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" in respect of conditions 33 and 34 of this consent, means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Lowther Hill, Cumbernauld and Glasgow primary radars and air traffic management operations of the Operator.

35. That, prior to the commencement of development, a Primary Radar Mitigation Scheme setting out measures to be taken to prevent the impairment of the performance of aerodrome navigation aids and the efficiency of air traffic control services at Glasgow Airport must be submitted to, and approved in writing by, the Planning Authority, in consultation with Glasgow Airport Limited.

Reason: In the interests of aviation safety.

36. No wind turbine forming part of the Development shall be erected other than in accordance with the approved Primary Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

37. The development must be constructed, commissioned and operated at all times fully in accordance with the approved Primary Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

38. No blade shall be fitted to any turbine or turbines forming part of the development and no such turbine shall operate, save as provided for and in accordance with the Testing Protocol, unless and until such time as the Planning Authority receive confirmation from the Airport Operator that: (a) all measures required by the Radar Mitigation Scheme prior to operation of any turbine have been implemented; and (b) the Civil Aviation Authority has evidenced its approval to the Airport Operator that the Radar Mitigation Scheme is acceptable mitigation for the development and has been satisfactorily implemented by the Airport Operator.

Reason: In the interests of aviation safety.

39. No turbine shall operate other than in accordance with the terms of the Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

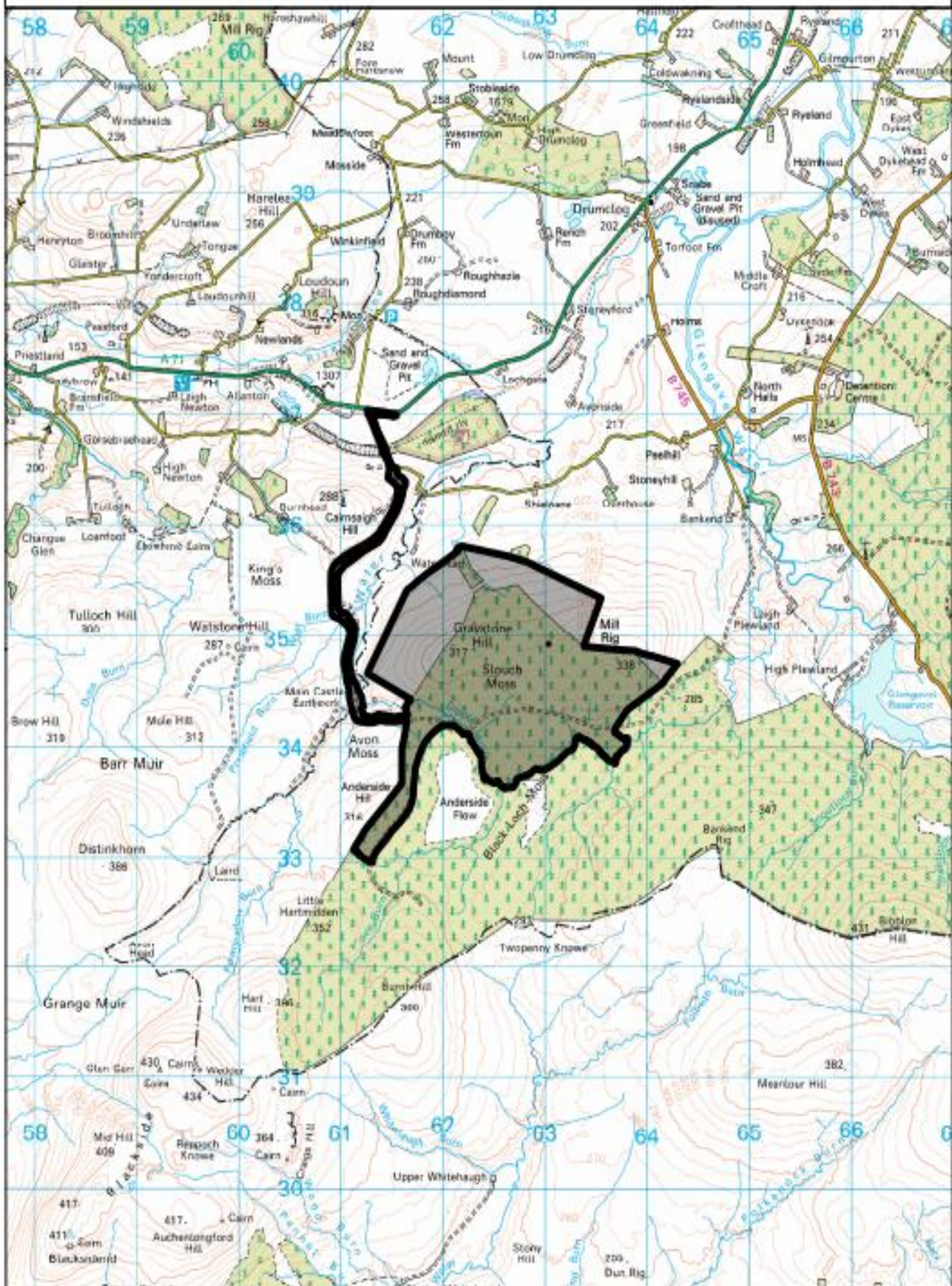
"Airport Operator" in respect of conditions 38 and 39 means Glasgow Prestwick Airport Limited or any successor as holder of a licence under the Air Navigation Order 2000 from the Civil Aviation Authority to operate Glasgow Prestwick Airport.

"Radar Mitigation Scheme" in respect of conditions 38 and 39 means such services and resources including equipment, software, procedural or technological measures and technical and professional services, as the Airport Operator identifies as necessary and sufficient to prevent the operation of the development or of any turbines forming part of the development impacting adversely on radar performance or on the performance of other navigational aids at Glasgow Prestwick Airport or on maintaining safe and efficient air traffic control services or procedures or airspace and which the Airport Operator is willing and able to implement and maintain for the lifetime of the development or for such shorter period as may be agreed in consultation with the Airport Operator as necessary to mitigate any such adverse impact.

"Testing Protocol" in respect of conditions 38 and 39 means the protocol to control the operation of any turbine or turbines forming part of the development for the purposes of testing of the Radar Mitigation Scheme.

P/21/1127

Mill Rig Wind Farm LLP c/o Banks Renewables



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Scale:  
1:50,000  
Date:  
19/08/2022



**South Lanarkshire Council**  
**Community and Enterprise Resources**  
Planning and Economic Development