

Report

Report to:	Planning Committee
Date of Meeting:	1 December 2020
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/19/1803
Planning proposal:	Erection of 7 wind turbines with associated infrastructure, meter mast to 105m (Section 42 application to increase the height of the turbines, 5 No. to 200m to tip height and 2 No. to 180m to tip height)

1 Summary application information

Application type:	Further application
Applicant:	Priestgill Wind Farm Ltd
Location:	Priestgill Wind Farm Little Gill Farm Abington ML12 6RW

2 Recommendation(s)

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

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

2.2 Other actions/notes

- 1) The Planning Committee has delegated powers to determine this application
- (2) The Committee should note that the decision notice should not be issued until the following matters are concluded:

A Legal Agreement securing:-

- Community contributions per megawatt generated
- The setting up of a Habitat Management Group
- The repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

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

In accordance with agreed procedure, should there be no significant progress, on behalf of the applicant, towards the conclusion of the Legal Agreement 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 Legal Agreement, 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 Legal Agreement.

3 Other information

- ◆ Applicant's Agent: Jason Morin
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **South Lanarkshire Local Development Plan (adopted 2015)**

Policy 2 - Climate Change

Policy 3 - Green Belt and Rural Area

Policy 4 - Development Management and Placemaking

Policy 15 - Natural and Historic Environment

Policy 17 - Water Environment and Flooding

Policy 19 - Renewable Energy

Supplementary Guidance 1: Sustainable Development and Climate Change

Policy SDCC2 – Flood Risk

Policy SDCC3 – Sustainable Drainage Systems

Supplementary Guidance 3: Development Management, Placemaking and Design

Policy DM1 - Design

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 2 - Climate Change

Policy 4 – Green Belt and Rural Area

Policy 5 - Development Management and Placemaking

Policy 14 - Natural and Historic Environment

Policy 16 - Water Environment and Flooding

Policy 18 - Renewable Energy

Policy DM1 - New Development

Policy SDCC2 - Flood Risk

Policy SDCC3 - Sustainable Drainage Systems

◆ **Representation(s):**

▶	1	Objection Letters
▶	1	Support Letters
▶	1	Comment Letters

◆ **Consultation(s):**

Transport Scotland
Roads Development Management Team
RSPB Scotland
Roads Flood Risk Management
WOSAS
MoD (Windfarms)
SP Energy Network
National Air Traffic Services Ltd
Roads Transportation Services Bridges Structures Section
BAAerodrome Safeguarding (Edinburgh)
BAA Glasgow
SEPA West Region
BAA Aerodrome Safeguarding Glasgow
Transport Scotland
Historic Environment Scotland
National Grid UK Transmission
Scottish Water
British Telecom
Arquiva
Prestwick Airport
Joint Radio Company
Environmental Services
Scot Wildlife Trust
Ofcom
SNH
Crawford And Elvanfoot Community Council
Duneaton Community Council
Edinburgh Airport Aerodrome Safeguarding

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 2.2km north east of Abington and 3.6km north of Crawford and extends to approximately 304 hectares (ha) in area. The existing use of the application site is upland grazing. The proposed development is located within two Landscape Character Types (LCT) - Southern Uplands LCT and Broad Valley Upland LCT. The application site ranges from 235 metres (m) Above Ordnance Datum (AOD), by the Beet Burn in the north near the site entrance, to 418m AOD in the south east at Priestgill Rig.
- 1.2 The site is located within land designated as Rural within the approved South Lanarkshire Local Development Plan 2015 (SLLDP).

2 Proposal(s)

- 2.1 The application is made under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended) and is an application for planning permission for the development of land but without compliance with a condition or conditions attached to a previous planning permission.
- 2.2 In this instance the applicant wishes to vary condition 19 of planning permission Ref: CL/17/0009 (hereon referred to as the Original Permission). The Original Permission granted planning permission for the 'erection of 7 Wind Turbines (up to 145m Maximum Height to Tip) With Associated Infrastructure Including Access Tracks, Crane Hardstandings, Substation and Control Building, Battery Storage, Permanent Anemometer Mast, Temporary Construction Compounds and Up to Two Borrow Pits.
- 2.3 Condition 19 of the Original Permission states:-

“No development shall commence unless precise details including the type, dimensions, colour, and external finish of the proposed turbines have been submitted to and approved in writing by the Planning Authority. The height of the turbines hereby granted planning permission shall not exceed 145 metres to tip above ground level. Thereafter, the turbines shall be installed in accordance with the details as approved.”
- 2.4 The applicant has requested that this condition be amended to read:-

“No development shall commence unless precise details including the type, dimensions, colour, and external finish of the proposed turbines have been submitted to and approved in writing by the Planning Authority. The height of the turbines hereby granted planning permission shall not exceed 200 metres to tip above ground level. Thereafter, the turbines shall be installed in accordance with the details as approved.”
- 2.5 If successful, the effect of a Section 42 application to modify a planning condition or conditions is to grant a further planning permission for the whole development again but with the amended condition or conditions replacing those that were previously issued, or with conditions removed if required. All other conditions, if relevant, are also required to be attached to any new planning permission. As a new planning

permission would then be issued for the whole development, any legal agreements attached to the previous permission would not be valid for the new permission and, therefore, a new legal agreement reflecting the new planning permission would be required to be entered into. If the proposed changes to the condition or conditions are deemed unacceptable, then Section 42 of the Act requires the application to be refused. Any refusal of an application under Section 42 of the Act does not have any effect on the original planning permission which remains intact.

- 2.6 Therefore, in essence, whilst this Section 42 application is to amend condition 19, it would, in effect, grant a new planning permission. In this instance if it is considered acceptable to amend condition 19 to allow the maximum height of the turbines to be raised from 145m to 200m the scheme approved under the Original Permission would also be changed to increase the height of the approved turbines. It is proposed to increase the height of 5 of the turbines (Turbines 2 to 6) from 145m to 200m and increasing the remaining 2 turbines (Turbines 1 and 7) heights from 145m to 180m. This section 42 application is, therefore, in essence, for a revised planning application for the erection of 7 wind turbines (5 with a maximum height of 200m to tip and 2 with a maximum height of 180m to tip). The increased energy generation for the increased height of the turbines would increase the Original Permission yield of 22.4MW to 39.2MW, an increase of 16.8MW.
- 2.7 The location of the turbines, the access roads and other infrastructure approved through the Original Permission are not to change and, therefore, the focus of the assessment is the acceptability of the change in height of the turbines.
- 2.8 The Section 42 application is supported by an Environmental Impact Assessment Report that has carried out a full review of the Environmental Statement that was approved through the Original Permission with all relevant sections and assessments updated to take account of the proposed height change.

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 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables.
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be “a presumption in favour of development that contributes to sustainable development” (page 9). 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 All national policy and advice is considered in detail in section 6 of this report.

3.2 **Development Plan Status**

3.2.1 The proposed development requires to be considered against the Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10 the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans.

3.2.2 The South Lanarkshire Local Development Plan (SLLDP) was adopted in 29 June 2015 and contains the following policies against which the proposal should be assessed:

- Policy 2: Climate change
- Policy 3: Green belt and rural areas
- Policy 4: Development management and placemaking
- Policy 15: Natural and historic environment
- Policy 17: Water environment and flooding
- Policy 19: Renewable energy

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

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

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

3.2.5 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (LDP2). A number of amendments to policy have been recommended which will be carried through to adoption stage. For the purposes of determining planning applications, the Council will assess proposals against the policies contained within the adopted South Lanarkshire Local Development Plan and those within the proposed South Lanarkshire Local Development Plan 2 alongside the Reporters'

amendments. Whilst the Reporters amendments have yet to be ratified by South Lanarkshire Council, they are, nevertheless, a material consideration. In this instance the following policies are relevant:-

Volume 1

- Policy 1 Spatial Strategy
- Policy 2 Climate Change
- Policy 5 Development Management and Placemaking
- Policy 13 Green network and greenspace
- Policy 14 Natural and Historic Environment
- Policy 15 Travel and Transport
- Policy 16 Water Environment and Flooding
- Policy 18 Renewable Energy

Volume 2

- DM1 New Development
- SDCC2 Flood Risk
- SDCC3 Sustainable Drainage Systems

3.2.6 It should be noted that LDP2 is only referenced should there be a specific conflict between a proposed policy and a policy within the approved SLLDP 2015.

3.3 Planning Background

3.3.1 As noted in 2.2 above, the Original Permission granted planning permission for 7 wind turbines with a maximum tip height of 145m and associated infrastructure including access tracks, substation buildings and batter storage.

3.3.2 This application was originally refused, in line with Officer Recommendation, by the Planning Committee at their meeting of the 15th of August 2017. The application was refused for the following reasons:

1. The planning application is contrary to the terms of Scottish Planning Policy, Policy 15: Natural and Historic Environment and Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) in that the development, in view of its scale and location, would lead to localised significant adverse effects on the landscape in which it is located, including the south western area of the Upper Clyde Valley and Tinto Special Landscape Area.
2. The planning application is contrary to the terms of Scottish Planning Policy, Policy 15: Natural and Historic Environment and Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) in that the development, in view of its scale and location, would lead to unacceptable cumulative sequential views of wind farm development and have an adverse effect on visual amenity on people who live in surrounding residential properties, the community of Abington and Roberton and on visitors to the area, and has significant adverse landscape and visual impacts on the local area.

3. The planning application is contrary to the terms of Scottish Planning Policy, Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) in that the development is not in accordance with South Lanarkshire's strategic guidance and landscape capacity guidance.
4. The planning application is contrary to the terms of Scottish Planning Policy, Policy 15: Natural and Historic Environment and Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) in view of its scale and location, the proposed development leads to adverse impacts on the setting of two scheduled monuments and their integrity is shown to be compromised.
5. The planning application is contrary to the terms of Scottish Planning Policy, Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) in view its significant adverse landscape and visual effects, cumulative effects, adverse impact on heritage assets, and its detrimental impact on tourism and recreation.
6. The planning application is contrary to the terms of Policy 15: Natural and Historic Environment and Policy 19: Renewable Energy of the adopted South Lanarkshire Local Development Plan (June 2015) and Policy REN 1 and REN 2 of the SG Renewable Energy (2016) and as a result is not in accordance with Strategic Development Plan (Clydeplan), Policy 10 Onshore Energy.

3.3.3 Following this refusal, the applicant appealed the decision to the Planning and Environmental Appeals Division (DPEA). Following the appeal process, including hearing sessions on Landscape and Visual Impact and Cultural Heritage, the Reporter upheld the appeal and granted planning permission. The Reporter's decision stated that, after due consideration, they found the proposals would be acceptable overall when measured against relevant development plan policy. It is, therefore, acknowledged that the Reporter's decision has established the principle of a 7 turbine wind farm on the site.

3.3.4 The Original Permission was for a development that constituted an EIA development and, as such, this current application also constitutes an EIA development and, as such, a revised EIA Report has been submitted as part of this application.

4 Consultation(s)

4.1 Roads and Transportation Services (Roads Development Management Team)

– no objection subject to conditions relating to a Traffic Management Plan, Travel Plan, vehicle parking on site, signage, wheel wash facility, Abnormal Loads Route Assessment and a section 96 legal agreement being entered into.

Response: If planning consent is granted the requirements of Roads and Transportation Services require to be incorporated into planning conditions and a section 96 legal agreement entered into.

- 4.2 **Roads and Transportation Services (Flood Prevention)** - no objection subject to conditions requiring a sustainable drainage system that serves the application site and complies with the Council's Design Criteria.
Response: Noted. The requirements of Roads and Transportation Services – Flood Prevention require to be incorporated into planning conditions if planning consent is granted.
- 4.3 **Environmental Services** – no objection subject to conditions. Environmental Services recommended conditions in relation to noise levels (including cumulative noise), construction noise levels, investigation of complaints and noise mitigation.
Response: Noted. If planning consent is granted appropriate conditions require to be imposed to control operations and construction to meet the requirements of Environmental Services.
- 4.4 **Transport Scotland** - no objections to the amended proposals.
Response: Noted and all previous conditions relating to Trunk Roads would be replicated on any new permission if granted.
- 4.5 **BAA Aerodrome Safeguarding (Glasgow)** - no objection, the proposal is outwith the wind farm consultation zone for Glasgow Airport.
Response: Noted.
- 4.6 **Edinburgh Airport** - no objection, the proposal has been reviewed and does not conflict with safeguarding criteria.
Response: Noted.
- 4.7 **Ministry of Defence (MOD Wind Farms)** – originally objected to the proposals on the grounds that noise levels generated by the proposed turbines would potentially impacting on the Eskdalemuir Seismological Recording Station as the current noise 'budget' for wind farms within 50km of the recording station has been reached. Following further discussions between the MOD, the Council and the applicant the MOD have removed their objection subject to the imposition of two specific suspensive conditions relating to the further approval of a wind farm specification report and an operation schedule before any development starts on site to ensure that the turbines do not impact upon the Eskdalemuir Seismological Recording Station. Also note that due to the height of the turbines, aviation warning lighting will be required.
Response: Noted and the conditions form part of the recommendation of approval (conditions 32 and 33 on the paper apart). A condition requiring aviation lighting also forms part of the recommendation.
- 4.8 **National Air Traffic Services Ltd (NATS)** – have previously agreed a radar mitigation strategy with the applicant for the Original Permission which will require modification if approval is given due to the change in turbine height.
Response: Noted and a condition requiring agreement of an amended mitigation strategy between NATS and the applicant is included in the recommendation of approval.

- 4.9 **Scottish Environmental Protection Agency (SEPA)** – no objection to the amended scheme as the turbine basis remain relatively unchanged.
Response: Noted.
- 4.10 **Historic Environment Scotland (HES)** – no objection and agree with the EIA Report that the increased height of the turbines will not significantly increase the impact on the settings of the surrounding designated historic environment assets within their remit.
Response: Noted.
- 4.11 **RSPB** – do not object to the proposal and state that the increase in height of the turbines could potentially reduce collision risk to bird species within the area including curlew. The RSPB note that the increase in height of the turbines would not reduce the displacement of curlew territories around the application site and that if consent is granted for the proposal it should be subject to conditions requiring preparation of a Habitat Management Plan (HMP) in line with the Original Permission. The HMP should operate for the full lifespan of the wind farm, including decommissioning. The HMP should consider measures for off-site management and monitoring of breeding waders in the area and the provision for ongoing bird monitoring on site. The applicant has had previous discussions with the RSPB and confirmed the applicants would contribute to the Clyde Valley Wader Initiative. RSPB is content that through the Clyde Valley Wader Initiative it could deliver habitat enhancement and monitoring work for this suite of species.
Response: Noted. The Original Permission required the setting up of an HMP and it forms part of the recommendation if this application is approved.
- 4.12 **Arquiva** – no objections or comments to make.
Response: Noted.
- 4.13 **Scottish Water** – no objection subject to their infrastructure being protected
Response: Noted and this would be a civil matter between Scottish Water and the applicant.
- 4.14 The following consultees had no comments to make on the application:
WOSAS
SP Energy Network
Roads Transportation Services Bridges Structures Section
Transport Scotland
National Grid UK Transmission
British Telecom
Prestwick Airport
Joint Radio Company
Scot Wildlife Trust
Ofcom
SNH
Crawford And Elvanfoot Community Council
Duneaton Community Council

5 Representation(s)

5.1 Neighbour notification was carried out and the application was also advertised in accordance with the EIA Regulations 2017 with adverts being placed in the Lanark Gazette (08.01.2020) and the Edinburgh Gazette (10.01.2020). The proposal was also publicised as an application requiring advertisement due to the scale or nature of operations and for the non-notification of neighbours.

5.2 Following this publicity, 1 letter of objection has been received with the following concerns:-

a) Too many wind farms within the landscape

Response: The proposals already have planning permission and do not involve an increase in the number of wind turbines within the landscape but only an increase in their height.

b) Visual Impact of turbines and associated infrastructure

Response: A full landscape and visual assessment of the proposals are contained in 6.5.23 to 6.5.25 below.

c) Lack of need or use for the power generated

Response: The proposals already have planning permission and increasing renewable energy generation is a National Policy.

5.2 1 letter stating that they support the proposals has also been submitted as well as one stating that they do not support or object to the proposals.

5.3 These letters are available for inspection on the planning portal.

6 Assessment and Conclusions

6.1 Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended

6.1.1 This application has been submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997 (as amended). Section 42 of the Act states that:

'On such an application, the Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.'

6.1.2 Consideration of this type of application, therefore, does not revisit the principle of development on the site but only considers the appropriateness of the conditions attached to the previous consent and whether it is acceptable to amend or delete as requested. Whilst in essence this is an application to vary condition(s) on the existing permission if granted, the process requires a new, standalone planning permission to be issued for the original development but with a new suite of conditions, including all those still thought to be relevant as well as the varied condition(s). However, it is noted that the nature of the legislation would require all conditions to be revisited as they may be linked or connected to these specific condition(s). Should the proposed amendment to the condition(s) not be acceptable a Section 42 application is to be refused but without affecting the status of the original permission.

6.1.3 The main matters for consideration are, therefore, whether the proposed amendment to the condition proposed would undermine the reasons for the original conditions or the Development Plan position; and if it is considered this Section 42 application does undermine either of these, whether there are material considerations which would outweigh this to allow permission to be granted.

6.1.4 The request to amend condition 19 (in essence to allow a revised planning permission for the increase in turbine heights (2 from 145m to 180m and 5 from 145m to 200m) of the Original Permission is assessed below.

6.2 Section 25 of the Town and Country Planning (Scotland) Act 1997

6.2.1 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 (GCVSDP), the adopted South Lanarkshire Local Development Plan 2015 (SLLDP) and its associated Supplementary Guidance. As noted in 3.2.5 above, on 17 August 2020 the Directorate for Planning and Environmental Appeals issued its report of the Examination of the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications the proposed South Lanarkshire Local Development Plan 2 (LDP2) is now a material consideration. Again, it is noted that LDP2 is only referenced if there is a change in policy context from the Approved SLLDP.

6.2.2 Whilst this Section 42 application seeks to amend a planning condition, the proposals are in essence to amend the original scheme by increasing the heights of the approved turbines. Therefore, main issues in determining the application are whether the amended proposals continue to comply with National and Development Plan Policy and the implications of the amended scheme in terms of landscape and visual impact, cumulative impact, aviation and defence, ecology, ornithology, residential amenity and communities and traffic and road safety.

6.3 National Planning Policy and Guidance

6.3.1 In relation to planning policy guidance, the proposal can be assessed as follows:

6.3.2 NPF 3 notes in paragraph 3.8 “We want to meet at least 30% of overall energy demand from renewables by 2020 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015”. SPP Policy Principles (page 9) state that there will be “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). SPP also requires planning authorities to prepare supplementary guidance and set out a spatial framework for onshore wind farm developments. The considerations set out in SPP at paragraph 169 and the Council's approved SG Renewable Energy 2016 are assessed at section 6.4 below.

- 6.3.3 It is considered that the Original Permission establishes the principle of wind farm development on the site and any increase in size of the wind turbines also increases energy generation. It is, therefore, considered that the proposals align with the principles of SPP subject to further detailed assessment in relation to the Development Plan.

6.4 Glasgow and Clyde Valley Strategic Development Plan 2017

- 6.4.1 The proposed development requires 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; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10 the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal it is noted that the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development by its nature contributes to developing low carbon energy, and its visual, landscape and cumulative impact is assessed below in Section 6 below. Consequently, it is considered that the proposal accords with Policy 10 of Clydeplan, and is subject to detailed consideration against the terms of the Local Development Plan. This is dealt with in the following section.

6.5 Adopted South Lanarkshire Local Development Plan 2015

- 6.5.1 The SLLDP's overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.'
- 6.5.2 Policy 2: Climate change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources, (vii) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks.

- 6.5.3 The proposals involve an increase in the maximum height of the turbines only and, therefore, any ground works associated with the Original Permission remain relatively unchanged so there is no additional development impact to the water and soils environment or on air quality. The Original Permission had a suite of environmental conditions in relation to the water and soils environment and these would be replicated if permission for these proposals were given. It should also be noted that any increase in turbine size results in an increase in renewable energy production, an increase of 16.8MW in this instance. It is, therefore, considered that the proposals accord with the relevant criteria of the Development Plan in this regard.
- 6.5.4 Policy 3: Green Belt and rural area, states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. The proposal is located within the rural area. SG 2: Green Belt and rural area lists in Appendix 2 renewable energy as an appropriate use within this area. It is considered that the principle of the development has already been deemed acceptable within the Rural Area and the proposed increase in turbine heights have no further implications for the countryside strategy set out within the Development Plan.
- 6.5.5 Policy 4 '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 within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. Policy 15: Natural and Historic Environment and the associated Supplementary Guidance provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment.
- 6.5.6 SLLDP Policy 19 'Renewable Energy' states that renewable energy proposals will be assessed against SPP and South Lanarkshire Council's statutory supplementary guidance (SG). Policy RE1 Spatial Framework for Wind Energy requires applications for onshore wind turbine developments of a height to blade tip of 15m or over to accord with the Spatial Framework and to meet the relevant criteria set out in section 6 Development Management considerations and Table 7.1 Assessment checklist for wind energy proposals. Part of this checklist includes an assessment of the criteria referenced in Policies 4 and 15. The assessment below, therefore, also includes the assessment against these policies criteria.
- 6.5.7 The RE1 spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Table 4.1 of SG10 Renewable Energy 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

6.5.8 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.

6.5.9 In terms of Group 2 Areas of significant protection; SPP and SG10 recognise the need for significant protection of particular areas which include:

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

There are no A listed buildings, Inventory Gardens and Designed Landscapes (GDL) or inventoried battlefields within the application site or within 5km from the application site. There are 38 scheduled monuments within 5km of the site although 19 lie outwith the zone of theoretical visibility of the turbines. Of these remaining 19, it is considered that 15 of these are over 2km away from the site and would remain unaffected from any additional impact from the increase in height of the turbines. Two of the remaining four scheduled monuments (SM) (Cold Chapel and Abingdon Motte and Bailey) are located in an area where there is limited visibility between them and the turbines and, therefore, it is also considered that an increase in height would have no further impact on these two historical assets.

6.5.10 The remaining 2 SMs (Wandel Roman Fortlet and Camp and Arbory Hill Fort) are 1.4km and 1.3km from the application site and it is, therefore, considered that the proposals would have no additional direct impact upon these two SMs but that the indirect, visual impact of the Original Permission may be slightly increased due to the increase in heights. HES have stated that they do not consider the proposals to have any additional, significant visual impact upon the settings of these two SMs. It is considered that at distances of 1.3km away from the application site, an increase of up to 55m in height would not have any further significant visual impact upon the setting of these 2 SMs. Whilst not part of the Original Permission the applicant is proposing a programme of archaeological interpretation be implemented to allow a better understanding of the historical monuments. The programme includes the provision of safe parking and a path to the Wandel Roman Fortlet with interpretive signage describing and explain the Roman camp site. It is considered that these proposals are acceptable and a condition would be used to secure them with further details to be agreed between the applicant and WOSAS prior to any implementation.

6.5.11 It is, therefore, considered that there would be no adverse impacts upon National and international designations, as well as other nationally important mapped environmental interests. 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 settlements within 2km of the application site.

6.5.12 Policy RE2 Renewable Energy Development replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Therefore, the development proposals are collectively assessed against the criteria of both policies at paragraphs 6.5.13 to 6.5.43 below.

6.5.13 Impact on international and national designations.

National and international designations have been previously assessed at paragraphs 6.10 to 6.14 above and it is considered that there are no adverse effects on national and international designations.

6.5.14 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).

The increase in turbine height has no additional impact upon this criterion in respect the Original Permission.

6.5.15 Community separation for consideration of visual impact.

As previously noted, there are no communities within 2km of the application site. With regard Visual Impact, this is examined in detail in paragraphs 6.5.23 to 6.5.25 below.

6.5.16 Economic benefits.

This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. It is considered that the increase in turbine size would not have any change from the Original Permission.

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

Increased turbine sizes will create more renewable energy generation than the Original Permission turbines.

6.5.18 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 Policy NHE19 in the SG Natural and Historic Environment 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. The EIA Report had 2 separate chapters on Ecology and Ornithology. In relation to Ecology it is considered that there would be no changes to the Original Permission given the on ground infrastructure is not changing. It is, therefore, considered that in relation to ecology, subject to the replication of the ecological conditions attached to the Original Permission, the proposals are considered acceptable and to accord with this policy criteria. With regard Ornithology, the EIA Report notes that in terms of notable bird species in the area (Black Grouse and Curlew) the increase in turbine height may have a positive effect as the blades would be higher from the ground and above their normal flight path. The RSPB have confirmed that the increase in height may reduce potential collision rates. It is, therefore, considered that the proposals accord with this policy criteria.

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

The Original Permission required the setting up of a Habitat Management Group and the approval of a Habitat Management Plan. It is considered that this should still be a requirement of any new permission. The requirement of a Habitat Management Plan is, therefore, a recommended condition should approval be given. The formation of a Habitat Management Group is also a requirement to be secured via a legal agreement.

6.5.20 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. First the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Secondly the visual impact is assessed followed by the impact on visual residential amenity. Visual impact is, therefore, in essence, a development's impact in relation to how it impacts upon receptors. The assessment takes into account cumulative impacts. A Landscape and Visual Impact Assessment (LVIA) formed part of the submitted EIA Report.

6.5.21 The application site is located within both the Southern Uplands Landscape Character Type (LCT) and the Broad Valley Upland LCT as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). All the turbines are located within the Southern Uplands LCT with only the infrastructure and access tracks located within the Broad Valley Upland LCT. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 (Landscape Capacity Study) provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in each LCT. The Landscape Capacity Study assesses the Southern Uplands LCT as having a relatively high capacity for wind energy development compared with most LCTs in South Lanarkshire. The Landscape Capacity Study also notes that that the part of the Southern Uplands LCT where the application site sits (Southern Uplands: East of Clyde/ Daer LCA) is considered a large scale, upland landscape with underlying capacity for extensive wind farm development.

The proposed turbines lie in a wider context within which significant wind energy development has already occurred in the form of the Clyde wind farm. The Landscape Capacity Study states that the Southern Uplands LCT has underlying capacity for wind energy development as it comprises extensive areas of larger scale landscape with simple landforms and open character with few human scale references. In its Tall Turbines Addendum (2019) The Landscape Capacity Study categorizes the application site as being within an area of Low Capacity for wind turbines of 150m to 250m. The addendum categorizes South Lanarkshire into 4 distinct categories for turbines over 150m to 250m - None, Low, Medium and High. It should be noted that the majority of South Lanarkshire falls within the 'None' category. The Southern Uplands LCT is described as a landscape that has the capacity for large scale wind farms but is considered to fall within the low category due to most areas in the landscape where "large turbines could be most comfortably located either already host substantial wind energy development or have similar developments consented". It is, therefore, considered that the landscape does have capacity for large scale wind farms but that is now considered low due to the existence of other large scale wind farms in the area. It is noted that the Original Permission would be one of these large scale "consented" wind farms and, therefore, the proposed increased turbines would not be considered a new development in a landscape with a low capacity based on cumulative development but instead would be considered an existing scheme within a landscape that has a strong capacity for wind development due to its large scale and lack of human reference.

It is considered than in a landscape of this scale that an increase in height of a maximum of 55m would, proportionately, not be that perceptible to the human eye. This is further rationalized by the lack of any human reference to assess the height of the turbines. The turbines sit on their own in a landscape where there is no nearby houses etc. that would provide a simple reference to their height. The only other development within the nearby landscape would be other large scale wind farms such as Clyde, but again not at a distance close for the turbines to be scaled.

6.5.22 It is, therefore, considered that the landscape and visual impact created by the Original Permission would not be considered to be added to in any additional negative way by the proposed increased turbine size. In a landscape of this scale and remoteness, it is considered the increase in turbine height would not be detrimental in relation to what is already approved and, therefore, be considered acceptable.

6.5.23 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 Table 7 of SG. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraphs 6.5.20 to 6.5.22.

6.5.24 A noise assessment forms part of the planning submission and demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and consider appropriate conditions can be attached which require the noise limits to be met, if consent is granted. In addition if consent is granted, conditions covering the required procedure in the event of there being a noise complaint from the proposed development and a condition to cover delivery of mitigation measures to remediate any breach of the noise limits can be imposed.

6.5.25 A Shadow Flicker model forms part of the submission. By basing the model on 10 rotor diameters from each of the proposed turbine and within 130 degrees either side of north it has identified the potential shadow flicker impact area. There are 2 properties within that area that may potentially experience shadow flicker a maximum 146 hours a year (Wandeldyke Cottage) and 50 hours a year (Littlegill Cottage). Normally shadow flicker would be limited to 30 hours a year at a property but in this instance both these properties are financially involved with the wind farm and are, therefore, not standard receptors. Nevertheless, it is considered that where shadow flicker is found to cause a nuisance, mitigation measures should be implemented in order to reduce its occurrence. Therefore, if planning consent is granted an appropriate condition should be imposed to control this matter.

6.5.26 It is, therefore, considered that the proposals are acceptable under this policy criteria.

6.5.27 Impacts on carbon rich soils and peat, using the carbon calculator.

It is considered that an increase in turbine height would not have an additional effect on this criteria.

6.5.28 Impact on Public Access.

This consideration set out at criteria 12 of Table 7 of the SG Renewable Energy aligns with Policy 15 Natural and Historic Environment of SLLDP and Policy NHE 18 in the SG Natural and Historic Environment which contains guidance on core paths and rights of way. It is considered that an increase in turbine height would not have any additional effect on this criteria.

6.5.29 Impacts on the historic environment.

This consideration set out at criteria 13 of Table 7 of the SG Renewable Energy, in line with the criterion of SLLDP Policy 15, has previously been assessed under National Designations at paragraphs 6.5.9 to 6.5.11 with the exception of impact upon B and C Listed Buildings. There are 59 B and C Listed buildings within 5km of the application site but with only 7 of these lying within the zone of theoretical visibility with the turbines. Of these remaining 7, two (Wiston Lodge and Wiston Stables) are surrounded by woodland that curtails any views between them and the turbines so they are in effect not within a zone of visibility. Of the remaining 7 Listed buildings it is considered that in the case of Roberton Church (3km away) and Wiston Parish Church and Graveyard (both almost 5km away) the distance of these buildings to the site boundary, let alone the nearest turbine negates any additional impact an increase in turbine height could have on them. The remaining Listed Building, Clyde's Bridge is 1.8km to the west of the site and is located at a much lower level than the turbines will be located so they are not viewed together. This distance and topographical separation ensure that there will be no more additional impact upon the setting of this listed building. There is one Conservation Area within 5km of the site (Lamington) but it is over 5.3km from the nearest turbine and it is, therefore, considered that this distance would not result in any additional impact upon the Conservation Area.

6.5.30 Impacts on tourism and recreation.

It is considered that the increase in turbine height would have any additional impact on this criterion.

6.5.31 Impacts on aviation and defence and transmitting or receiving systems.

As noted in 4.7, following discussions with the MOD, they have removed their objections to the proposals in relation to their potential impact on the operation of the Eskdalemuir Seismology Recording Station subject to the use of two specific suspensive conditions which form part of the recommendation of approval (conditions 32 and 33 on the paper apart). Due to the height of the turbines, MoD advise that they require aviation safety lighting to be installed on the turbines. A condition addressing this matter forms part of the recommendation.

6.5.32 Impact on road traffic and on trunk roads.

The criterion of this section of the checklist mirrors SLLDP Policy 16 (Travel and Transport) which requires all new development to conform to South Lanarkshire Council's Road Development Guidelines. Roads and Transportation and Trunk Roads have no objections to the proposals. A legal agreement to provide financial compensation for the repair of any damage to roads arising from extraordinary wear and tear associated with the development forms part of the recommendation.

6.5.33 Impacts on hydrology, water environment and flood risk

This consideration mirrors SLLDP Policy 17: Water Environment and Flooding 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. The SG on Sustainable Development and Climate Change contains guidance on the water environment, and the water environment falls under category 2 national designations within Policy 15 of the SLLDP. The proposals do not involve any changes to the Original Permission that would have an impact upon the water environment.

6.5.34 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust. The Original Permission had conditions requiring restoration of the site and the submission of a restoration bond or other financial guarantee. These conditions would be replicated on any new decision if approved.

6.5.35 Opportunities for energy storage.

Battery storage is part of the proposals as with the Original Permission.

6.5.36 Site decommissioning and restoration bond.

As noted in 6.5.36 above, provision would be conditioned.

6.5.37 Forestry and woodland removal.

There is no change in relation to this criteria from the Original Permission.

6.5.38 Impact on Prime Agricultural Land.

There is no Prime Agricultural Land within the application site.

6.5.39 Borrow pits.

There is no change in relation to this criteria from the Original Permission.

6.5.40 Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy 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 waste water 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 should form part of any permission to ensure all construction is carried out in line with all required environmental authorisations and licenses.

6.5.41 Notifiable installations and exclusion zones

There are none within proximity to the application site.

6.5.42 Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. The Original Permission required environmental mitigation through conditions and these conditions will be replicated on any decision should approval be given. A legal agreement to secure the formation of a Habitat Management Group also forms part of the recommendation to implement suitable habitat management mitigation. As noted in 6.5.13 the applicant is proposing additional mitigation in terms of archaeological interpretation.

6.5.43 Legal agreement

Criteria 28 of Table 7 of SG Renewable Energy requires, where appropriate the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance a legal agreement to secure the formation of a Habitat Management Group and the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements will be required to be entered into if planning permission is granted. Whilst not a planning consideration the applicant has also agreed to provide a financial contribution to enter into a legal agreement to provide community benefit to offset some of the impacts caused by wind farm development and this would be secured by Legal Agreement.

6.6 **Conclusion**

6.6.1 In conclusion, the principle of wind farm development has been established by the Original Permission. The Council refused the application on the grounds of its concerns about the impact on the landscape character of the area, the cumulative sequential impact of an additional windfarm, the effect on visual and residential amenity and the effect on two scheduled ancient monuments. The Reporter who determined the subsequent appeal disagreed with these concerns and concluded that the proposals were acceptable.

6.6.2 This application seeks to increase the maximum height of the turbines and in this case an assessment of their impact in this particular landscape character type and context has concluded that they would not have any additional significant, detrimental effects on the visual amenity and landscape character of the surrounding area nor would the residential amenity and enjoyment of the wider area be adversely affected. It is considered that the increase in renewable energy yield of an additional 16.8MW is welcomed and, as such, it is recommended that the proposals are approved subject to the imposition of the previously required environmental conditions and the conclusion of a legal agreement to address road repair and habitat management obligations and the making of contributions to the Councils Renewable Energy Fund.

7 **Reasons for Decision**

7.1 The amendment to condition 19 is considered acceptable and the updated suite of documents submitted are considered appropriate in terms of allowing a decision to be made. The increase in turbine height to 180m and 200m are considered to not have any significant, adverse impact in relation to the previous, original planning permission and accords with National Policy and the relevant provisions of the Development Plan subject to the imposition of the attached environmental

conditions as allowed under Section 42 of the Town and Country Planning Act (Scotland) 1997 as amended.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

20 November 2020

Previous References

- ◆ CL/17/0009

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2
- ▶ Neighbour notification letter dated 20.12.2019

- ▶ Consultations
 - Transport Scotland 20.12.2019
 - Roads Development Management Team 31.01.2020
 - RSPB Scotland 03.02.2020
 - Roads Flood Risk Management 14.03.2020
 - MoD (Windfarms) 17.01.2020
&13.11.2020
 - National Air Traffic Services Ltd 11.02.2020
 - BAA Glasgow 30.12.2019
 - SEPA West Region 23.12.2019
 - Transport Scotland 20.12.2019
 - Historic Environment Scotland 31.01.2020
 - Scottish Water 30.12.2019
 - Arquiva 10.01.2020
 - Environmental Services 07.04.2020
 - Edinburgh Airport Aerodrome Safeguarding 31.12.2019

- ▶ Representations Dated:
 - David Acton, Wandeldyke, Abington, ML12 6RP 06.02.2020
 - Mr Roger Lewington, Dunalastair House, 2 Dunalastair Road, Crawford Biggar, South Lanarkshire, ML12 6TT 18.01.2020

Andrew McLarty, Rowan Stables, A702 From Abington A73 31.01.2020
At Duneatonfoot To A72 At Biggar, Abington, Biggar, South
Lanarkshire, ML12 6RP

Contact for further information

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

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ML3 6LB

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Conditions and reasons

01. The development shall be carried out strictly in accordance with the terms of all volumes of the Document titled Priestgill Wind Farm dated November 2019, 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 that the development is carried out in accordance with the approved details.

02. 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'. The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 08.00 to 19:00, Saturday 08.00 to 13.00, and with no audible activity taking place on Sunday, and local and national bank holidays without prior written approval of the Planning Authority. HGV movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 08.00 to 19.00, Saturday 08.00 to 13.00, with no HGV movements to for from site taking place on a Sunday or on national public holidays. Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the Planning Authority.

Reason: In the interests of controlling construction noise.

03. No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Details of alternative warning devices shall be submitted to and approved in writing by the Planning Authority prior to development starting on site. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.

Reason: In the interests of controlling construction noise.

04. No development shall commence unless a Traffic Management Plan (TMP) has been submitted to and approved by the Planning Authority, in consultation with the Roads Authority and Transport Scotland. The TMP shall include:-

- a) details of the transportation and delivery route(s) for wind turbine and construction traffic;
- b) details of the timings, volumes and types of vehicles;
- c) details of any alteration to the public road network, including all temporary works and relocation of street furniture;
- d) detailed plans and specifications for access arrangements to the A702 and visibility splays associated with them;

- e) arrangements for emergency vehicle access;
- f) details of proposed signage during the construction period;
- g) any necessary mitigation; and
- h) a travel plan.

Thereafter, the development shall be carried out in accordance with the TMP, unless agreed otherwise in writing with the Planning Authority.

Reason: In the interests of road safety.

05. At least 3 months prior to the delivery of abnormal loads the developer will undertake an Abnormal Load Route Assessment (ALRA) which shall include a swept path assessment of the route and proposals for a trial run of abnormal load deliveries, and submit details of their report together with any recommendations for the written approval of the Council as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries and confirmation from Transport Scotland that it is acceptable if their land is encroached by abnormal loads along the approved route. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads. Should the abnormal load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require to be submitted to and approved by the Planning Authority.

Reason: In the interests of road safety.

06. Prior to commencement of construction works a full Safety Audit for all infrastructure to be constructed and adopted, or altered, on the public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, shall be submitted to and approved by the Planning Authority.

Reason: In the interests of road safety.

07. No development shall commence unless a Construction and Environment Management Plan (CEMP) including a Construction Method Statement, has been submitted to and approved by the Planning Authority in consultation with SEPA. The Statement/s shall integrate "good practice" methods from the Scottish / UK wind farm industry and incorporate the mitigation measures identified in the Environmental Impact Assessment Report. The CEMP shall include the following matters:-

- a) details of ecological pre-construction surveys of all areas of construction and a suitable buffer that will be undertaken no more than three months prior to commencement of development, and if necessary, the relevant disturbance licenses from SNH will be applied for prior to construction commencing;
- b) Protected Species Protection Plan covering the monitoring of any known protected species, resting sites and also include details of how any reptiles that may be present on the site during construction will be protected;

- c) water quality monitoring programme which will include monitoring of watercourses and their water quality to be completed on a monthly basis with extractive samples sent for laboratory analysis to ensure construction of the development is not detrimentally effecting water quality;
- d) details of basic ecological constraints training to be provided by the Environmental Clerk of Works to raise awareness to all construction staff of specific ecological issues through the site induction and toolbox talks as part of a wider site induction;
- e) Breeding Bird Protection Plan
- f) a Site Waste Management Plan;
- g) a Pollution Prevention Plan;
- h) details of on-site storage of materials, including fuel and other chemicals;
- i) details of on-site storage and off-site disposal of excavated material where required;
- j) details of the methodology for reuse of the small amounts of peat in the re-turfing of the verges; if greater volumes of peat are encountered, a Peat Management Plan shall be prepared;
- k) a Sustainable Drainage System (SuDS) design concept including run-off and sediment control measures;
- l) a Flood Risk Assessment with recommendations and mitigation measures where required;
- m) details and timetable for phasing of construction works;
- n) details of all internal access tracks, including accesses from the public road and hardstanding areas;
- o) details of borrow pit excavation and restoration including the need to carry out any blasting;
- p) details of proposed temporary site compound for storage of materials, machinery, and designated car parking;
- q) cleaning of site entrance, site tracks and the adjacent public road and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the public road;
- r) details and timetable for post construction restoration and/or reinstatement of the working areas and any other temporary works; and
- s) the development site shall not be illuminated by lighting unless the Planning Authority has given prior written approval or lighting is required during working hours which have been approved by the Planning Authority; or an emergency requires the provision of lighting.

Thereafter, the construction of the development shall be carried out in complete accordance with the approved CEMP, unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

08. There shall be no Commencement of Development unless the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW). The terms of the appointment shall include the ECoW to be appointed prior to commencement of development,

remaining appointed until the final commissioning of the development. The scope of work of the ECoW shall include:-

- a) monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the Environmental Impact Assessment Report dated November 2019;
- b) advising the developer on adequate protection of nature conservation interests on the site;
- c) directing the micro siting and placement of the turbines, bridges compounds and tracks; and
- d) monitoring compliance with the Construction Environmental Management Plan of condition 7.

Reason: To secure effective monitoring compliance with the environmental mitigation and management measures associated with the development.

09. Prior to the commencement of decommissioning an Ecological Clerk of Works (ECoW) shall be appointed by the developer and approved by the Planning Authority after consultation with SNH until the completion of aftercare or such earlier date as may be agreed in writing by the Planning Authority. The scope of work of the ECoW shall include those elements identified in condition 8 with the exception of points c) and d) of that condition and will include monitoring compliance with the Decommissioning, Restoration and Aftercare Plan required by condition 23.

Reason: To secure effective monitoring compliance with the environmental mitigation and management measures associated with the development.

10. No development shall take place within the development site as outlined in red on the approved site 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, approved by the Planning Authority in consultation with the West of Scotland Archaeology Service. 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 consultation with the West of Scotland Archaeology Service.

Reason: In order to safeguard the archaeological heritage of the site and to ensure that the developer provides for an adequate opportunity to investigate, record and rescue archaeological remains on the site, which lies within an area of potential archaeological importance.

11. Prior to development commencing on site, details of siting, design and appearance of the monitoring mast, substation and any other site compounds shall be submitted to and approved in writing by the Planning Authority. This will include details of the materials:-

external finishes and colours of battery storage, substation and for all ancillary elements (including access tracks, transformers, switchgear/metering building, compound, boundary treatment and fencing). If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning

Authority shall be used. Thereafter, the development shall be carried out in accordance with the approved details.

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

12. Consent is granted for the wind farm and its associated infrastructure for a period from the date of this consent until 25 years from the date of final commissioning of the development. Written confirmation of the date of first commissioning shall be provided to the Planning Authority no later than one calendar month after that date.

Reason: In order to retain effective planning control.

13. There shall be no commencement of development until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.

Reason: To offset impacts of shadow flicker on residential and commercial property amenity.

14. Each turbine shall be erected in the position indicated in the co-ordinates within the Environmental Impact Assessment Report November 2019. 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 variation is less than 50 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation 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. The said provisions relating to variation shall not have the effect such that any variation will:
 - bring a turbine outwith the planning application boundary, or
 - breach the 20m water buffer zoneswithout the prior written agreement of the Planning Authority.

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

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

Reason: In order to retain effective planning control.

16. No part of any turbine shall be erected above ground unless:-

- a) a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Planning Authority; and
- b) the approved Primary Radar Mitigation Scheme has been implemented.

The development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of the condition above:-

"Operator" 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" 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 primary radar and air traffic management operations of the Operator.

Reason: In the interests of aviation safety and in order to avoid the impact of the development on the Primary Radar of the Operator located at Lowther Hill and associated air traffic management operations.

17. That before any work starts on site, details of all turbine aviation lighting shall be submitted for the written approval of the Council, as Planning Authority. Once approved the details shall be implemented and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of aviation safety.

18. The blades on all the turbines hereby approved shall rotate in the same direction.

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

19. No development shall commence unless precise details including the type, dimensions, colour, and external finish of the proposed turbines have been submitted to and approved in writing by the Planning Authority. The height of the turbines hereby granted planning permission shall not exceed 200 metres to tip above ground level. Thereafter, the turbines shall be installed in accordance with the details as approved.

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

20. 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.

21. There shall be no Commencement of Development unless a decommissioning, restoration and aftercare strategy has been submitted to and approved in writing by the Planning Authority. The scheme shall detail measures for the decommissioning of the development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the above ground elements of the development, the treatment of ground surfaces, the management and timing of the works, and environmental management provision.

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

22. No later than 3 years prior to decommissioning of the development or the expiration of this consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy, shall be submitted to the Planning Authority for written approval in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan will provide updated and detailed proposals for removal of above ground elements of the development, the treatment of ground surfaces, the management and timing of the works and environment management provisions. The development shall be decommissioned, site restored and aftercare thereafter undertaken in accordance with the approved plan, unless otherwise agreed in writing in advance with the Planning Authority.

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

23. The decommissioning and restoration of the site shall be completed within 2 years from the date on which the development ceases to generate electricity unless otherwise agreed in writing with the Planning Authority.

Reason: In the interests of safety, amenity and environmental protection.

24. No development shall commence until the developer puts in place a Private Water Supply Protection Plan, covering the period from the Commencement of the Development until 12 months after date of Final Commissioning. The Plan will be submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full. The Plan shall include details of monitoring and contingency measures to be delivered to maintain the quality and continuity of water supplies to properties which are served by private water supplies at the date of this consent and include:-

- a) details of the water quality sampling methodology and locations;
- b) details of site investigation to establish the route of the Wandel private water supply pipe;
- c) measures for protection of the pipe if it is found to pass across the proposed access track, or within the 10 metre up-gradient and down-gradient; and
- d) measures to notify the occupants of properties supplied by the pipe and the provision of an alternative supply should the water supply be disturbed or effected as a consequence of construction activities.

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

25. There shall be no Commencement of Development unless a Wandel Public Right of Way Access Mitigation Plan, covering the period from the Commencement of Development until the date of Final Commissioning, has been submitted to and approved in writing by the Planning Authority. The Plan will relate to the first 200 metres of the Wandel Public Right of Way where the route is shared or parallel to the wind farm access track.

Reason: In the interests of recreational amenity.

26. Prior to starting on site a Habitat Management Plan (HMP) shall be prepared and finalised in consultation with the Council's Local Biodiversity Officer and RSPB and submitted to the Planning Authority for approval. The HMP shall be approved prior to the commencement on site. The HMP shall include habitat management and enhancement to benefit breeding curlew within the Border Hills NHZ and timing and programme of delivery and monitoring. Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP within the timescales set out in the approved HMP.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to the environmental statement and supplementary environmental information and maintain effective planning control.

27. That no work shall start on site prior to the establishment of a Habitat Management Group (HMG) to oversee the preparation of the approved Habitat Management Plan. The HMG shall include a representative of South Lanarkshire Council and RSPB and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims.

Reason: To safeguard habitat and to ensure development conforms to Environmental Statement and maintain effective planning control.

28. If any wind turbine(s) fails to produce an electricity supply to the grid for a continuous period of 12 months then, unless otherwise agreed in writing by the Planning Authority, the wind turbine and any associated above ground infrastructure solely required for that turbine(s) shall be dismantled and removed from the site and the area around the turbine restored in accordance with a scheme to be submitted to and approved in writing by the Planning Authority.

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

29. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-
- i. be granted in favour of the planning authority
 - ii. be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - iii. be for an amount which covers the value of all site restoration and aftercare liabilities as determined by the planning authority at the commencement of development
 - iv. contain provisions so that all the site restoration and aftercare liabilities as determined at the commencement of development shall be increased on each fifth anniversary of the date of this consent.
 - v. come into effect on or before the date of commencement of development, and expire no earlier than 24 months after the end of the aftercare period.

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

In the event that the guarantee becomes invalid for any reason, no operations will be carried out on site until a replacement guarantee completed in accordance with the terms of this condition is lodged with the Planning Authority.

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

30. The day time noise immissions (7am to 11pm) from the wind turbines must not exceed a noise level of 37dB LA90,10min or background LA90,10min +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 SLR Environmental Statement- Chapter 10 Noise.

The night time noise immissions (11pm to 7am) from the wind turbines must not exceed a noise level of 43dB LA90,10min or background LA90,10min +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 SLR Environmental Statement- Chapter 10 Noise.

Wind Turbine- 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 the (relevant) condition shall be reduced by the penalty level identified within section 28 of 'The Assessment and rating of Noise from Wind Farms- ETSU-R-97.

Wind Farm- 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 imission 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. In the event of amplitude modulation being established, the developer shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority. At this time this would be in keeping with the Institute of Acoustics, IOA Noise Working Group (Wind Turbine Noise) Final Report, A Method for Rating Amplitude Modulation in Wind Turbine Noise, 9 August 2016, Version 1 [Reason: to mitigate excessive noise]

Noise mitigation

Pursuant to condition Noise 13 above, where an assessment of any noise impact which, in the opinion of the Council as Planning Authority acting reasonably, is found to be in breach of the noise limits described in condition 5 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.

If the tonal noise emitted by the development exceeds the threshold of audibility by 6.5dB or more, then the acceptable noise specified in Condition 5 shall be reduced by 5dB, always providing that the definition of audibility for the purposes of this condition shall be as described in 'The Assessment and Rating of Noise from Wind Farms (ETSU-R-97)'.

Reason: In the interests of residential amenity

31. That before any work starts on sites, details of the Wardel Roman Camp Archaeological interpretation programme shall be submitted for the written approval of the Planning Authority, in consultation with WOSAS. Once agreed the programme shall be implemented and maintained as such for the lifetime of the development, hereby approved.

Reason: In the interests of archaeological interpretation

32. That no development shall take place until a Wind Farm Specification/Operation Schedule has first been submitted to and approved in writing by the Council as Local Planning Authority following written consultation with the Ministry of Defence. As a guideline, the Wind Farm Specification/Operation Schedule should, as a minimum, include:
- A detailed wind farm schedule (detailed location, technical and dimensional specifications for each of the wind turbine generators proposed);
 - A method statement and schedule for a testing protocol to assess the impact of the proposed wind turbine generators as well as establish baseline seismic ground vibration data for the application site;
 - Proposals for the test and evaluation of the wind turbines for specific time periods; and
 - A specification for a post implementation Wind Farm Output Report (WFOR) that shows how each wind turbine generator will be in a low impact state/curtailment position in order to minimise Seismic Ground Vibration output. The WFOR shall define the required low impact state/curtailment position and provide details of the methods of measuring the impact of the wind farm on the Eskdalemuir Seismic Array and, if applicable, a means of mitigating or managing that impact.

Approval will only be provided by the Council where, following consultation with the MOD, it has been demonstrated that the turbines can be operated fully in accordance with the agreed Eskdalemuir budget as allocated by MOD, with any freed up budget returning to MOD.

Thereafter the development shall be constructed strictly in accordance with the details set out in the approved Wind Farm Specification/Operation Schedule.

Reason: In order to define the terms of the consent in the interests of the Eskdalemuir Seismic Array

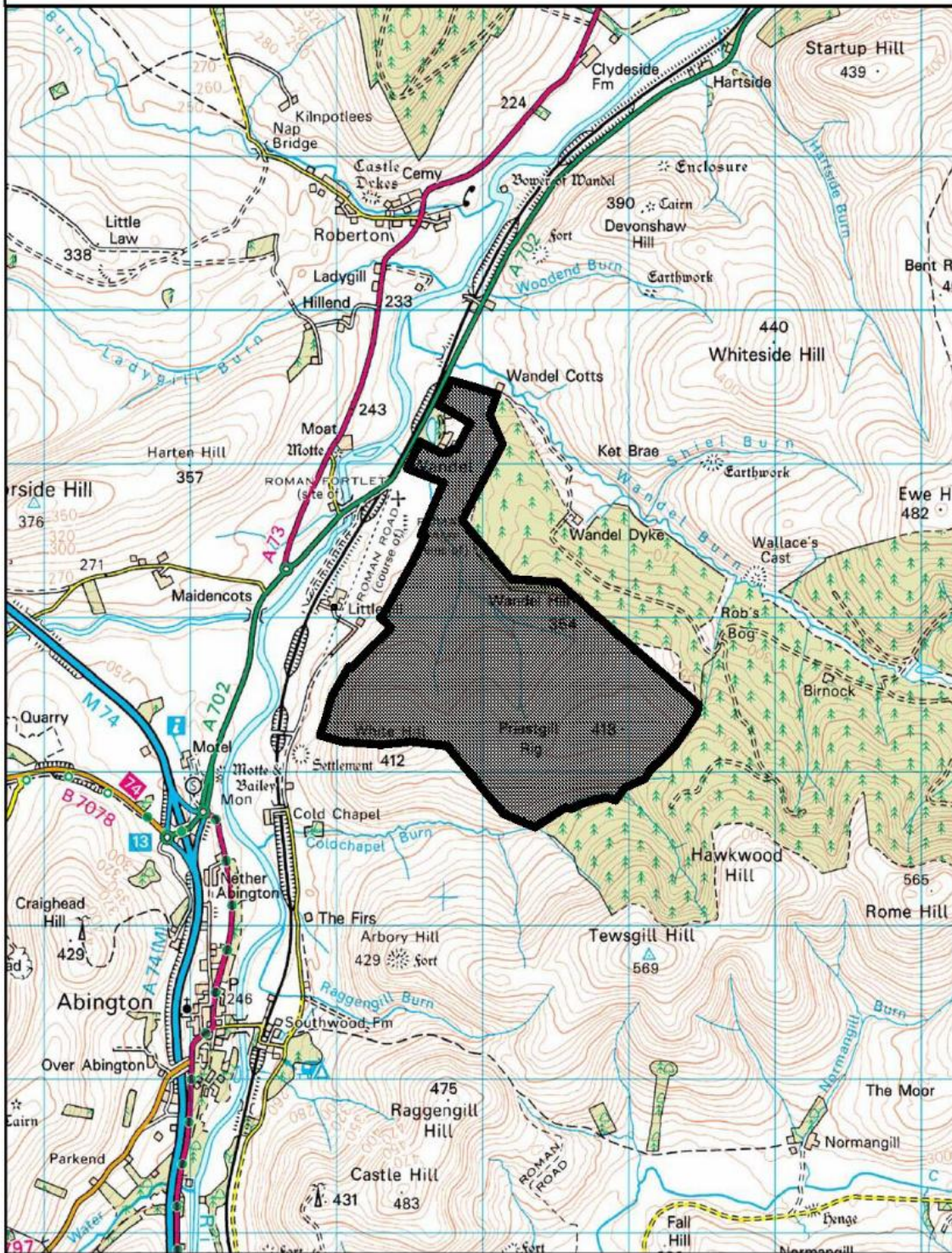
33. Any wind turbine erected as part of this development shall not be permitted at any time to operate in anything but the low impact state/curtailment position as defined and agreed through condition 32 above, other than:
- a. for the purpose of test and evaluation for specific time periods as defined in the approved Wind Farm Specification/Operation Schedule; or
 - b. following the submission and approval in writing of the completed Wind Farm Output Report (to the specification agreed through the discharge of condition 32 and outlined in the Wind Farm Specification/Operation Schedule) by the Council as Local Planning Authority following written consultation with the Ministry of Defence.

Thereafter, and for the lifetime of the development, the development shall be operated strictly in accordance with the approved Wind Farm Specification/Operation Schedule.

Reason: In order to define the terms of the consent in the interests of the Eskdalemuir Seismic Array

P/19/1803

Priestgill Wind Farm, Little Gill Farm, Abington



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Scale:
1:35,000
Date:
27/04/2020



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development