

Report

Report to:	Planning Committee
Date of Meeting:	16 November 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/1107
Planning proposal:	Erection and Operation of Extension to Kennoxhead Wind Farm Consisting of 8 Turbines, 7 up to a Maximum Height to Blade Tip of 220m and 1 up to a Maximum Height to Blade Tip of 200 Metres (Consultation from Scottish Ministers Under S36 of The Electricity Act 1989)

1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	Kennoxhead Wind Farm Ltd
Location:	Penbreck Wind Farm Glentaggart Road Glespin Lanark South Lanarkshire

2 Recommendation(s)

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

- (1) that the Scottish Government be informed that South Lanarkshire Council has no objection to the proposed erection and operation of an extension to Kennoxhead Wind Farm consisting of 8 turbines, 7 up to a maximum height to blade tip of 220m and 1 up to a maximum height to blade tip of 200m under Section 36 of the Electricity Act 1989; and
- (2) that the Head of Planning and Economic Development be authorised to undertake any discussions in relation to further agreements of conditions and planning obligations if required, with the Scottish Government.

2.2 Other actions/notes

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

1. Community Contribution Payments
2. The funding of a Planning Monitoring Officer
3. Control over turbine transportation, a roads structure assessment regime 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.

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

3 Other information

- ◆ Applicant's Agent: Land Use Consultants Ltd
- ◆ Council Area/Ward: 03 Clydesdale East
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Development Plan 2 (2021)**
 Policy 1 Spatial Strategy
 Policy 2 Climate Change
 Policy 4 Green Belt and Rural Area
 Policy 14 Natural and Historic Environment
 Policy 15 Travel and Transport
 Policy 16 Water Environment and Flooding
 Policy 18 Renewable Energy
 Policy SDCC2 Flood Risk
 Policy NHE2 Archaeological Sites and Monuments
 Policy NHE3 Listed Buildings
 Policy NHE4 Gardens and Designed Landscapes
 Policy NHE5 Historic Battlefields
 Policy NHE6 Conservation Areas
 Policy NHE8 National Nature Reserves and Sites of Special Scientific Interests
 Policy NHE9 Protected Species
 Policy NHE11 Peatland and Carbon Rich Soils
 Policy NHE12 Water Environment and Biodiversity
 Policy NHE16 Landscape
 Policy NHE18 Walking, Cycling and Riding Routes
 Policy NHE20 Biodiversity
 Policy RE1 Renewable Energy
 Policy DM1 New Development Design

Supporting Planning Guidance

Renewable Energy

Clydeplan

Policy 10 Onshore Energy

◆ **Representation(s):**

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

◆ **Consultation(s):**

Roads Development Management Team

Environmental Services

Roads Flood Risk Management

West of Scotland Archaeology Service

Countryside and Greenspace

Douglas Community Council

Roads Transportation Services Bridges Structures Section

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 7km south west of Glespin and 11km south west of Douglas. The main body of the site comprises commercial forestry (Carmacoup and Penbreck Forest) with the remainder of the site, two narrow strands, extending to existing accesses onto the A70 and B7078 respectively. The access onto the B7078 serves the established Mid Rig Wind Farm and this access is hereon referred to as the “Mid Rig Access”. The application site is some 1031 hectares in area. The site is located immediately to the west of the Kennoxhead wind farm which is currently under construction and it’s consented extension where construction has not yet started. The current proposals are considered to comprise a second extension to Kennoxhead Wind Farm.
- 1.2 The application site is located on land designated as Rural within the adopted South Lanarkshire Local Development Plan 2 (2021). The majority of the site lies within the Rolling Moorlands Landscape Character Type (LCT) and its sub-type Rolling Moorlands Forestry.

2 Proposal(s)

- 2.1 An application has been made to the Scottish Government under Section 36 of the Electricity Act 1989 for the erection of 8 wind turbines (7 with a tip height of 220m and 1 with a tip height of 200m) and associated infrastructure with a 30 year operating lifespan. The proposals comprise the following components:-
 1. Seven, 220m tall (to blade tip) wind turbines and their foundations
 2. One, 200m wind turbine and it’s foundation
 3. Crane hardstanding areas adjacent to each turbine
 4. On site access tracks between turbines
 5. Construction compound
 6. 149.9m anemometer mast
 7. Battery storage
- 2.2 The installed turbine generation capacity of the proposals would be approximately 45.6MW. Whilst this is under the 50MW threshold for applications to be made under Section 36 of the Electricity Act 1989 in this instance, as noted in 1.4 above, the proposals relate to the extension of an existing wind farm (Kennoxhead) and therefore the cumulative threshold of these proposals in tandem with Kennoxhead breach the 50MW threshold and, as such, require the application to be made through the Electricity Act. Unlike an application for planning permission, the S36 application is made to the Scottish Government who are the Consenting Authority with South Lanarkshire Council being a Statutory Consultee as part of the assessment process.
- 2.3 As the proposals involve an extension to the Kennoxhead Wind Farm, they do not involve a standalone electricity substation or control building and would instead utilise those being constructed for Kennoxhead. The current proposals would also share the majority of the access track and upgrades being used for the construction and turbine transportation associated with Kennoxhead Wind Farm.

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 (Dec 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges “the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts”.
- 3.1.4 All national policy and advice is considered in detail in section 6 of this report.

3.2 Development Plan Status

- 3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans.
- 3.2.2 On 17 August 2020, the Directorate for Planning and Environmental Appeals issued its report of the Examination of South Lanarkshire Local Development Plan 2 2021 (SLLDP2) and a number of modifications to the Plan were recommended. At the Planning Committee on 1 December 2020, members agreed to the approval of all of the modifications, the publication and public deposit of the Plan, as modified, and the submission of the Plan to Scottish Ministers. SLLDP2 was formally adopted on 9 April 2021 and now supersedes the former Local Development Plan. For the purposes of determining planning applications the Council will, therefore, assess proposals against the policies contained within the newly adopted SLLDP2.

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

Volume 1

1. Policy 1 Spatial Strategy
2. Policy 2 Climate Change
3. Policy 4 Green Belt and Rural Area
4. Policy 14 Natural and Historic Environment
5. Policy 15 Travel and Transport
6. Policy 16 Water Environment and Flooding
7. Policy 18 Renewable Energy

Volume 2

1. SDCC2 Flood Risk
2. NHE2 Archaeological Sites and Monuments
3. NHE3 Listed Buildings
4. NHE4 Gardens and Designed Landscapes
5. NHE5 Historic Battlefields
6. NHE6 Conservation Areas
7. NHE8 National Nature Reserves and Sites of Special Scientific Interests
8. NHE9 Protected Species
9. NHE11 Peatland and Carbon Rich Soils
10. NHE12 Water Environment and Biodiversity
11. NHE16 Landscape
12. NHE18 Walking, Cycling and Riding Routes
13. NHE20 Biodiversity
14. DM1 New Development Design
15. RE1 Renewable Energy

Supporting Planning Guidance: Renewable Energy is also relevant.

3.2.3 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that, given SLLDP2 is now the Council's most up to date policy position, it is the principle material consideration for the Council when assessing applications of this nature under Section 36 of the Electricity Act.

3.3 Planning Background

3.3.1 The current application site currently benefits from an extant planning permission for the erection of six, 125m high wind turbines with a further three, 125m high turbines immediately west of this current application in the Administrative Boundary of East Ayrshire Council. Collectively the nine turbines were called Penbreck Wind Farm which has a cumulative output of 30.8MW. The applicant has stated that the permission relating to Penbreck would be replaced by these proposals.

3.3.2 As noted above, the consented Penbreck Wind Farm has a potential output of 30.8MW. The current proposals would replace this wind farm with an output of 45.6MW and therefore there would be an increase of 14.8MW in renewable energy generated. An extension to Kennoxhead comprising eight, 180m high turbines was consented by the Energy Consents Unit in March 2021. The current proposals are considered to represent a second extension to Kennoxhead Wind Farm.

3.3.3 Both these developments are located to the east of the current proposals, but will all share the same infrastructure where possible, including access tracks and substation.

4 Consultation(s)

4.1 **Roads and Transportation Services (Development Management)** – no objection subject to conditions requiring the further approval of a Construction Traffic Management Plan (CTMP), an Abnormal Load Route Assessment including any works required to the public road network, crossing arrangements through any public paths, a Road Safety Audit, a Timber Transport Plan with the route of timber extraction being through the proposed wind farm access route only and an access Management Plan. The CTMP is to include, but not be limited to, proposals for the routing of all construction traffic from the B7078 Mid Rig access, measures to monitor route use, required signage, provisions for emergency vehicles, wheel washing, staff car parking, a nominated road safety officer, access routes for turbine transport and monthly reporting of vehicle movements. A section 96 Legal Agreement is also required in respect of extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

Response: Noted, any consultation response to the Scottish Government stating no objection would recommend the above conditions to be attached to any consent and requirement for a Section 96 Agreement

4.2 **Roads and Transportation Services (Structures Team)** – notes that there are 9 South Lanarkshire Council (SLC) owned road structures within the proposed abnormal loads route. Have no objections to the proposals subject to an inspection regime being undertaken on all 9 structures and in line with the requirements of a “Principal Inspection” as set out within the Design Manual for Roads and Bridges (DMRB) document CS450 and submitted for the written approval of the Council. In addition, bridge assessment analysis should be carried out on 3 specific structures (Hillfield Burn, Duneaton and Netherton Farm) to ensure these structures can safely accommodate abnormal loads associated with the proposals. All inspections should be detailed within a Section 96 Roads Agreement.

Response: Noted any consultation response to the Scottish Government stating no objection would recommend the above conditions to be attached to any consent and requirement for a Section 96 Agreement

4.3 **Countryside and Greenspace** – note that 5 turbines are impacting peat and whilst no peat is being removed from site, its extraction will lead to carbon loss if the peat dries out. Require peat management plan to be submitted to ensure it is handled in such a way as to avoid drying out and therefore minimise carbon loss.

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

4.4 **West of Scotland Archaeology Service (WOSAS)** – agree in the main with the archaeological assessment within the Environmental Impact Assessment (EIA) Report but disagree that the commercial forestry would have removed any potential for archaeological finds. Therefore request that a condition is recommended requiring implementation of a programme of archaeological works prior to any construction works taking place.

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

4.5 **Environmental Services** – have no objections to the proposals subject to noise limits being placed on the proposals to protect the amenity of residential properties in the area. The limits are based on the Noise Assessment within the applicant’s EIA Report and are, therefore, considered achievable throughout the lifetime of the wind farm.
Response: Noted and the recommended conditions relating to noise levels form part of the recommendation to the Scottish Government.

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

- ◆ Roads Flood Risk Management
- ◆ Douglas Community Council

5 Representation(s)

5.1 Statutory advertisement of the application was undertaken by the applicant in May and June 2021.

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

6 Assessment and Conclusions

6.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it is development comprising a wind farm with a generating capacity of over 50MW. In this instance, South Lanarkshire Council is a Consultee to the application process and is not the Consenting Authority. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the application is made under the Electricity Act 1989 and not the Planning Act and, therefore, the Development Plan does not have the primacy it normally would for planning decisions but it is still an important material consideration in this instance and forms the basis for the Council’s assessment and consultation response. In addition, the principle of windfarm development in this location has been established by the earlier Penbreck Planning Permission and must also be taken into account as a material consideration.

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 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).

- 6.5 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises areas into their distinct groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes areas described as 'community separation for consideration of visual impact' and is relevant to this proposal. SPP indicates that this represents an area not exceeding 2km around settlements. This distance, however, is to be determined by the planning authority based on landform and other features which restrict views out from the settlement. It is noted that in this instance there are no communities within 2km of the turbines. Group 3 identifies 'areas with potential for wind farm development'. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. These considerations are fully assessed below at sections 6.6 onwards of this report. Paragraph 170 of SPP states that "Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities." Taking into account the above and for the reasons set out in sections 6.6 onwards, it is considered the proposed development accords with SPP.
- 6.6 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy of GCVSDP requires proposals to accord with local development plans. With regard to this proposal, it is noted that the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development by its nature contributes to developing low carbon energy. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse effect. Consequently, it is considered that the proposal accords with Policy 10 of Clydeplan.

- 6.7 Turning to local planning policy in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2), the overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' Policy 1 Spatial Strategy states, inter alia, that supporting renewable energy developments in appropriate locations is one of a number of ways the strategic vision of the Plan will be met. Given the extant consent for windfarm development at this location it is considered that, in principle, the proposals accord with this strategic vision subject to a detailed assessment of the proposal in relation to policy specific criteria as carried out below.
- 6.8 Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. Not all of the criteria are relevant and those that are include (3) utilising renewable energy sources; (6) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species), blue/ green networks and identify opportunities for enhancement of the natural heritage; and (13) avoid or minimise disturbance of carbon-rich soils. The proposed wind farm proposals would have a generating capacity of 45.6MW which is an increase on the 30.8MW granted through the Penbreck Wind Farm consent and, therefore, in line with Government targets on renewable energy generation, it is considered that the proposal complies with Policy 2 subject to a detailed assessment of the proposals in relation to the specific criteria (6 and 13). This is addressed further under the criteria specific policies as below.
- 6.9 Policy 4: Green Belt and Rural Area states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. Policy 4 does not specify renewable energy as a specific use in the countryside but supports development that cannot be accommodated within an urban settlement. It is considered that this scale of renewable energy would be a form of development that could not be accommodated within an urban settlement and is, therefore, an appropriate rural use. Policy 4 further states that the scale of renewable energy will be governed by considerations set out in Policy 18 – Renewable Energy. It is, therefore, considered that, subject to a successful assessment against Policy 18, the proposals are not contrary to the strategic aims of Policy 4.
- 6.10 Policy 18: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular, the considerations set out at paragraph 169 and additionally for onshore wind developments of 15 metres or greater in height, the terms of Table 7.2 of LDP2. Table 7.2 sets out the Spatial Framework for onshore wind 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:-
1. Group 1: Areas where wind farms will not be acceptable
 2. Group 2: Areas of significant protection
 3. Group 3: Areas with potential for wind farm development

- 6.11 Group 1 areas comprise of National Parks and National Scenic Areas (NSA). There are no National Parks or NSA that will be affected by the proposed development and, therefore, the proposals are not located within a group 1 area.
- 6.12 Group 2 Areas of significant protection; SPP recognises the need for significant protection of particular areas which include:-
1. National and international designations
 2. Other nationally important mapped environmental interests
 3. Community separation for consideration of visual impact
- 6.13 Group 2 area interests also apply to other policy criteria in relation to the natural and built environment. In relation to this, a full assessment of all international, national and local designated assets is, therefore, carried out in relation to Policy 14 below and includes assets such as listed buildings and the water environment which are not classed as Group 2 Areas of significant protection in the spatial framework for onshore wind but are, however, detailed policy considerations. These are taken in turn below.
- 6.14 Policy 14: Natural and Historic Environment and its associated LDP2 Volume 2 Natural and Historic Environment (NHE) policies provide the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features as listed in Table 6.2 of the SLLDP2 from adverse impacts resulting from development, including cumulative impacts. The policy categorises each of the natural and historic environment designations within three distinct groups and these are assessed in turn below.
- 6.15 Category 1 areas are international designations and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites). Policy 14 states that development will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. The application site is not located wholly within any SPA or SACs but is located adjacent to the Muirkirk and North Lowther Uplands SPA with small areas falling within the application boundary. This SPA is designated for its population of hen harriers, merlin, peregrine, golden plover and short-eared owls. Whilst not within the SPA it is considered that the application site lies within the core foraging ranges of the site's qualifying interests (the aforementioned bird species) and, therefore, there is potential for an impact on this SPA. In their consultation response to the Scottish Ministers, NatureScot note that there is potential for the proposals to have an impact upon the qualifying interests of the SPA but that it would not have an impact upon the integrity of the site in relation to its qualifying interests. In short, NatureScot do not consider that the proposals would have an impact on the conservation objectives of the SPA (protection of the qualifying species) but that they may have an impact on the species themselves in relation to foraging and habitat.
- 6.16 NatureScot agree with the suggested Draft Habitat Management Plan (HMP) within the application submission designed to reduce the attractiveness of the site to the qualifying species to discourage them from the wind farm area. The qualifying species do not normally use commercial forestry for habitat and foraging due to its dense, closed canopy cover. Therefore, the gaps left from felling for the turbines should be

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

- 6.17 Whilst not within the application site, the portion of the application at the Mid Rig Access is some 370m from the Red Moss SAC which is designated for its active, raised bog habitat. Whilst there is no direct connection from the application site to this SAC and therefore no direct impact, there is however, potential for the proposals to have an indirect impact from the construction activities through surface water flow or through the adjacent Black Burn and its tributaries which enter the SAC. It should be noted that as the Mid Rig Access also serves Kennoxhead Wind Farm and the Kennoxhead Extension applications, the potential indirect impacts to this SAC have been previously considered. To mitigate any potential impact on the SAC as a result of these proposals, a Construction Environmental Management Plan (CEMP) to ensure no construction activity affected surface water or adjacent watercourses was required for both sites. It is considered that the replication of a suitable CEMP as part of these proposals would also mitigate for any indirect impact to the SAC. A condition requiring an CEMP form part of the recommendation to the Scottish Government.
- 6.18 Policy 14 states that in Category 2 (National Designation) areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of further policy criteria provided in the NHE Policies within LDP2 Volume 2.
- 6.19 National Designations include several historical assets and they are set out below in relation to their own specific policy:-
1. Policy NHE 2 Archaeological Sites and Monuments states that developments which have an adverse effect on scheduled monuments or their settings shall not be permitted unless there are exceptional circumstances
 2. Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and not diminish its interest
 3. Policy NHE 4 Gardens and designed landscapes aims to protect the quality and historic integrity of designed landscapes and avoid damage to their special character
 4. Policy NHE 5 Historic battlefields requires development to take cognisance of the battlefield and demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site

- 6.20 There are no scheduled monuments, listed buildings, Inventory Gardens and Designed Landscapes (GDL) or Historic Battlefields within the application site. There are three Scheduled Monuments within 5km of the proposed development. Scheduled Monument SM4631 (Cairn Table, two Cairns) is the nearest to the site and is some 2.15km from the nearest turbine. It is considered that this distance is adequate in minimising any potential direct impact the proposals may have on this, or the 2 further away, historic assets. A further two Scheduled Monuments are located 6.86km and 8.98km from the nearest turbine respectively and again it is considered that this is an adequate separation distance to ensure there are no direct impacts upon these historic assets. There are no A Listed Buildings and no other designated national historic assets within a 10km radius of the proposed development. It is considered that as well as the distance that separates the proposals from the aforementioned historic assets, the location of the turbines within the forest area provides a visual separation from the Scheduled Monuments which sit outwith the forest areas again further increasing the separation effect created by the distance they are from the proposed turbines. This change in ground cover again differentiates them from the setting of any of these historic assets. It is, therefore, considered that the proposals accord with the relevant policy criteria in policies NHE 2 - 5 in this instance. It should be noted that Historic Environment Scotland are also a consultee to this application and will be providing further detailed comments to the Scottish Government in relation to the proposals impact in relation to national, historic assets.
- 6.21 The remaining, relevant national designations within Policy 14 Category 2 are Sites of Special Scientific Interest (SSSI), priority peatland and the Water Environment.
- 6.22 Policy NHE 8 states that development which affects a Site of Special Scientific Interest (SSSI)/National Nature Reserve will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised; or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- 6.23 Red Moss SAC as referenced in 6.17 above also has SSSI status for its raised bog habitat. As noted in 6.17, an EMP will mitigate for any impact these proposals may have on this site.
- 6.24 Muirkirk Uplands SSSI which is designated for its geological features and upland habitats as well as for populations of hen harriers and short-eared owls sits adjacent to the site. As noted in 6.15 there is potential impact upon the ornithological interests of the site but it is considered that there would not be any impact upon the geological features. As referenced in 6.16, appropriate mitigation is proposed in respect of the ornithological interests.
- 6.25 Kennox Water SSSI lies adjacent to the application site but not within it. This SSSI is designated for its geological interest and it is considered that the proposals would not impinge upon this interest.
- 6.26 Policy NHE11 Peatland and Carbon Rich Soils seeks to protect peatland from adverse impacts resulting from development. Within the application site, between the proposed turbines 3 and 8, there is an area which has been identified as an area of Class 1 Carbon and Peatland which relates to nationally important carbon-rich soils, deep peat

and priority peatland habitat. The proposals have been designed to ensure no infrastructure is located on this area to ensure it is not disturbed. Elsewhere on site there are other, shallower pockets of peat which will require active management during construction such as ensuring peat does not dry out. It is considered that a Peat Management Plan (PMP) should be implemented as part of any consent. It is also noted that as part of the draft HMP, peat management is proposed to fall within the remit of the associated HMG. It is considered that this is suitable mitigation for peat management on site and conditions requiring a PMP form part of the recommendation to the Scottish Government. It should be noted that both SEPA and Nature Scot are separate consultees to this Section 36 application and as part of their responses to the Scottish Government, peat management would also be addressed.

- 6.27 Policy NHE12 Water Environment and Biodiversity states development proposals should protect and where possible, enhance the water environment. This Policy should also be read in tandem with Policy 16 Water Environment and Flooding and Volume 2 Policy SDCC2 Flood Risk. These Policies state that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. The EIA Report contains a chapter on hydrology, hydrogeology and geology that concludes that the proposals will have a minimal impact upon the water environment. Mitigation measures are proposed to further minimise the development's impact and this includes following a CEMP to ensure no oils or other potential pollutants during the construction phase are spilled and enter watercourses. Other mitigation includes surface draining for the areas of hardstanding to direct surface water into the surrounding water table. The application area is not identified as being at the risk of flooding. It is considered that the proposals will have a limited impact upon the water environment and that the mitigation measures proposed are suitable. It should also be noted that separately, SEPA will be providing further detailed advice on the water environment to the Scottish Government in their consultation response.
- 6.28 In terms of category 3 areas, Policy 14 sets out natural and historic assets at a local level and these are taken in turn below.
- 6.29 In relation to Non-Scheduled archaeological sites, Category B and C Listed Buildings and Conservation Areas, the relevant policy criteria is as follows:-
1. Policy NHE 2 in relation to non-scheduled archaeological sites and monuments requires these assets to be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.
 2. Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and ensure that proposals will not diminish its interest.
 3. Policy NHE 6 Conservation Areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.
- 6.30 As noted in 6.20, it is considered that the proposals would not have any impact on A listed buildings. In relation to B and C category listed buildings, again there are none within the application site. There is one B Listed Building within 10km of the proposed development (Covenanters Monument, Airds Moss) which is some 9.90km from the

nearest, proposed turbine and again it is considered that this distance would result in the proposals having no direct impact upon this historic asset. The Douglas Conservation Area is over 10km from the site and it is considered that this distance and the fact that the Conservation Area is located at a lower level within the urban heart of the settlement, means it will be shielded from view of the turbines.

- 6.31 In relation to non-scheduled archaeological sites, a desk-based assessment has been carried out which identifies 18 cultural heritage features within the boundary of the application site. The majority of these relate to past agricultural activity within the area. WoSAS have no objections to the proposals but state that there is potential for the area to produce archaeological finds of interest, even within a commercial forest. WoSAS are content there is no direct impact of any known historical features on site, yet consider that there is archaeological potential within the application site and have therefore, requested that a written scheme of investigation and a programme of archaeological works are implemented as part of any approval. A suitable suspensive archaeological condition forms part of the recommended response to the Scottish Government.
- 6.32 Policy 14 includes Special Landscape Areas (SLAs) within its category 3 (Local designations). Volume 2 Policy NHE16 Landscape requires development to maintain and enhance SLAs and the wider landscape. The Douglas Valley SLA is the nearest to the application site and lies approximately 2km to the east of the site boundary at the Mid Rig Access, although the nearest turbine would be located some 8km from this SLA. The Leadhills and Lowther Hills SLA is also approximately 8km from the nearest turbine. Further afield are the Middle Clyde Valley SLA and the Upper Clyde Valley and Tinto SLA all located approximately 20km from the nearest turbine. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the EIA Report. The SLAs have been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. Of these four SLAs, three are considered not to experience significant effects due to a combination of distance, limited opportunities to view the proposed development from the area as a whole, as well as the existence of existing wind farms and wind turbines in closer proximity to these SLAs from the proposed development. It is, therefore, considered that the integrity and character of these four SLAs would not be compromised by the proposed development. Further landscape and visual impact assessment is carried out in further detail below.
- 6.33 The remaining relevant category 3 interests are core paths and Rights of Way. Policy NHE18 Walking, Cycling and Riding Routes requires the safeguarding of existing and proposed routes within the Council's Core Paths Plan. A Right of Way and several core paths run through the application site. The access tracks proposed as part of the development would be open to the public and connect into the Right of Way and core paths allowing further access and choice through the site. During construction the Right of Way and core paths would be required to be closed under Health and Safety Requirements. Path diversions would be put in place to ensure there was no loss of access but ensuring the paths were not through a construction site. It is, therefore, considered that the proposals are acceptable in relation to public access. A condition requiring approval of an Access Management Plan, which would include the path diversions, forms part of the recommended response to the Scottish Government.

- 6.34 Whilst not specifically included in categories 1, 2 or 3, protected species are a natural asset within the Policy 14 criteria. Policy NHE9 further supports Policy 14 by stating that new development must demonstrate that it would not have an adverse impact upon protected species. Policy NHE20 expands on this theme by expecting new development to not have an adverse impact upon the biodiversity of an area and should consider opportunities to contribute positively to biodiversity conservation and enhancement.
- 6.35 Protected species surveys have been carried out as part of the EIA Report which state that the development would not have a significant impact upon protected species and habitats. The majority of the habitat is commercial forestry and is, therefore, considered to be of low conservation value. It is considered that whilst the habitat within the application site is relatively poor in ecological terms, there are always potential habitat enhancement measures that can be implemented as part of the scheme and it is expected that these would form part of any subsequent Habitat Management Plan.
- 6.36 It is therefore considered that, following the above consideration in relation to designations, that the proposals meet the relevant policy criteria in this instance. As noted at 6.10 above, Policy 18 Renewable Energy sets out a spatial framework for Wind Energy. In this instance, in view of the assessment from 6.12 onwards in relation to national and international designations (SPA, SSSI, Inventory of Gardens and Designed Landscapes, Inventory of Historic Battlefields and Priority Peatland) it is considered that, whilst located in proximity to these designations, they are not considered to have a detrimental impact upon them. Overall, therefore, it is concluded the aims of Policy 14 are met.
- 6.37 The final qualifying criteria of being located within a Group 2 categorisation (Areas of Significant Protection) is applicable only if proposals are located within 2km of any city, town or village identified on the local development plan with an identified settlement envelope or edge. The 2km buffer zone around settlements is an indicative area in which potential developers will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. The separation is not a ban on wind energy development in the identified area. The settlement of Glespin is located within 2km of the application boundary where it joins the A70. However the nearest proposed turbine to Glespin is some 5km away. It is therefore considered that whilst the access track portion of the application boundary may be within 2km of this settlement, all the proposed turbines are over 5km away which is considered an adequate separation distance. The application site can therefore be considered to be within a Group 3 (Areas with potential for wind farm development) categorisation where the spatial framework states wind farms are likely to be acceptable subject to detailed consideration against identified policy criteria.
- 6.38 Policy 18 is an overarching renewable policy and, therefore, defers the detailed, development management consideration to the Assessment Checklist for Renewable Energy Proposals contained within LDP2 Volume 2. Volume 2 Policy RE1 Renewable Energy outlines the considerations, criteria and guidance that must be taken into account for all renewable energy proposals. These are the Assessment Checklist contained with Appendix 1 of LDP 2, Volume 2, the Supporting Planning Guidance on Renewable Energy, the South Lanarkshire Landscape capacity for wind energy 2016 (as amended by the Tall Wind Turbines Guidance 2017) and other relevant LDP2

Policies. All the RE1 above referenced criteria and guidance have been included in the following Assessment Checklist and are referenced where appropriate. As previously noted, the Council is only a consultee in the assessment of this application and, therefore, only the relevant criteria is assessed. Other criteria that relate to the remit of other consultees such as the Civil Aviation Authority, Ministry of Defence etc, therefore, do not form part of this assessment as they will be providing their own responses to the Scottish Government.

- 6.39 The relevant LDP2 Volume 2 Appendix criteria are taken in turn as follows:-
- 6.40 Impact on international and national designations.
National and international designations have been previously assessed at paragraphs 6.12 to 6.25 and it is considered that there are no adverse effects on national and international designations.
- 6.41 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).
This has previously been assessed in paragraph 6.26.
- 6.42 Community separation for consideration of visual impact.
As noted in 6.37 there are no communities within 2km of the proposed turbines.
- 6.43 Economic benefits.
This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Chapter 12 of the EIA Report presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development will have a range of direct and indirect local economic benefits from the construction, operation and supply chain involved in the project. Reference is also made to the making of community benefit payments based on electricity generated if the wind farm becomes operational.
- 6.44 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.
It is considered that the generating capacity of the proposed wind farm (45.6MW) with further potential battery storage represents a significant renewable energy project which would contribute to Scotland's renewable energy targets.
- 6.45 Effect on the natural heritage, including birds - Table 7 criteria 7a) South Lanarkshire Local Biodiversity Strategy, Local nature conservation designations, bird sensitivity, protected species and bats.
This consideration has been assessed at 6.16 and again at 6.35 above. It is considered that subject to the mitigation described in the EIA and the setting up of an HMG, the proposed development accords with the consideration set out in Table 7.1 criteria 7 a) of the SG and SPP regarding effects on the natural heritage, including birds.
- 6.46 Effect on the natural heritage, including birds – Table 7 criteria 7b) Habitat Management Plans (HMP).
As noted above, it is considered appropriate to recommend the implementation of a HMP as part of any consent.

6.47 Landscape and visual impacts

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

- 6.48 The majority of the application site is located within the Rolling Moorland Landscape Character Type (LCT) and specifically within the LCT subtype, Rolling Moorland with Forestry, as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). The key characteristics of the Rolling Moorland LCT are its distinctive upland character created by elevation and the rolling or undulating landform, the predominant lack of modern development, as well as a sense of apparent wildness and remoteness that separates the LCT from the lower lying farmed and settled lowlands. The Rolling Moorland with Forestry subtype's key characteristic in relation to its distinction from Rolling Moorland is that it is a landscape influenced by the presence of forestry. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 and its Tall Turbines Addendum (2019) provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands.
- 6.49 The remainder of the application site that is out with the Rolling Moorland Forestry subtype are the two areas for the access tracks into the site from the A70 and Mid Rig Access respectively. It is considered that as both these access tracks already have consent through the Kennoxhead and Kennoxhead Extension application that no further assessment of their landscape or visual impact is needed and, therefore, the remaining assessment relates solely to the wind turbine portion of the site.
- 6.50 As noted previously, the immediate landscape surrounding the application site has several operational and consented wind farms. The landscape and visual impact assessment, therefore, does not concentrate solely on the proposals impact upon the landscape but also its cumulative impact in relation to other existing and consented wind farms. As noted in 3.3.1, these proposals relate to a second extension for Kennoxhead Wind Farm and are also a replacement scheme for the consented Penbreck Wind Farm. Figure 5.2 Significant Cumulative Development of the Supporting Planning Guidance: Renewable Energy (SPG) illustrates, at a regional level, 8 areas of multiple developments and their separation from each other. This figure is included to demonstrate the need to ensure that none of these 8 areas are significantly extended in order to prevent potential coalescence between groups. The application site is not located within any of the 8 identified areas but is located to the south of an area identified as "multiple developments 7" on Figure 5.2. The SPG states that in relation to this area (multiple developments 7), it is to be protected from extending too far north to avoid visual creep with another area of multiple development (multiple developments 6) to the north (Kype Muir Clusters). In this instance, as the

proposals are to the south of Area 7 they would not lead to any further coalescence between Areas 7 and 6. It is therefore considered that, in cumulative terms, the proposals do not lead to coalescence between multiple development areas.

- 6.51 The application site is located within an area that is identified as having low capacity for wind turbines at a scale of 150 metres to 250 metres within the finalised Tall Turbine Addendum, 2019 to the South Lanarkshire Landscape Capacity Study 2016 (hereon referred to as the Addendum). This Addendum seeks to inform developers of areas within South Lanarkshire where turbines over 150 metres may be appropriate. It separates areas into 4 categories of capacity, High, Medium, Low and None. It should be noted that the majority of South Lanarkshire is identified as None in relation to capacity. The capacity study is a high level, strategic document and, whilst trying to inform developers of the more suitable locations, each site's context and the nature of the proposals have to be fully taken into account when making assessments. The Addendum also contains LCT specific advice to help inform developers in relation to siting tall turbines. It provides guidance for siting turbines of 150 to 200 metres in rolling moorland LCT (and its forestry subtype) and states that due to the modest scale of landforms in this LCT, taller turbines might have adverse visual or adverse scale effects if not carefully sited. It does note that most of the areas where turbines could be most comfortably sited already have wind farm development leaving little capacity for further development in this LCT. It continues to note that, in association with the windfarms whose turbine heights vary from 55 metres to 149.9 metres in height, the addition of the proposed larger turbines could, therefore, be perceived as an extension to an operational or consented wind farm.
- 6.52 In terms of the landscape capacity of the area, the rolling nature of the landscape provides a background and backcloth in which to frame turbines within the application site. In landscape terms, in a landscape of this scale and taking account of the heights and topography of the surrounding wind farms, the erection of 7 turbines at 220 metres to tip height and one at 200m to tip height, would not appear incongruous within this landscape which is already characterised by wind farms as they would be located directly west of Kennoxhead and Kennoxhead Extension. The proposals are designed to form a further extension to the Kennoxhead and Kennoxhead Extension turbines so they would be read as one development. The existing Penbreck consent also establishes that wind turbine development on the site is acceptable. Whilst those turbines are 75m shorter at 145m, that scheme comprised nine turbines that extend further west into East Ayrshire. The current proposals in comparison to Penbreck involve one less turbine and are designed to be a tighter grouping which reduces the horizontal spread of the development as it does not extend west into East Ayrshire. It is considered that the landscape has the capacity to accommodate the height increase which is more in keeping with Kennoxhead and Kennoxhead Extension as well as reducing the horizontal spread of the development. It is also considered that the turbines would rise out of the existing forestry which would initially soften their appearance on the landscape. Whilst the current forestry is not permanent as it will mature and be felled, it is unlikely that the land would be used for anything other than forestry and, therefore, another cycle of trees would be planted which would again start to provide this softening effect over the long term.
- 6.53 Due to the height of the turbines they would require aviation lighting. It is considered that, as both the Kennoxhead and Kennoxhead Extension turbines would also require lighting, these proposals would not be introducing night time lights into this landscape.

The application site is not located within any designated 'Dark Sky' area where lighting would be prohibited and given the remote location of the turbines the lights are not expected to impact upon the visual amenity of the surrounding area. The lighting may also be mitigated by not all turbines needing aviation illumination with only the outer fringe requiring them to direct aircraft away from the development. This mitigation could also be designed as part of the full Kennoxhead and Kennoxhead Extension development to minimise lighting throughout the full development where possible. Therefore, it is considered that, to ensure that the design of the lighting scheme takes account of the current lighting, it is designed in tandem with other the other Kennoxhead developments, a condition requiring further approval of the lighting scheme forms part of the recommendation to the Scottish Government.

- 6.54 In terms of other cumulative visual impacts, it is considered that the design of the proposals and the scale of the turbines would minimise them looking out of place in relation to the other turbine proposals in the area and it's considered that they would be read as part of a larger scheme on the landscape.
- 6.55 The LVIA notes that there are no residential properties within 2km of the proposed turbines. It is considered that given this there is no requirement for a Residential Visual Impact Assessment required as the 2km distance ensures that no property would be dominated by the turbines and have their visual amenity impinged upon. It is, therefore, considered that the distance between residential properties and communities is acceptable in this instance and that, whilst the turbines would have a visual impact, it is one that is not of a significance to be considered detrimental to the visual amenity of the area.
- 6.56 Impacts on communities and individual dwellings, including visual impact, noise and shadow flicker
The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of the Assessment Checklist. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. It is considered that residential visual amenity has been assessed in paragraph 6.55 above.
- 6.57 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the EIA Report (Chapter 9). The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and recommend that an appropriate condition can be attached which require the noise limits to be validated, if consent is granted to ensure the required levels are met. In addition, Environmental Services recommend as part of this condition a requirement of a procedure in the event of there being a noise complaint from the proposed development that requires addressing. Shadow flicker is addressed within Chapter 13 of the EIA Report. The shadow flicker analysis modelled potential shadow flicker based on 10 rotor diameters from each of the proposed turbines and within 130 degrees either side of north direction. This would result in a distance of 1.5km from each turbine as the potential shadow flicker area. As noted in 6.55 above, there are no residential properties within 2km of the turbines and therefore there would not be any within the potential shadow flicker range. Environmental Services have not raised any concerns in relation to the shadow flicker assessment. It is, therefore,

considered that there are no receptors affected to a detrimental degree by potential shadow flicker from the proposals.

6.58 Impact on Public Access

This consideration has been assessed in 6.33 above.

6.59 Impacts on the historic environment

This consideration has been assessed in 6.19 to 6.20 and 6.29 to 6.31 above.

6.60 Impacts on tourism and recreation

The EIA Report assesses the likely effects of the proposals on tourism and recreation in Chapter 12. The assessment in the EIA Report concludes the proposed development would not generate any significant adverse effect on any of the tourist and recreational assets given the relatively remote location of the proposals. It is considered that the overall effect of the proposals on these attractions would not be significant. There are a number of walking routes within the area, however, it is considered that due to the existing wind farms in the area that there is already a high expectancy for walkers or cyclists visiting the area to see a wind farm. Therefore, the proposals are not considered to be significant in this respect. Overall, the effects are considered not to be significant on tourism and recreation.

6.61 Impact on road traffic and on trunk roads

The EIA Report in Chapter 11 provides an analysis of the proposals with respect to the potential impact it may have on the road network. The proposed route for turbine delivery is to use the M74 motorway exiting at Junction 13 to travel to the site along the B7078. It is also noted that this is a replication of the abnormal load route for both Kennoxhead and Kennoxhead Extension. Roads and Transportation Services have no objections to the proposals subject to conditions as outlined within 4.1 above. These conditions form part of the recommended response to the Scottish Government.

6.62 Impacts on hydrology, water environment and flood risk

These considerations have been assessed in 6.27 above.

6.63 Decommissioning and restoration

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

6.64 Energy storage

The Kennoxhead Extension application has consent for a battery storage facility of up to 12 large scale batteries and these current proposals would feed into this facility.

6.65 Site decommissioning and restoration bond

As noted at paragraph 6.63 above, it would be a requirement of any consent that decommissioning and a restoration bond or financial guarantee should be put in place to meet all the expected costs of the proposed decommissioning and restoration phase. The bond or guarantee will have to satisfy the Council's criteria.

6.66 Forestry and woodland removal

The majority of the site is a commercial forest that, therefore, has only a certain lifespan until being felled. 89.95ha of forestry is required to be felled as part of the proposals. It is intended to replant 64.04ha of the felled area. This leaves a balance of 25.89ha of forest remaining unplanted. The proposals include making up this balance by carrying out compensatory planting of at least 25.89ha outwith the application site. It is considered that the replanting and compensatory planting proposals are acceptable in this instance. It is also noted that Scottish Forestry will also be consulted by the Scottish Government as part of the proposals.

6.67 Impact on Prime Agricultural Land

There is no Prime Agricultural Land within the application site.

6.68 Borrow pits

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

6.69 Environmental Protection

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

6.70 Mitigation

Assessment Checklist Criteria 27 requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report, the application was submitted with a robust EIA Report containing appropriate mitigation measures and environmental commitments (Chapter 14). The response to

the Scottish Government will recommend the implementation of all the mitigation measures as outlined within Chapter 18 of the EIA.

6.71 Legal agreement

Assessment Checklist Criteria 28 requires, where appropriate, the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance, a legal agreement to secure a community benefit payment (as discussed in paragraph 6.74 below), the financial provision for a Planning Monitoring Officer and a Section 96 Roads Agreement will be required to be entered into if consent is granted.

6.72 Environmental Impact Assessment (EIA)

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

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

6.74 SPP states that, where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit. The applicant has confirmed that, should consent for the proposed development be granted and implemented, the applicant would provide a package of community benefit. The level of contribution is not a material consideration in the assessment of the application.

Conclusion

6.75 The proposals are for the erection of seven wind turbines at a height of 220 metres to tip, a single 200m to tip height turbine and associated infrastructure. It comprises an extension to a wind farm that already has a generating capacity above 50MW and, therefore, the application has been made to the Scottish Government under Section 36 of the Electricity Act 1989. South Lanarkshire Council is a statutory consultee as part of a Section 36 application.

6.76 The site already has planning permission for wind turbines at 145m in height and it is considered that, whilst the proposed turbines are taller at 220m and 200m respectively, their extent is less than the 9 turbine permission which in turn reduces their horizontal, visual impact as well as bringing them in line with the adjacent Kennoxhead and Kennoxhead extension developments. The proposed turbines are considered suitable in terms of scale and siting and would be read as part of this larger wind farm group on the landscape. The design and layout of the turbines and the separation distance and scale of the landscape minimise the visual impact the proposals may have on surrounding settlements and individual receptors. The proposed mitigation measures are considered appropriate subject to being conditioned to any permission. No objections have been received from consultees.

6.77 In view of the above, it is considered that the proposals accord with national, strategic and local planning policy on renewable energy development. It is, therefore, recommended that the Council in its consultation response does not object to the application subject to the conditions listed in the paper apart and the conclusion of a legal agreement to address the matters described on the front page of the report.

7 Reasons for Decision

7.1 The proposed seven, 220 metres to tip height turbines, a single 200m to tip height turbine and associated infrastructure are considered acceptable; are not considered to have any significant, adverse impact within the surrounding area; and accord with National Policy and the relevant provisions of the Development Plan and allow a consultation response of no objection being made to the Scottish Government subject to the imposition of the attached, recommended environmental and transportation conditions.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

4 November 2021

Previous References

1. P/18/0072
2. P/19/1145
3. P/20/0495

List of Background Papers

- ▶ Application form
- ▶ Application plans
- ▶ South Lanarkshire Local Development Plan 2 2021 (adopted)

▶ Consultations

Environmental Services	23.08.2021
Roads Development Management Team	18.08.2021
West of Scotland Archaeology Service	18.08.2021
Countryside and Greenspace	15.09.2021
Roads and Transportation Services Bridges Structures Section	08.07.2021

Contact for further information

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

James Wright, Planning Officer, Montrose House, 154 Montrose Crescent, Hamilton, ML3 6LB

Phone: 01698 455903

Email: james.wright@southlanarkshire.gov.uk

Detailed planning application

Paper apart – Application number: P/21/1107

Conditions and reasons

01. Except as otherwise required by the terms of the section 36 consent and deemed planning permission, the Development shall be undertaken in accordance with the application and the accompanying Environmental Impact Assessment (EIA) Report including all Appendices, dated April 2021, including all mitigation and monitoring measures stated in it, and other documentation lodged in support of the application.

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

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

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

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

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

04. Each turbine, buildings, compounds, areas of hardstanding, tracks and watercourse crossings shall be erected in the position indicated upon Figure 4.1b (Site Layout with Consented Kennoxhead Wind Farm and Proposed Kennoxhead Wind Farm Extension Layouts) within the Environmental Impact Assessment Report, dated April 2021, with the exception of Turbine 8, 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).
 - (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.
 - (c) Unless otherwise agreed in writing by the Council, as Planning Authority in consultation with SEPA said provisions relating to micro-sited position shall not have the effect such that any micro-sited position will:

- bring a turbine any closer to an uninvolved property than is already approved
- bring a turbine outwith the planning application boundary
- take place within the 50 metre water buffer zones
- take place within areas of peat of greater depth than the original location.

It should be noted that this condition does not allow any micro-siting provision for Turbine 8 and any change from its position as approved will require the written approval of the Council, as Planning Authority in consultation with NatureScot and SEPA.

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

05. 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

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

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

The approved scheme shall be implemented in full.

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

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

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

- Blasting shall be carried out using the best practicable means of ensuring that the resultant noise, vibration and air overpressure are minimised;

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

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

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

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

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

08. 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: In the interests of residential amenity

09. 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 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: In the interests of residential amenity

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

1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within Chapter 10, Noise, Kennoxhead Wind Farm Extension II (Penbreck) EIA Report, April 2021, as submitted in support of the application, the following noise imissions 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 Chapter 10, Noise, Kennoxhead Wind Farm Extension II (Penbreck) EIA Report, April 2021

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 Chapter 10, Noise, Kennoxhead Wind Farm Extension II (Penbreck) EIA Report, April 2021.

1.3 Cumulative Noise Levels for Financially Involved Receptors

The cumulative day and night time noise from the wind turbines at receptors having a financial involvement with the development must not exceed a noise level of 45dB LA90 (10 min) or background LA90 (10 min) +5dB, whichever is the greater, at the boundary of the curtilage of any 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 Chapter 10, Noise, Kennoxhead Wind Farm Extension II (Penbreck) EIA Report, April 2021

1.4 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 Table 13.15: Proposed Noise Limits for Deemed Planning Permission Condition of Chapter 10, Noise, Kennoxhead Wind Farm Extension II (Penbreck) EIA Report, April 2021. The development specific noise imissions shall be agreed with the Planning Authority.

2.0 Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in condition

1.0 shall be reduced by the penalty level identified within section 28 of 'The Assessment and Rating of Noise from Wind Farms- ETSU-R-97. The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

3.0 Investigation of Complaints

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

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

Reason: In the interests of residential amenity

11. 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:
 - (a) be granted in favour of the planning authority
 - (b) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the guarantee;
 - (c) 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.
 - (d) 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.
 - (e) come into effect on or before the date of commencement of development.

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: to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

12. 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:

1. impose a duty to monitor compliance with the ecological and hydrological commitments and mitigations measures provided in the EIA Report and other information lodged in support of the application, the Construction and Environmental Management Plan, the Habitat Management Plan approved;

(b) require the ECoW to report to the nominated construction project manager any incidences of non-compliance with the ECoW works at the earliest practical opportunity;

(c) require the ECoW to submit a monthly report to the Planning Authority summarising works undertaken on site;

(d) require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW works at the earliest practical opportunity;

(e) Advising the Company on adequate protection of nature conservation interests on the site; and

(f) Directing the micro-siting and placement of the turbines and infrastructure.

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

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

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

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

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

14. No development shall commence 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 and Appendices dated April 2021. 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 the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
- (m) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.
- (n) A description of and measures to mitigate impact on surface water, watercourses, 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) Details of the site security gate, wheel wash facility and site entrance hard standing for the written approval of the Planning Authority. All work associated with construction of the access gate, access bell mouth (with associated abnormal load over run area) and wheel wash facility, vehicle parking on site for staff, visitors and deliveries to ensure that all vehicles can manoeuvre within the site and exit in forward gear shall be implemented on site prior to commencement of any internal site works. Details for wheel wash facility to maintain the public road network clear of any mineral/soils throughout the construction period.
- (s) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by Forestry and Land Scotland.
- (t) 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.
- (u) 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

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.

15. No development shall commence unless and 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;
- (f) 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.

16. No development shall commence unless and until a Traffic Management Plan (TMP) and a Timber Transport Plan (TTP) have been submitted to and approved in writing by the Planning Authority in consultation with Roads and Transportation Services, Transport Scotland, Police Scotland and the Council's Access Officer. Proposals shall include signage at conflicts with the Council's Core Path and Wider Network and arrangements for maintenance of such signage. The plans shall also include but not be limited to:
- (a) The routing of all traffic associated with each phase of the Development (construction, operational and decommissioning) on the local road network generally in accordance with the phasing and vehicle movements. This shall provide the date when the access is no longer required other than for occasional intermittent use.
 - (b) Measures to ensure that the specified routes are adhered to, including monitoring procedures;
 - (c) Details of all signage and lining arrangements to be put in place;
 - (d) Provisions for emergency vehicle access;
 - (e) Wheel washing facilities;
 - (f) Site staff car parking;
 - (g) Identification of a nominated person to whom any road safety issues can be referred;
 - (h) access routes for any turbine erection craneage; and
 - (i) Details of monitoring and recording the vehicle movements and tonnage to and from site require to be submitted to the Planning Authority monthly or on request.
 - (j) A plan for access by vehicles carrying abnormal loads, including the number and timing of deliveries and the length, width and axle configuration of all extraordinary traffic accessing the site.
 - (k) Arrangements for undertaking initial joint road dilapidation surveys with a representative of the Council's Roads Area Office at locations specified by the

Council and for ongoing dilapidation surveys including submission of written reports.

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

For the avoidance of doubt, timber shall not be transported using either Andershaw Road or West Glespin Road and unless otherwise agreed in writing, all construction traffic shall enter and exit the site from the B7078 Midrig access via Junction 13 of the M74.

Reason: In the interests of road safety.

17. At least 3 months prior to the first delivery of an abnormal load the developer shall undertake an Abnormal Load Route Assessment (ALRA) which shall include a test run and submit a report describing the outcome of the ALRA together with any recommendations for the written approval of the Planning Authority as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relations strategy to inform the relevant communities of the programme of abnormal deliveries. 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 requires to be submitted to and approved in writing by the Planning Authority in consultation with the Roads Authority.

Reason: In the interests of road safety.

18. No development shall commence until a detailed Access Management Plan (AMP) has been submitted to and approved by the Planning Authority. The approved AMP must thereafter be implemented within the timescales set out. The AMP shall be produced in consultation with the Planning Authority's Countryside and Greenspace Service. The AMP shall incorporate and identify the Planning Authority'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 submitted and approved in writing by the Planning Authority and thereafter implemented in full and maintained as such for the lifetime of the development, hereby approved.

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

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

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

The HMP shall be based on the Outline Habitat Management Plan dated 31 March 2021 and shall detail restoration and management proposals for Management Unit D

the Forest Design Plan Management Area. The finalised HMP shall include additional measures which would directly benefit the area of Class 1 peat. Consideration should also be given to proactive peatland enhancement measure such as restoration of peatland habitat within the turbine keyhole areas as referenced in the EIA report Nov 2020.

The HMP shall include measures which would reduce the potential future attractiveness of the site to the SPA qualifying species. These measures, which are particular relevant to the Sitka spruce blocks that border or are within the SPA, should include:

- Sward management in the turbine key-hole and open areas created as part of the development; Management of planted areas to facilitate rapid canopy closure as a means of reducing attractiveness to foraging and nesting hen harrier and;
- Other provisions with NatureScot guidance including the NatureScot consultation response dated 5 August 2021 and NatureScot Guidance note - Wind farm proposals on afforested sites advice on reducing suitability for hen harrier, merlin and short-eared owl (January 2016) or as updated).

The HMP shall include methods for monitoring of deer impacts on peatland restoration and enhancement. Deer management should be reviewed and a deer management plan be submitted for the approval of the Habitat Management Group, should monitoring show that deer are having an adverse effect on the HMP aims and objectives.

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.

20. A Habitat Management Group (HMG) shall be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring. The HMG shall include a representative of South Lanarkshire Council and NatureScot and shall have powers to 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.

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

22. If one or more turbine fails to generate electricity for a continuous period of 12 months, then unless otherwise agreed in writing by the Planning Authority, the Company shall by no later than the date of expiration of the 12 month period, submit a scheme to the Planning Authority setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and implement the approved scheme within six months of the date of its approval, all to the satisfaction of the Planning Authority.

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

23. 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.

24. No development shall commence unless and until an outline decommissioning, restoration and aftercare strategy has been submitted to, and approved in writing by, the Planning Authority (in consultation with NatureScot and SEPA).

The strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site and shall include proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions.

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

25. The wind turbines shall cease to generate electricity by no later than the date falling thirty years from the date of Final Commissioning and the turbines shall be appropriately decommissioned thereafter. The total period for decommissioning and restoration of the Site in accordance with this condition shall not exceed 33 years from the date of Final Commissioning without the prior written approval of the Scottish Ministers in consultation with the Planning Authority.

No later than five years prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy (condition 24), shall be submitted for the written approval of the Planning Authority in consultation with NatureScot and SEPA. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

- (a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases);
- (b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
- (c) a dust management plan;
- (d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
- (e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
- (f) details of measures for soil storage and management;
- (g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
- (h) details of measures for sewage disposal and treatment;
- (i) temporary site illumination;
- (j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays;
- (k) details of watercourse crossings; and

- (l) a species protection plan based on surveys for protected species (i.e. otter, badger, water vole, red squirrel and pine marten) carried out no longer than eighteen months prior to submission of the plan.

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

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

26. No development shall commence unless and until the Planning Authority, Ministry of Defence, Defence Geographic Centre and NATS have been provided with the following information, and evidence has been provided to the Planning Authority that this has been done:

- (a) the date of the expected commencement of each stage of construction;
- (b) the height above ground level of the tallest structure forming part of the Development;
- (c) the maximum extension height of any construction equipment; and
- (d) the position of the wind turbines and masts in latitude and longitude.

Reason: In the interests of aviation safety.

27. No development shall commence unless and until a Breeding Bird Protection Plan (BBPP) has been submitted to, and approved in writing by, the Planning Authority in consultation with NatureScot.

The BBPP shall:

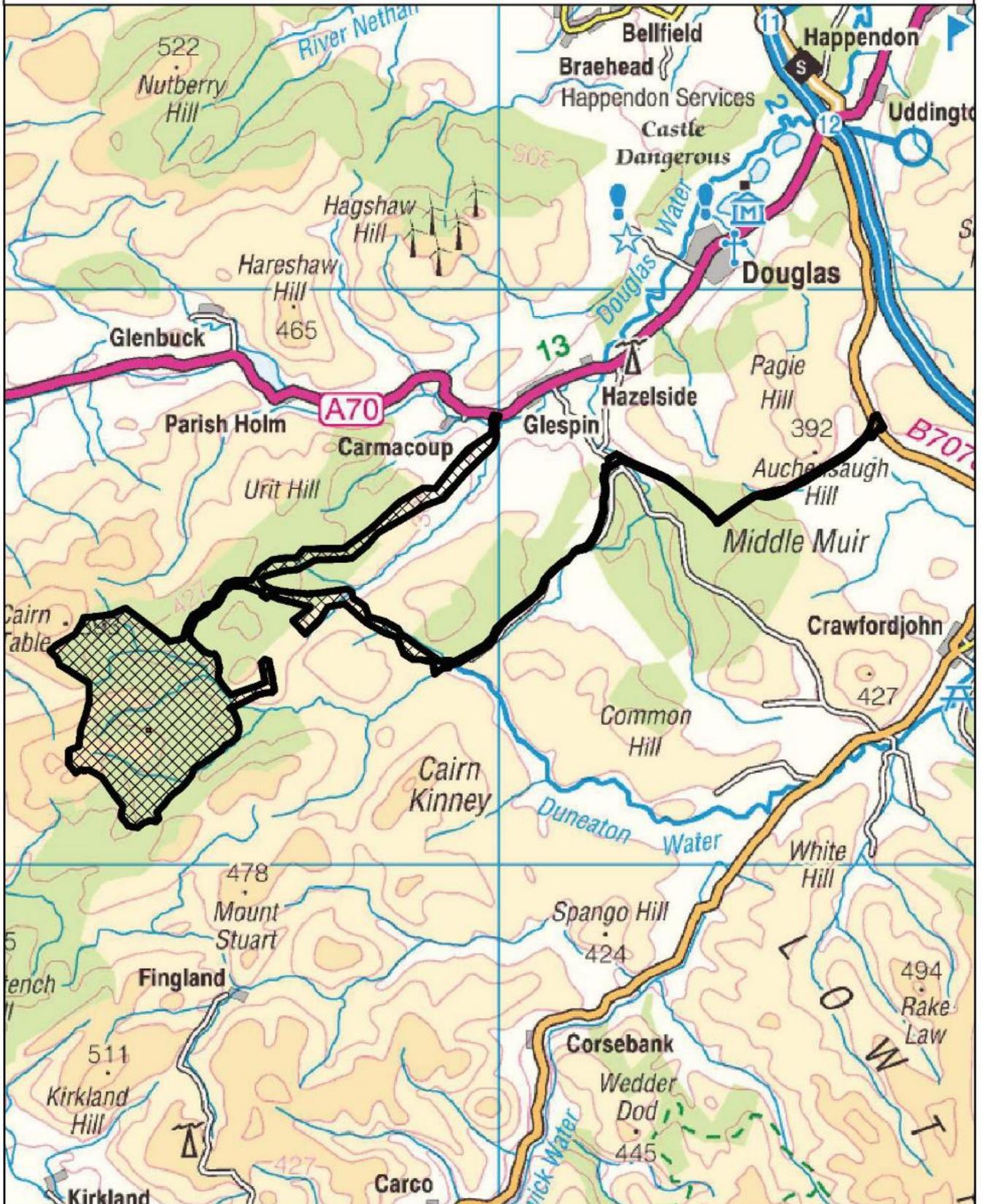
- (a) be informed through survey work undertaken in the breeding season prior to construction commencing and further survey work and necessary adjustments to the plan should be carried out in each breeding season during construction period;
- (b) avoid work within 500m of any occupied goshawk nest;
- (c) detail Black grouse mitigation that will be put in place during the construction period, including;
 - 750m buffer around lek sites where no construction activity is permitted (including vehicle movements along tracks) before 9am in the months of April and May;
 - restrictions on the timing of works and measures to minimise disturbance associated with general site access.

The approved BBPP shall be implemented in Full.

Reason: In the interests of avoiding disturbance during sensitive breeding season and protecting birds and the SPA species.

P/21/1107

Penbreck Wind Farm, Glentaggart Road, Glespin



© Crown copyright and database rights 2019 OS 100020730. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.



Scale:
1:90,000
Date:
21/10/2021



South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development