

Report

Report to:	Planning Committee
Date of Meeting:	29 January 2019
Report by:	Executive Director (Community and Enterprise Resources)

Application No	P/18/1013
Planning Proposal:	Erection of 15 wind turbines (maximum height to tip between 150m to 220m), access tracks, sub-station and other associated infrastructure (Section 36C application to increase turbine heights and increase operational lifespan from 25 to 30 years)

1 Summary application information

Application type:	Electricity notification (S36(C) application)
Applicant:	Banks Renewables (Harting Rig Wind Farm) Limited
Location:	Kype Muir Wind Farm Extension Kype Highway Strathaven

2 Recommendation(s)

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

- (1) That the Scottish Government is informed that South Lanarkshire Council has no objection to the amendments proposed (increased tip height) to the Kype Muir Wind Farm Extension application made under Section 36(C) of the Electricity Act 1989
- (2) Authorise the Head of Planning and Economic Development Services to undertake any discussions on the proposed conditions and planning obligations if required, with the Scottish Government

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to deal with the notification.
- (2) The Scottish Government is also advised that approval should be subject to the conclusion of legal agreements covering
 - Submission of a Bond for the Restoration and Aftercare of the site
 - A contribution to the Council's Renewable Energy Fund and communities benefit package
 - The provision of an Ecological Clerk of Works
 - The funding of a Planning Monitoring Officer

- Control over turbine transportation 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 SLC's reasonably incurred legal expenses in respect of the Section 75 and other related agreements.

3 Other information

- ◆ Applicant's Agent: Banks Renewables Ltd
- ◆ Council Area/Ward: 05 Avondale And Stonehouse
- ◆ Policy Reference(s): **Glasgow and Clyde Valley Strategic Development Plan (2017)**
Policy 10 Onshore Wind

South Lanarkshire Local Development Plan (adopted 2015)

Policy 2 - Climate Change

Policy 3 - Green Belt and Rural Area

Policy 4 - Development management and placemaking

Policy 15 - Natural and Historic Environment

Policy 17 - Water Environment and Flooding

Policy 19 - Renewable Energy

Supplementary Guidance 1: Sustainable Development and Climate Change

Supplementary Guidance 2: Green Belt and Rural Area

Appendix 2

Supplementary Guidance 3: Development Management, Placemaking and Design

DM1 – Design

Supplementary Guidance 9: Natural and Historic Environment

NHE2 - Scheduled monuments and their setting

NHE3 - Listed buildings

NHE4 - Gardens and designed landscapes

NHE5 - Historic battlefields

NHE 6 Non-scheduled archaeological sites and monuments

NHE7 – Conservation Areas

NHE9 - National Nature Reserves and Sites of Special Scientific Interest

NHE10 - Prime agricultural land

NHE11 - Ancient semi-natural woodland

NHE15 – Peatlands

NHE18 – Walking, cycling and riding routes

NHE19 - Protected species

Supplementary Guidance 10: Renewable Energy

RE1 - Spatial Framework for Wind Energy

RE2 - Renewable Energy Developments

Proposed South Lanarkshire Local Development Plan 2 (2018)

Policy 1 Spatial Strategy

Policy 2 Climate Change

Policy 5 Development Management and Placemaking

Policy 13 Green network and greenspace

Policy 14 Natural and Historic Environment

Policy 15 Travel and Transport

Policy 16 Water Environment and Flooding

DM1 New Development

SDCC2 Flood Risk

SDCC3 Sustainable Drainage Systems

Supporting Planning Guidance Renewable Energy

◆ Representation(s):

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

◆ Consultation(s):

Sandford and Upper Avon CC

Roads Flood Risk Management

WOSAS

Roads Development Management Team

Countryside and Greenspace

Environmental Services

Strathaven and Glassford Community Council

Planning Application Report

1 Application Site

- 1.1 The application site is located approximately 2.5km south-east of Drumclog, 4.6km south-west of Strathaven, 7.7km south-west of Stonehouse and 9km west of Lesmahagow in South Lanarkshire. The site is immediately south of the now constructed Kype Muir Wind Farm within an area of commercial forestry and rough grazing. The Kype Muir Wind Farm comprises 26 wind turbines with a maximum tip height of between 125m and 132m. The site comprises a series of broadly rounded hills containing coniferous forest with upland grass sides, marshland, and numerous small water courses. The site generally lies between 250m Above Ordnance Datum (AOD) to the northern boundary and 462m AOD to the south.
- 1.2 To the north of the site the landscape falls towards the lowland areas around Strathaven. The surrounding hills are broad in nature, often gently sloped and afforested with coniferous plantations, forming a transitional landscape between the upland and lowland regions. Land to the south and west of the site follows a similar pattern, with undulating hills rising towards the south along the Muirkirk Uplands. The application site covers an area of 942 hectares and is located within a rolling moorland and rolling moorland forestry landscape character types.
- 1.3 The site currently benefits from consent under Section 36 of the Electricity Act 1989 for 15 wind turbines with turbine heights of 132m (7 turbines) and 152m (8 turbines). From hereon this is referred to as 'the Original Consent'.

2 Proposal(s)

- 2.1 The application has been made to the Scottish Government to amend the original consent under Section 36(C) of the Electricity Act 1989. The Scottish Government is the Consenting Authority with South Lanarkshire Council being a statutory consultee in this process. These changes include an increase in the height of the 15 wind turbines, amending the site's infrastructure (turbine foundations and crane pads) to account for the increase in height, an update to the Habitat Management Plan (HMP) and forestry felling plan, increase the operational lifespan of the wind farm from 25 years to 30 years and increase the time period for commencement of development from 5 to 7 years from the date of consent. The application proposes a range of possible turbine height increases, each up to a maximum height. For the purposes of this report and in line with the application's supporting Environmental Statement, all assessments have been based on the maximum heights proposed for each turbine (worst case scenario).
- 2.2 The proposed increased turbine heights are as follows (all heights are to blade tip):
- 4 turbines to a maximum height of 156m
 - 3 turbines to a maximum height of 176m
 - 4 turbines to a maximum height of 200m
 - 4 turbines to a maximum height of 220m

- 2.3 It is proposed that the turbines, whilst taller, will be 3 bladed in line with those approved under the original consent.

3 Background

3.1 National Policy

- 3.1.1 National Planning Framework 3 (NPF3) June 2014 sets out the long term vision for the development of Scotland and is the spatial expression of the Scottish Government's Economic Strategy. It has a focus on supporting sustainable economic growth which respects the quality of the environment, place and life in Scotland and the transition to a low carbon economy. The framework sets out strategic outcomes aimed at supporting the vision – a successful, sustainable place, a low carbon place, a natural, resilient place and a connected place. NPF 3 also notes in paragraph 3.8 "We want to meet at least 30% of overall energy demand from renewables by 2020 - this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015".
- 3.1.2 Scottish Planning Policy (SPP) June 2014 aligns itself with NPF3 and one of its policy principles states that there will be "a presumption in favour of development that contributes to sustainable development" (page 9). At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 3.1.3 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. Paragraph 25 acknowledges "the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts."

3.2 Development Plan Status

- 3.2.1 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions. Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. Policy 10 Onshore Energy requires proposals to accord with local development plans. 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.

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

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

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

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

3.2.4 On 29 May 2018, the Planning Committee approved the proposed South Lanarkshire Local Development Plan 2 (Volumes 1 and 2) and Supporting Planning Guidance on Renewable Energy. The new plan builds on the policies and proposals contained in the currently adopted South Lanarkshire Local Development Plan. For the purposes of determining planning applications, the proposed South Lanarkshire Local Development Plan 2 is now a material consideration. In this instance, the following policies are relevant:

Volume 1

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

Volume 2

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

3.2.5 All these policies and guidance are examined in the assessment and conclusions section of this report. It should be noted that LDP2 policies are only referenced if they do not accord with the existing policy context in SLLDP.

3.3 Planning Background

- 3.3.1 The site currently benefits from consent for the erection of 15 wind turbines with a maximum height to tip of 132m for 7 of the turbines and 152m for 8 turbines together with associated access tracks, electricity substation and other associated infrastructure. This consent was granted in September 2016 by the Scottish Government Energy Consents Unit under Section 36 of the Electricity Act 1989 and also received deemed planning permission under Section 57 of the Town and Country Planning Act. South Lanarkshire, as a Consultee to this application, offered no objections to the original proposals. The deemed planning permission had 45 conditions attached as part of the consent. A legal agreement was also agreed between the applicant and the Council to ensure the submission of a Bond for the Restoration and Aftercare of the site, contributions to the Council's Renewable Energy Fund and communities benefit package, the provision of an Ecological Clerk of Works, the funding of a Planning Monitoring Officer and for control over turbine transportation 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.
- 3.3.2 The current proposals involve the same layout but with enlarged crane pads and turbine foundation levels to account for the larger proposed turbines.

4 Consultation(s)

- 4.1 **Roads and Transportation Services (Traffic and Transportation)** – no objection subject to replication of the original consent's Roads conditions (relating to Traffic Management Plan, Travel Plan, vehicle parking on site, signage, wheel wash facility, Abnormal Loads Route Assessment) that were attached to the Original Consent and replication of the legal agreement to secure control over turbine transportation, 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.
Response: Noted, if members agree with the recommendation not to object to the application, the formal response to the Scottish Government would include full replication of the original consent's roads conditions and legal agreement (taking into account the increased size of the turbines).
- 4.2 **Roads and Transportation Services (Flood Prevention)** - no objection subject to replication of previous conditions to comply with the Council's Design Criteria and to complete the necessary forms and provide required information prior to commencement on site.
Response: Noted, if members agree with the recommendation not to object to the application, the formal response to the Scottish Government would include full replication of the original consent's conditions in relation to the Council's Design Criteria with regard drainage and flood risk.
- 4.3 **Countryside and Greenspace** – no objection to the amendments and consider the updated HMP acceptable. Request replication of forestry planting and path network/ access plan from the original consent.
Response: Noted, if members agree with the recommendation not to object to the application, the formal response to the Scottish Government would require full replication of the original consent's conditions in relation to forestry planting and a path network/ access plan.

4.4 **West of Scotland Archaeology Service (WOSAS)** – note that the proposals already have consent for the basic layout and therefore any recorded historical sites are avoided and can advise that the proposals raise no substantive archaeological issues.

Response: Noted, the original consent includes a condition requiring a programme of archaeological investigation to be carried out prior to development. Any consultation response to the Scottish Government will seek for this condition to be replicated.

4.5 **Environmental Services** – have no objections to the proposals in relation to noise emissions. They note that the applicant's proposed condition in relation to noise emissions sets individual noise levels at neighbouring properties, however, Environmental Services consider that any breach of noise levels cannot always directly be attributed to one noise source and, therefore, they recommend setting a noise limit at the site boundary of the wind farm so they can be confident that they are measuring limits based on that sole noise source.

Response: Noted. It is considered that given South Lanarkshire would be the Enforcing Authority, it is justified to request that the Scottish Government attach the Council's condition as part of any approval.

4.6 The following consultees had no comments to make in relation to the proposed development:

Sandford and Upper Avon Community Council
Strathaven and Glassford Community Council

5 **Representation(s)**

5.1 Statutory advertisement of the application was undertaken by the applicant in July 2018 and one objection has been received. The objection was, as required, sent to the Scottish Government but the Council was copied in. The concerns raised were:

a) The current proposals would not be acceptable if the Original Consent had not been approved at the lower turbine heights.

Response: The Council is required to make an assessment on the proposals on their merits while taking account that the Original Consent could be developed. Therefore the Council has to take full cognisance of the Original Consent when making any assessment.

b) The proposals will have an unacceptable visual impact if considered as a standalone project

Response: As with a) above, the Council must take account of the Original Consent when making any assessment on visual impact.

c) The current energy output from developed and consented schemes meets the renewable energy targets in Scotland and therefore the benefits of new renewable energy generation do not outweigh the adverse effects of wind farms now that targets are met.

Response: The Council is committed to supporting renewable energy generation where the benefits outweigh any adverse impacts of a

development. This application is solely to assess the proposed amendments to the original consent and therefore does not involve the assessment of the principle of a new wind farm on this site.

- d) The proposed amendments to the scheme are purely for financial gain and developers should not be allowed to apply to amend schemes that increases their size.

Response: Each application must be considered on its individual merits taking account of relevant planning policy. The issue of financial gain is not a material consideration as part of this assessment.

- 5.2 This letter has been copied and is available for inspection in the usual manner and on the planning portal.

6 Assessment and Conclusions

- 6.1 This application has been submitted to the Scottish Government under Section 36(C) of the Electricity Act 1989 as it involves a proposed amendment to an already consented scheme. In this instance, South Lanarkshire Council is a Consultee to the application process and is not the Consenting Authority.

- 6.2 As the proposals involve an amendment to an existing consent, there is no need to revisit the principle of the development or any facets of the original consent that do not form part of the proposed amendments. Therefore, in this instance, the assessment of the proposals relate solely to the increase in the turbine heights and the associated minor amendments to infrastructure. In this case, it is considered that the enlargements to turbine foundations and crane pads are inconsequential in a project of this size and are deemed acceptable should the increase in turbine heights be acceptable. In addition, the proposals seek to vary the time period of commencement of development from 5 years to 7 years of the date of consent. This is considered acceptable for a project of this scale. The request to increase the operational lifespan of the wind farm to 30 years, is similarly considered to be acceptable. A further 5 years of operation would also result in an increase in the renewable energy generated from the proposals. Therefore, no further assessment of these specific proposals are required. The main matters for the Council's consideration are therefore whether the proposed increase in turbine heights would comply with National Policy and South Lanarkshire's Development Plan Policy and the implications of the amended scheme in terms of landscape and visual impact, cumulative impact, ecology, ornithology, residential amenity and communities.

- 6.3 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 – this includes generating the equivalent of at least 100% of gross electricity consumption from renewables, with an interim target of 50% by 2015. SPP Policy Principles (page 9) state that there will be “a presumption in favour of development that contributes to sustainable development.” At paragraph 28 SPP states that “the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.” The SPP also identifies a number of considerations to be taken into

account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169). SPP also requires planning authorities to prepare supplementary guidance and set out a spatial framework for onshore wind farm developments. The considerations set out in SPP at paragraph 169 are now established in the Council's approved SG on Renewable Energy 2016 and are assessed in the next paragraph.

- 6.4 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 three 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. The visual impact, including the impact on settlements, is assessed at later in the report. 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. 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, the Original Consent and for the reasons set out later in the report, it is considered the proposed amendment accords with SPP.
- 6.5 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 in the areas identified in Diagram 6 is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy requires proposals to accord with local development plans. With regard to this proposal it is noted that the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of GCVSDP. 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 proposed amendments comply with Policy 10 of GCVSDP.

- 6.6 In the Adopted South Lanarkshire Local Development Plan (SLLDP) 2015 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 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. The criteria relevant to this proposal are (iii) utilising renewable energy sources and (vii) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species) and green networks. The increase in turbine size would increase the amount of electricity generated in line with Governments targets on renewable energy generation and therefore it is considered that the proposal complies with Policy 2 and that of the advice in the SG Sustainable Development and Climate Change.
- 6.7 Policy 3: Green Belt and Rural Area states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. The proposal is located within the rural area. SG 2: Green Belt and Rural Area lists in Appendix 2 renewable energy as an appropriate use within this area and refers to the SG Renewable Energy, and SG Sustainable Development and Climate Change for further guidance. It is considered that the principle of the development has already been deemed acceptable within the Rural Area and the proposed amendments to the Original Consent have no further implications for the strategy on development in the rural area set out within the Development Plan.
- 6.8 Policy 4 Development Management and Placemaking states that development proposals should have no significant adverse impacts on the local community, landscape character, habitats or species including Natura 2000 sites, biodiversity and Protected Species nor on amenity. Policy 4 also states that development should be integrated with the local context and landscape. This advice is supported within Development Management, Placemaking and Design Supplementary Guidance under Policy DM1 – Design. The principle of the turbines has already been established and is therefore still acceptable under this policy. Detailed assessment of the increase in height of the turbines in relation to the natural environment and amenity is contained throughout the remainder of this report.
- 6.9 Policy 15: Natural and Historic Environment provides the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features as listed in Table 6.1 of the SLLDP from adverse impacts resulting from development, including cumulative impacts. The policy categorises each of the natural and historic environment designations within three distinct groups and these are assessed in turn below.
- 6.10 Category 1 areas include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites) where development will only be permitted where an appropriate assessment of the proposal demonstrates that it

will not adversely affect the integrity of the site following the implementation of any mitigation measures. The application site is not located within but is adjacent (approx. 850m to the north-west) to the Muirkirk and North Lowther Uplands Special Protection Area (SPA). This SPA is classified for its breeding and wintering populations of hen harrier and breeding populations of merlin, peregrine, short-eared owl and golden plover. The Original Consent took cognisance of the site's proximity to this SPA and the setting up of a Habitat Management Group (HMG) and preparation a Habitat Management Plan (HMP) was required by condition 37 to mitigate the turbines impact on the SPA. As part of the application submission an updated HMP has been submitted taking account of the increase in turbine height. The Council's Countryside and Greenspace Team are content that the updated HMP takes account of any potential ecological issues the increased height may have in general and specifically in relation to the nearby SPA.

- 6.11 Category 2 areas include Scheduled Monuments and their setting, Category A listed buildings and their setting, Inventory of Gardens and Designed Landscapes and Historic Battlefields where 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 Environmental Impact Assessment Report (EIA Report) provides full details of the assessment of the proposed development on the historic environment in section 8. There are no scheduled monuments, listed buildings or Inventory Gardens and Designed Landscapes (GDL) within the application site. A cultural heritage assessment forms part of the EIA Report and states that the increase in height will not have any additional impact upon any heritage aspects given the distance of the site to the nearest designations. WOSAS are content that the limited changes to the turbine foundations and crane pads would not affect any archaeological interests within the site. Condition 39 of the Original Consent required a programme of archaeological works to be carried out prior to construction and it is considered that this condition is still required.
- 6.12 Category 3 areas include Category B and C listed buildings and their setting, Non-scheduled archaeological sites and monuments and Conservations areas where development which would affect these areas following the implementation of any mitigation measures will only be permitted where there is no significant adverse impact on the protected resource. It is considered that the effect of the proposals on these designations have been assessed in 6.13 above.
- 6.13 Special Landscape Areas (SLA) are included within category 3 local designations however the application site is not within any designated SLA. The nearest SLAs are 7.2km north of the site (Middle Clyde Valley SLA) and 8.8 kilometres to the south east of the site (Douglas Valley SLA) and it is considered that the increase in turbine height would not be perceptible within the context of these SLAs.
- 6.14 Category 3 local designations include peatland where development will only be supported where any significant adverse effects are clearly outweighed by significant social or economic benefits. It adds that renewable energy development will be assessed on the basis of the specific guidance on peat contained in the Renewable Energy Supplementary Guidance. The Original Consent contained conditions relating to the management and protection of peat. The increase in height of the turbines would not specifically have any additional

impact on peat given the turbine bases are in the same location and are only marginally increased. Finally category 3 local designations relate to core paths and rights of way. There are no rights of way or core paths that would be affected by the increase in turbine height. The Original Consent included proposals for new paths and tracks that could be used by the public following construction of the wind farm and again these requirements should be replicated for any amended consent.

- 6.15 Policy NHE 19 in the SG Natural and Historic Environment states that development which will have an adverse effect on protected species following the implementation of any mitigation measures will not be permitted unless it can be justified in accordance with the relevant protected species legislation. As noted in 6.12 above it is not considered that the increase in turbine height would have any further adverse impact upon the ecology of the area subject to the requirement of the implementation of the proposed HMP.
- 6.16 Policy 17: Water Environment and Flooding states that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. The SG on Sustainable Development and Climate Change contains guidance on the water environment, while the water environment falls within the definition of category 2 national designations within Policy 15 of the SLLDP. The increase in turbine height would not have any impact on the water environment. South Lanarkshire Council's Transportation Flooding Team have no objection to the proposals subject to the replication of previous drainage conditions.
- 6.17 SLLDP Policy 19 states that renewable energy proposals will be assessed against SPP and South Lanarkshire Council's statutory supplementary guidance (SG). Policy RE1 Spatial Framework for Wind Energy of SG10 (Renewable Energy) requires applications for onshore wind turbine developments of a height to blade tip of 15m or over to accord with the Spatial Framework and to meet the relevant criteria set out in section 6 Development Management considerations and Table 7.1 Assessment checklist for wind energy proposals. The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. Table 4.1 of SG10 Renewable Energy sets out three groupings in relation to wind energy development. These are as follows:
- Group 1: Areas where wind farms will not be acceptable
 - Group 2: Areas of significant protection
 - Group 3: Areas with potential for wind farm development
- 6.18 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. In terms of Group 2 Areas of significant protection; both SPP and Policy RE1 in SG10 recognise the need for significant protection of particular areas which include:
- National and international designations
 - Other nationally important mapped environmental interests
 - Community separation for consideration of visual impact

The specific impact on the increased height of the turbines on National and international designations have been previously assessed above and it is considered that subject to conditions there are no adverse effects on such designations. In addition the principle of the wind farm development through the Original Consent means the potential for the area for wind farm development has been established and there is no further need to assess the wind farm on a spatial level (Group 3) but instead focus on the effects of the proposed amendments in height.

- 6.19 Policy RE2 Renewable Energy Development in SG10 replicates Policy RE1's requirement that applications for all renewable energy development will only be acceptable if they accord with the relevant guidance set out in section 6 and Table 7.1. Again taking into account the principle of development has been established, only the relevant criteria relating to the increased height of the turbines from both policies is assessed below;

Impact on international and national designations.

As noted above, it is considered that subject to replication of previous conditions there would be no adverse effects on national and international designations.

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

The increase in height would increase renewable electricity generation and therefore the proposals will have a greater contribution to renewable energy generation targets than the Original Permission.

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 criteria requires large wind energy schemes to be fully assessed in relation to protecting and where possible enhancing the natural heritage of the site and surrounding area. This consideration has previously been assessed under Policy 15 Natural and historic environment of SLLDP above and it is considered that subject to replication of the Original Consent's conditions, and the implementation of the updated HMP and mitigation measures the proposed amendments accord 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.

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

The Original Consent required, through a planning condition, the submission of a HMP to ensure that potential impacts on biodiversity over the proposed wind farm's lifetime could be mitigated. This condition would be replicated on any new consent if granted. In addition the proposed, updated HMP is considered acceptable.

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 turbine proposals in South Lanarkshire. First the impact on landscape designation and character, and the capacity of the landscape to

accommodate the proposed development is assessed below. Secondly the visual impact on the wider area is assessed followed by the visual impact on residential amenity. The assessment takes into account cumulative impacts. As previously noted, this is a Section 36(C) application to amend an already consented scheme. The landscape and visual assessment submitted with the application considers the impacts the increase in turbine height would have compared to the previously approved Original Consent (maximum height of 132m to blade tip for 7 turbines and 152m to blade tip for 8 turbines); and whether the proposed amendments would result in additional significant, adverse visual effects that would not allow an amended permission to be issued. As previously noted the proposed amendments are to increase the 15 turbines to the following heights (using the maximum potential heights to blade tip):-

- 4 to 156m
- 3 to 176m
- 4 to 200m
- 4 to 220m

A further visual impact to consider is that any structure over 150m from ground level requires aviation lighting for identification from the air during night time. The Original Consent did not require aviation lighting as only the blades extended over the 150m threshold not the turbine structures themselves.

The impact on the nearest landscape designations, in this case the Middle Clyde Valley SLA and the Douglas Valley SLA, has been assessed above and it concludes the proposed development will not adversely affect the overall quality of either of the SLA's designated landscape area given they are over 7 and 8km respectively from these designations. Section 4 of the EIA Report contains a Landscape and Visual Impact Assessment (LVIA) submitted as part of the application submission. The LVIA assesses the proposed amendments against the Original Consent as well as a cumulative assessment in relation to the existing wind farms of Kype Muir (of which this site is an extension of), Dungavel and Auchrobert. The proposed development is located within Rolling Moorland and Rolling Moorland Forestry landscape character types (LCT). The LVIA finds that the landscape sensitivity for wind turbines is low/ medium. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands. The Original Consent (and therefore this application) is located within an area that is currently identified to be of medium sensitivity and medium landscape value in relation to wind turbine development.

The Original Consent involved turbines at 2 different heights to account for the rolling topography of the landscape, with differing ground levels and to ensure the turbines appeared to be of the same scale and height in the landscape. The differing heights now proposed would again reflect the topography of the land creating a more uniform appearance of turbines than if they were all the same height of turbine but located on different ground levels. This perception of uniformity allows the wind farm to be read as a single group rather than individual turbines scattered over the landscape. The topography of the site and the differing heights also allows the wind farm to be read as part of the neighbouring Kype Muir Wind Farm which again creates a perception of a large, single wind farm rather than individual or small groupings of turbines. The rolling aspect of the landscape does not provide natural features on which turbine heights can be compared to

and therefore it is considered that the increase in height of turbines will not be significantly perceptible within the wider landscape. This and the low/medium sensitivity for wind development in the landscape therefore leads to the conclusion that the increase in turbine height shall not have any additional adverse landscape and visual impact upon the landscape than that already approved. There are no communities within 2km of the proposals and therefore the increase in height of the turbines will not introduce any residential visual impact issues.

The required lighting is to identify the turbines from the air and therefore the lights are upward facing. This would help minimise their impact upon the surrounding landscape at night. An assessment of the lighting has been carried out within the EIA Report which notes that whilst visible within the landscape it is not considered to have a significantly adverse effect on the landscape or any communities or single residential houses. Environmental Services are content with the proposed lighting and do not have any issues with it in relation to residential amenity. Whilst the lights will be visible they will only be seen when dark by residential receptors and primarily from external areas such as gardens, which tend not to be used in darkness which again limits this potential to have a detrimental visual impact. It is considered that the proposed aviation lighting will have a negligible effect on the surrounding landscape. On balance, the overriding safety requirement for the lighting is greater than the negligible effect the lighting would have on the night time landscape.

Therefore, taking into account the above assessment, the assessment in the EIA Report and the existing and the Original Consent, it is considered that in terms of landscape and visual and cumulative effects the proposed amendments are acceptable.

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

The impact of the proposed development on communities and individual dwellings requires to be assessed in relation to criteria 10 of Table 7 of SG. Criteria 10 contains 3 considerations which are; residential visual amenity, noise and shadow flicker. A noise assessment has been submitted as part of the Section 36(C) submission. The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment but note that the applicant suggests that in order to address potential noise nuisance, specific noise limits are proposed for each property likely to be affected. Environmental Services, who would be required to investigate any noise complaints have concerns that individual limits would be hard to monitor and enforce as the properties are some distance from the turbines and the actual noise source creating the breach in levels may not easily be identifiable. They therefore propose that a blanket boundary noise limit is imposed. In any event Environmental Services are confident that the proposals would not breach their recommended noise limit. Therefore as part of any response to the Scottish Government the proposed conditions would include the wording proposed by Environmental Services. As with the Original Consent, due to the site's rural location, shadow flicker has been assessed as not being a concern as a result of the increased turbine height. Environmental Services are content with this assessment. Therefore it is considered that there would be no further adverse significant effects on individual properties or communities due to the increased

turbine height and it is concluded that the proposed amendments comply with criteria regarding the impact on communities and individual dwellings.

Impact on Public Access.

As assessed earlier in this section it is considered that the increase in turbine height would not impact on public access.

Impacts on the historic environment.

A detailed assessment of the impact of the increase in turbine height on the historic environment is set out above. On the basis of the above assessment it is considered that subject to conditions the proposed development accords with the consideration set out at criteria 13 of Table 7 of the SG Renewable Energy.

Impacts on tourism and recreation.

It is considered that an increase in turbine height would not have any additional impact upon tourism or recreation within the local area.

Impact on road traffic and on trunk roads.

The Original Consent was subject to a legal agreement to account for the route and any potential damage to public roads and structures created by the abnormal loads transporting the turbines to site may have created. The increase in turbine height results in there still being a requirement for abnormal load transportation of turbines and therefore the requirement for a new legal agreement to address these issues is still relevant.

Site decommissioning and restoration bond.

As with the Original Consent there is a requirement for decommissioning and restoration bond or financial guarantee to 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. This issue would be addressed through a legal agreement.

Forestry and woodland removal.

The increase in turbine height does have a slight effect in terms of an increase in forestry removal but it is considered that this is negligible and relates to commercial forestry. The Original Consent had conditions relating to forestry plans (conditions 41 and 42) and it is considered that the proposals are acceptable subject to replication of these conditions.

Environmental Protection

Criteria 25 of Table 7 of SG Renewable Energy requires that all appropriate authorisations or licenses under current environmental protection regimes must be obtained. Developers are required to ensure there is no impact on waste water and/or water assets which are above and/or underground in the area that may be affected by the proposed development. A condition requiring the submission and approval by the Planning Authority in consultation with SEPA and SNH of a Construction Environmental Management Plan (CEMP) including site specific Construction Method Statement, Site Waste Management Plan (SWMP), Pollution Prevention Plan and surface water management plan forms part of the conditions

proposed. Again this would involve replication of 2 conditions of the Original Consent (Conditions 23 and 26).

Mitigation

Criteria 27 of Table 7 of SG Renewable Energy requires the developer to demonstrate that appropriate mitigation measures will be applied. The application was accompanied with a robust EIA Report containing appropriate mitigation measures.

Legal agreement

Criteria 28 of Table 7 of SG Renewable Energy requires, where appropriate the Council to enter into a legal agreement to address matters that cannot be controlled by planning condition. In this instance, if members agree with the recommendation, any response to the Scottish Government will request a legal agreement to secure a payment to the REF, the employment of a Planning Monitoring Officer and Ecological Clerk of Works and for control over turbine transportation, and address the repair of any damage to roads and bridges arising from extraordinary wear and tear associated with the development and associated indemnity insurance requirements.

Environmental Impact Assessment (EIA)

Criteria 29 of Table 7 of SG Renewable Energy 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. The proposals constitute development that falls within the scope of the Environmental Assessment Legislation and as referenced throughout Section 6 of this report an Environmental Impact Assessment Report accompanied the Section 36(C) submission.

6.20 Conclusion

6.20.1 The application proposes amendments to a previous consent granted under section 36 of The Electricity Act for a windfarm at Kype Muir which established the principle of windfarm development at this location. The key issue in determining this application is whether the increase in the maximum turbine height is acceptable. A detailed assessment against development plan policy and supplementary guidance has been carried and it is concluded overall that the increase in height would accord with the assessment criteria and would not have any significant, additional impact on the landscape and environment, residential amenity or road safety. The minor changes to infrastructure, the increased in the time period to commence development and the operational lifespan of the windfarm also proposed are acceptable.

6.20.2 The Original Consent had several conditions attached to it to minimise the proposals impact upon the natural and historical environment as well as the road network and residential amenity and, therefore, should South Lanarkshire Council submit a consultation response of having no objection to the amended proposals it would be on the basis that all these conditions and obligations would be replicated on any new consent. In addition, a legal agreement covering the issues on the front page of the report is also recommended.

7 Reasons for Decision

- 7.1 The proposals to increase the turbine heights (maximum height to tip between 150m to 220m), access tracks, sub-station and other associated infrastructure and increase the operational lifespan from 25 to 30 years under Section 36(C) of the Electricity Act 1989 are considered acceptable. The increase in turbine height is considered to not have any significant, adverse impact in relation to the previous planning approval and accord with National Policy and the relevant provisions of the Development Plan subject to the imposition of the recommended environmental conditions.

Michael McGlynn
Executive Director (Community and Enterprise Resources)

Date: 11 January 2019

Previous references

- ◆ None

List of background papers

- ▶ Scottish Government Consultation
- ▶ Scottish Government Consultation Plans and EIA Report
- ▶ South Lanarkshire Local Development Plan 2015 (adopted)
- ▶ Proposed South Lanarkshire Development Plan 2

- ▶ Consultations

Roads Flood Risk Management	16.08.2018
WOSAS	31.07.2018
Roads Development Management Team	04.01.2019
Countryside And Greenspace	
Environmental Services	12.12.2018

- ▶ Representations Dated:

Stephen Lucking, Easter Ale Moor, Robertson, TD9 7NE08.08.2018

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/18/1013

Conditions attached to the deemed Planning Permission

Note – Nos. 1 to 8 relate to Energy Consent only.

9. Duration of the consent

This planning permission shall expire and cease to have effect after a period of 33 years from the date of Final Commissioning. Upon the expiration of a period of 30 years from the date of Final Commissioning, the wind turbines shall be decommissioned and removed from the site, with decommissioning and restoration works undertaken in accordance with the terms of condition 50 of this permission. Written confirmation of the date of Final Commissioning shall be submitted in writing to the Planning Authority no later than one calendar month after the date of Final Commissioning.

Reason: To define the duration of the consent. The 33 year cessation date allows for a 3 year period to complete decommissioning and site restoration work.

10. Implementation in accordance with approved plans and requirements of this consent
The Development must be carried out in accordance with the terms of the Application and the accompanying Environmental Impact Assessment Report including all mitigation and monitoring measures stated in it, the conditions attached to the deemed planning permission and any Planning Application (PA) plans, schemes or similar documents required to be obtained by those conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

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

11. Financial Guarantee

That prior to the commencement of the development hereby approved, a financial security to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the Council as Planning Authority. Such security must, unless otherwise approved in writing by the Council as Planning Authority;

- i) be granted in favour of the Council as Planning Authority
- ii) be granted by a bank or other institution which is of sound financial standing and capable of fulfilling the obligations under the financial security;
- iii) be for a specified amount which covers the value of all site restoration and aftercare liabilities as agreed between the developer and the planning authority at the commencement of development
- iv) either contain indexation provisions so that the specified amount of the financial security shall be increased but not decreased on each anniversary of the date of this consent by the same percentage increase in the BCIS All in Tender Price Index published most recent to 31 March in each Year, or if that index ceases to be published or the basis upon which such index is calculated is substantially changed or rebased, such substitute or alternate index most likely to achieve an equivalent result between the date hereof and such relevant anniversary or be reviewable to ensure that the specified amount of the financial security always covers the value of the site restoration and aftercare liabilities

v) come into effect on or before the date of commencement of development, and expire no earlier than 12 months after the end of the aftercare period.

No works shall begin at the site until (1) written approval of the Council as Planning Authority has been given to the terms of such financial security and (2) thereafter the validly executed financial security has been delivered to the Council as Planning Authority.

In the event that the financial security becomes invalid for any reason, no operations will be carried out on site until a replacement financial security completed in accordance with the terms of this condition is lodged with the Council as 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. Design and operation of the turbines

Development shall not commence 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 which should be non-reflective pale grey semi-matt), any anemometry masts and all associated apparatus have been submitted to and approved in writing by the Planning Authority. The turbines tip height shall not exceed consented turbine height above ground level. A turbine other than the candidate turbine assessed in the Environmental Impact Assessment Report may not be installed without the prior approval of the planning authority.

Prior to the erection of turbines, the Company shall confirm in writing to the Planning Authority that the selected turbine model will not exceed the predicted wind turbine noise limits determined in condition 28 below.

The turbines, anemometry masts and associated apparatus 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.

None of the wind turbines, anemometers, power performance masts, switching stations or transformer buildings/enclosures, ancillary buildings or above ground fixed plant shall display any name, logo, sign or other advertisement (other than health and safety signage) unless otherwise approved in advance in writing by the Planning Authority.

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

13. Design of sub-station and its Associated Ancillary Development

Construction of the sub-station, including its ancillary elements, shall not commence until final details of the external appearance, dimensions, and surface materials of the sub-station building, associated compounds, any construction compound boundary fencing, external lighting and parking areas have been submitted to and approved in writing by the Planning Authority. The sub-station building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with approved details.

Reason: In order to retain effective planning control.

14. Ground Investigations

Ground investigations shall be undertaken prior to Commence of Development to inform the final site design and site management plans. There shall be no Commencement of the Ground Investigation Works and associated felling until an Environmental

Management Plan for the ground investigations works and details of the associated felling have been submitted to the Planning Authority and an Environmental Clerk of Works (ECoW) has been appointed in relation to the Ground Investigation Works. The ground investigation works and associated felling shall be implemented in accordance with submitted documents, unless amendments are approved in writing by the Planning Authority.

Reason: To ensure the environmental impacts are minimised.

15 Micro-siting

All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference (INSERT PLAN REF). Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless approved in advance, in writing by the Planning Authority (in consultation with SEPA and SNH) micro-siting is subject to the following restrictions:

- a) No wind turbine foundation shall be positioned higher, when measured in metres Above Ordinance Datum (Newlyn), than the position shown on the aforementioned plan;
- b) No wind turbine, building, mast or hardstanding is to be moved more than 70 metres from the position shown on the plan referenced as above;
- c) No access track shall be moved more than 70 metres from the position shown on the plan referenced as above;
- d) No micro-siting shall take place within areas of peat of greater depth than at the position shown on the plan referenced above;
- e) No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems or breach the 50m water buffer zones;
- f) No micro-siting shall locate a turbine closer to a residential property;
- g) No micro-siting shall locate a turbine outwith the consented application boundary;
- h) All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW);
- i) If the micro-siting variation is between 50 metres and 70 metres it shall only be permitted following written approval of the Planning Authority.

No later than one month after the date of final commissioning, an updated site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, be accompanied by copies of the ECoW and/or Planning Authority's approval, as applicable.

Reason: To minimise environmental impact and in order to retain effective planning control.

16. Borrow Pit Material

Development shall not commence until intrusive site investigations are undertaken to identify the availability of suitable stone material from proposed borrow pits on site.

Information submitted must include data to demonstrate the borrow pit material structural characteristics and the suitability of the material is for purpose. This information must be submitted to the Planning Authority, prior to the commencement of Development, for approval prior to the implementation of the borrow pit in consultation with SEPA.

All imported material that is required to be brought onto site must be accompanied by certification from a suitably U.K.A.S. accredited laboratory to confirm that it is free from contamination.

If any off-site borrow pit is proposed, information relating to the quantities, proposed vehicle trips and delivery routes between the proposed borrow pit site and the wind farm site must be submitted to the Planning Authority, prior to the delivery of any imported

material. Should these routes not be covered by the approved traffic management plan prepared in accordance with condition 29 then a revised traffic management plan must be submitted for the approval of the Planning Authority and approved in writing prior to the delivery of any imported material. Thereafter the approved revised traffic management plan must be implemented.

Reason: To minimise environmental impact and in order to retain effective planning control.

17. Borrow Pits – Scheme of Works

Development shall not commence until a site specific scheme for the working and restoration for each borrow pit forming part of the development has been submitted to an approved in writing by the Planning Authority in consultation with SEPA. 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, including measures to prevent surrounding areas of peatland, water dependent 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) Full details of the reinstatement, restoration and aftercare of the borrow pits at the end of the construction period, to include topographic surveys of preconstruction profiles, and details of topographical surveys to be undertaken of the restored borrow pit profiles. The approved scheme shall thereafter be implemented in full.

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

18. Borrow Pits – Blasting

No blasting is to take place until a scheme to address site blasting has been submitted to, and approved in writing by, the planning authority. The approved scheme must be implemented. No changes can be made to the approved scheme unless approved in writing by the Planning Authority. This scheme must make provision for:-

- a) Blast monitoring locations
- b) The type of monitoring equipment to be used
- c) Frequency of monitoring
- d) The methods to be employed to minimise the effects of overpressure arising from blasting, having regard to blast design, methods of initiation and the weather conditions prevailing at the time;
- e) Limits on air overpressure levels at specified properties; and
- f) Submission of blasting records to the Planning Authority.

Unless otherwise approved in writing by the Planning Authority, no blasting is to take place except between the following times -:

- a. 10.00am to 12.00pm and 2.00pm to 4.00pm on Mondays to Fridays, and
- b. 10.00am to 12.00pm on Saturdays

With no audible activity taking place on a Sunday or local or national bank holiday.

Ground vibration from blasting must not exceed a peak particle velocity of 6mm/second at the blast monitoring locations. The measurement is to be the maximum of three mutually perpendicular directions taken at the ground surface.

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

19. Borrow Pit – Operational Noise

In the event that Borrow Pits are operational the noise levels must be restricted to 65dB LA (1hr) or background LA90 (1hr) + 10dBA, whichever is the greater, and any general

construction noise, which is ongoing simultaneously with the Borrow Pit operation, is to be considered as Borrow Pit noise.

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

20. Ecological Clerk of Works

Development shall not commence until the Planning Authority has approved in writing the terms of appointment by the Company of an independent Ecological Clerk of Works (ECoW) in consultation with SNH and SEPA and that person has been appointed on the approved terms. The terms of appointment shall;

- a) Impose a duty to monitor compliance with the ecological and hydrological commitments required provided in the environmental statement and other information lodged in support of the application, the Construction and Environmental Management Plan and the Habitat Management Plan approved in accordance with conditions 23 and 37 and other plans approved in terms of condition 26 ("the ECoW works"); and
- b) Require the ECoW to report to the Company's 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; and
- d) Require the ECoW to report to the Planning Authority any incidences of non-compliance with the ECoW Works at the earliest practical opportunity.

An approved ECoW shall be appointed on the approved terms throughout the period from 3 months prior to Commencement of Development, throughout any period of construction activity and during any period of post construction restoration works approved in terms of condition 25 (post construction condition).

Reason: To ensure compliance with all commitments made in the Environmental Impact Assessment Report and in order to retain effective planning control.

21. Environmental Clerk of Works Decommissioning

No later than 3 months prior to decommissioning of the Development or the expiration of this consent (whichever is the earlier), the Company shall submit details of the terms of appointment by the Company of an independent ECoW throughout the decommissioning, restoration and aftercare phases of the Development to the Planning Authority for approval in consultation with SNH and SEPA. The ECoW shall be appointed on the approved terms throughout the decommissioning, restoration and aftercare phases of the Development.

Reason: To ensure compliance with all commitments made in the Environmental Impact Assessment Report and in order to retain effective planning control.

22. Otter Protection Plan

No work shall be undertaken within a 30m buffer zone surrounding the otter layup area located within Auchingilloch Glen as shown on the Otter Buffer Plan (INSERT REF).

Reason: To minimise adverse impacts on protected species.

23. Construction Method Statement

Development shall not commence until a Construction Method Statement (CMS) has been submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The CMS, which must incorporate good practice methods from the Scottish and UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the Environmental Impact Assessment Report, must be submitted no less than two months prior to the commencement of the development unless the Planning Authority agrees otherwise. Thereafter, all measures

described in the approved CMS must be implemented. The method statement must include, but is not limited to, 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 lay down areas required temporarily in connection with the construction of the development;
- c) A 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 any anticipated track footprint, including the extent of supporting 'geogrid' below road stone and cabling at the edges of the track;
- g) Details of track construction, floating track construction over peat more than 1m deep and gradients of 1:10 or less steep, details of track construction for peat less than 1m deep, or on gradients steeper than 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 Ecological Clerk of Works (ECoW);
- i) Details of peat soil stripping, storage and re-use. All soils stored on site must be in accordance with BS3882
- j) A management plan for minimising the emission of dust from the construction and operation of the development
- k) Evidence of compliance with the Planning Authority's Sustainable Drainage Systems design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria in appendices 1 to 4 of that design criteria guidance;
- l) A coloured plan showing the sustainable drainage apparatus serving the 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) Regulations is to be provided on this drawing;
- m) Measures to ensure stability during construction of turbines and infrastructure on peat;
- n) A surface water and groundwater management plan, including a description of and measures to mitigate impact on surface water courses and the hydrology;
- o) Provision that watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings must be appropriately sized and overland flow routes must 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 must avoid road construction during high periods of rainfall;
- q) Timing and extent of any necessary re-instatement;
- r) Details of the site security gate, wheel wash facility and site entrance hardstanding including measures to ensure all work associated with construction of the access gate, access bellmouth (with associated abnormal load over run area) and wheel wash facility shall be implemented on site prior to commencement of any internal site works;
- s) Details of waste management, including recovery and reuse of waste;

- t) Details of identifying the location of Scottish Water assets and measures to be taken for pollution prevention;
- u) Measures to ensure the safety and protection of badgers, bats, black grouse and otters during the construction period;
- v) Measures to ensure that the development site shall not be illuminated by lighting unless –
- The planning authority has given prior written approval
 - Lighting is required during working hours which has been approved by the planning authority, or;
 - An emergency requires the provision of lighting
- w) Details of plant warning devices – including that no fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible at any noise sensitive receptor. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the development site.
- No changes to the approved CMS shall take place unless with the prior written approval of the Planning Authority.
- Reason: To ensure compliance with all commitments made in the Environmental Impact Assessment Report and in order to retain effective planning control.

24. Statutory Undertaker's Apparatus

The Company is responsible for any alterations required to statutory undertakers' apparatus. Where work is being carried out in the vicinity of an overhead line it must be in accordance with Health & Safety Guidance Note GS6 "Avoidance of Danger from Overhead Lines".

Reason: In the interests of Health and Safety.

25. Post-construction

A post-construction restoration/ reinstatement plan shall be submitted for approval by the Planning Authority in consultation with SNH and SEPA. The plan shall include proposals for the working areas not required during the operation of the wind farm, including construction access tracks, borrow pits, construction compound, storage areas, laydown areas and other construction areas. Wherever possible, reinstatement is to be achieved by the careful use of turfs removed prior to construction works. The plan should include details of all seed mixes to be used for the reinstatement of vegetation. The approved plan shall be implemented to the satisfaction of the planning authority within 6 months of Final Commissioning of any part of the development unless otherwise agreed by the Planning Authority.

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

26. Environmental Management Plan

Prior to commencement of Development an Environmental Management Plan (EMP) must be submitted for the approval of the Planning Authority in consultation with SEPA. The EMP must take account of SEPA and Scottish Government's Marine Scotland Science's responses and must include:-

- a) Water quality assessments (with baseline sampling at least 1 year prior to commencement of the development);
- b) Biological assessments consisting of macro-invertebrate surveys over 2 seasons (autumn and spring) prior to, during and post construction;
- c) A mitigation plan for the protection of Ground Water Dependent Terrestrial Ecosystems (GWDTE);

- d) Details of how micrositings will be implemented and controlled in relation to avoiding impacts on deep peat and GWDTEs;
- e) Mitigation measures detailed in the ES and the associated Construction Method Statement.

Thereafter the EMP must be implemented in full and in accordance with the timescales set out in the plan. No changes to the EMP shall take place unless they are with the prior written approval of the Planning Authority.

Reason: To ensure compliance with all commitments made in the Environmental Impact Assessment Report and in order to retain effective planning control.

27. Construction Work

All construction work associated with the Development must be carried out in accordance with the current BS 5228, 'Noise Control on construction and open sites' and all audible construction activities shall be limited to-;

- Monday to Friday 7.00am to 7.00pm,
- Saturday 8.00am to 1.00pm;

With no audible activity taking place on a Sunday or local or national bank holiday – without prior written approval of the Planning Authority.

Outwith these hours, certain works, dust suppression and the testing of plant and equipment are permitted so long as the noise associated with these works is not audible at any noise sensitive premises. The reception of materials or equipment, with the exception of turbine blades, nacelles and towers, is not permitted outwith of the stipulated hours.

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

28. Noise

1. Noise Emission

a) In Accordance with ETSU- R- 97

The day time noise (7am to 11pm) from the wind turbines must not exceed a noise level of 35dB LA90,10min or background LA90,10min +5dB, whichever is the greater, at the boundary of the curtilage of any noise sensitive premises at all times at wind speeds of up to 12 metres per second at 10m height as measured within the site.

This is based on the Operational Noise Report Kype Muir Extension Wind Farm, Banks Renewables (Harting Rig Wind Farm) Limited Ref 12178-002 June 2018-Technical Appendix 10.1 (Table 6.6)

b) In Accordance with ETSU- R- 97

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

This is based on the Operational Noise Report Kype Muir Extension Wind Farm, Banks Renewables (Harting Rig Wind Farm) Limited Ref 12178-002 June 2018-Technical Appendix 10.1 (Table 6.3)

c) Cumulative compliance with previously consented developments
Where the cumulative emissions exceed a noise level of 40dB LA90,10min or background LA90,10min +5dB, whichever is the greater for any previously consented development(s) operating within their conditions the imissions from the development shall be reduced to ensure compliance.

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

This is based on the Operational Noise Report Kype Muir Extension Wind Farm, Banks Renewables (Harting Rig Wind Farm) Limited Ref 12178-002 June 2018-Technical Appendix 10.1 (Table 5.2)

2 Wind Turbine- Tonal Contribution

Where the tonal noise emitted by the development exceeds the threshold of audibility by between 2dB and 6.5dB or greater, then the acceptable noise specified in the (relevant) condition shall be reduced by the penalty level identified within section 28 of 'The Assessment and rating of Noise from Wind Farms- ETSU-R-97 (See Figure below).

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. Wind Farm- Investigation of Complaints

At the reasonable request of the Planning Authority and following a complaint to it relating to noise imissions arising from the operation of the wind turbine or wind farm, the wind turbine operator shall appoint an independent noise consultant, whose appointment shall require to be approved by the Planning Authority, to measure the level of noise imission from the wind farm at the property to which the complaint related. The measurement and calculation of noise levels shall be undertaken in accordance with ETSU-R-97 having regard to paragraphs 1 to 3 and 5 to 11 inclusive of the schedule on Pages 95 to 97 inclusive, and Supplementary Guidance Notes to the Planning Obligation pages 99 to 109 of ETSU-R-97. The Planning Authority shall inform the wind turbine 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, is found to be in breach of the noise limits the wind turbine operator shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority for prior approval. In the event of amplitude modulation being established, the wind turbine operator shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority. This shall be in keeping with the Institute of Acoustics, IOA Noise Working Group (Wind Turbine Noise) Final Report, A Method for Rating Amplitude Modulation in Wind Turbine Noise, 9 August 2016, Version 1. Thereafter the approved mitigation measures require to be implemented within the timescales agreed.

Reason: to mitigate excessive noise

29. Traffic Management

Development shall not commence until a detailed Traffic Management Plan (TMP) has been approved in writing by the roads authority. The TMP must be produced in consultation with Roads and Transportation Services and Police Scotland and include a program indicating phasing of construction of the project. The TMP must include a travel plan to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and those attending through the course of site inspections and site meetings. The approved TMP must be complied with.

The Company shall notify the Planning Authority in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. Any changes to the TMP must be approved in advance in writing by the Planning Authority, in consultation with Roads and Transportation Services and Police Scotland.

Reason: In the interests of road safety.

30. Site Access

Development shall not commence until the road works upgrade programme required for abnormal loads from the B743 through Lambhill Road to the site entrance, has been completed to the Planning Authority's approval.

Reason: In the interests of road safety.

31. Abnormal Load Route Assessment

Development shall not commence until an Abnormal Load Route Assessment (ALRA) is undertaken and the report and any recommendations, including a programme for the implementation of the recommendations, are submitted to the Planning Authority, for written approval. The approved ALRA must thereafter be implemented.

Any requirements must be implemented prior to the delivery of the abnormal loads.

Reason: In the interests of road safety.

32. Abnormal Load Route Assessment

All wind turbine components must be delivered to site in accordance with the approved TMP and Abnormal Load Route Assessment.

Reason: In the interests of road safety.

33. Bridge Assessment

Development shall not commence until Bridge Assessments, including a programme for any required remedial measures, have been submitted to, and approved in writing by, the Planning Authority for the bridges listed below. Any remedial works must be implemented in accordance with approved programme.

- (a) Cander
- (b) Glassford
- (c) Old Castle
- (d) Browns

These assessments must be carried out in accordance with the Design Manual for Roads and Bridges and must include the full Technical Approval process, the assessment, the assessment check appropriate to the category of structure, assessment certificate, assessment check certificate appropriate to the category of structure and preparation of the assessment report. Preliminary results must be submitted to the Planning Authority for approval before finalising the report.

Reason: In the interests of road safety.

34. Bridge Assessment

If a bridge has been assessed as not capable of carrying proposed loads those loads must not cross the bridge until remedial measures have been approved in writing by the Planning Authority and implemented.

All remedial measures must be carried out in accordance with the Design Manual for Roads and Bridges and the relevant Eurocodes and must include the full Technical Approval process, the design, the design check appropriate to the category of structure, design certificate, the design check certificate appropriate to the category of structure and the procurement of the physical works through to completion on site. The Planning Authority are the Technical Approval Authority.

Reason: In the interests of road safety.

35. Bridge Assessment

All of the bridges on the proposed abnormal delivery route must be monitored for defects during the period that abnormal loads are transported in accordance with the Design Manual for Roads and Bridges, with Principal Inspections being carried out jointly between the Company and the Planning Authority on the occasions detailed below:-

a. Prior to the transportation of the first abnormal load identified in the Abnormal Road Route Assessment

b. At four weekly intervals for the duration of the period of delivery of abnormal loads identified in the Abnormal Load Route Assessment

c. After the transportation of the last abnormal load identified in the Abnormal Load Route Assessment

Following the first inspection a report must be prepared for each bridge and must include a full description of the condition of all the bridge elements before transportation of the first abnormal load. The type and extent of any defects must be clearly marked on drawings and supported by photographs. This report is to form the basis for the defects monitoring regime and must be updated after every inspection.

If, during an inspection, a defect is observed that gives the Planning Authority cause for concern, no further abnormal loads must cross the bridge until the issue has been resolved to the satisfaction of the Planning Authority.

Reason: In the interests of road safety.

36. Bridge Assessment

Any proposals, including calculations for a bridge requiring to be overlaid with a steel plate or similar to ensure that the load exerted on the structure does not exceed that from normal construction and use vehicles must be forwarded to the Planning Authority for approval and the approved proposals must be implemented prior to abnormal loads being transported over the bridge.

Vehicles carrying abnormal loads must cross any such bridge at a maximum speed of 5mph. No braking, gear changing or manual steering of the rear trailer is permitted on the bridge. Only one vehicle carrying an abnormal load is permitted on the bridge at any one time. All reasonable steps must be taken to ensure that no other vehicle is on the bridge at the same time as the abnormal load.

Reason: In the interests of road safety.

37. Habitat Management Plan

At least 3 months prior to commencement of the Development:-

(a) The draft Habitat Management Plan (HMP) must be finalised and submitted to the Planning Authority for approval in consultation with SNH, SEPA and Forestry Commission Scotland. The HMP shall set out proposed habitat management of the site

during the period of construction, operation, decommissioning, restoration and aftercare of the site, and shall provide for the maintenance, monitoring and reporting of bog habitats and qualifying species associated with the Muirkirk and North Lowther Uplands SPA on site. The site HMP should be prepared in accordance with:

- Annex 1 and 3 within the SNH letter dated 10th September 2018.
- (b) A Habitat Management Group (HMG) must be established to oversee the preparation and delivery of the HMP and to review and assess the results from ongoing monitoring and the HMG shall include representatives of South Lanarkshire Council, RSPB, SNH and Forestry Commission Scotland and shall have powers to make reasonable changes to the HMP necessary to deliver its agreed aims.
- (c) Notwithstanding the above:
 - Site clearance activities and where possible, construction must take place outwith the bird breeding season (March – July) inclusive unless otherwise approved in advance in writing by the Planning Authority in consultation with SNH.
 - The HMP is to operate for the full lifespan of the wind farm, including decommissioning.
 - The mitigation identified in the HMP must be fully implemented
 - Surveillance and monitoring results of species and habitat must be carried out in accordance with the approved plan and submitted to the HMG.

The approved habitat management plan must 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 habitat management plan must be updated to reflect ground condition surveys undertaken following construction and prior to the date of Final Commissioning and submitted to the Planning Authority for written approval in consultation with SNH, SEPA and Forestry Commission Scotland. Unless otherwise agreed in advance in writing with the Planning Authority, the approved habitat management plan shall be implemented in full.

Reason: To ensure compliance with all commitments made in the Environmental Impact Assessment Report and in order to retain effective planning control.

38. Access Management Plan

No development shall commence until a detailed Access Management Plan (AMP) has been submitted to, and approved in writing by, the Planning Authority. The AMP shall be produced in consultation with the local authority's Countryside and Greenspace Services and a programme of community consultation shall be undertaken on a draft AMP. Proposals shall incorporate and identify the local authority's Core Path and Wider Network and provide signage where the network identifies links. The approved AMP must be implemented in full within the timescales set out.

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

39. Programme of Archaeological Works

At least 1 month prior to the commencement of Development the Company must have secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation. The written scheme must have been agreed to by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the the programme of archaeological works must be fully implemented and that all recording and recovery of archaeological resources within the development site must be carried out to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

Reason: To minimise adverse impacts on archaeology on site and to ensure development conforms to Environmental Impact Assessment Report.

40. Replanting of Forestry

Development shall not commence until a woodland planting scheme to compensate for the removal of a maximum of 82 hectares of existing woodland ("the Replanting Scheme") has been submitted to, and approved in writing by, the Planning Authority in consultation with Forestry Commission Scotland.

The Replanting Scheme must comply with requirements set out in the UK Forestry Standard (Forestry Commission, 2011. ISBN 978-0-85538-830-0) and the guidelines to which it refers, or such replacement standard as may be in place at the time of submission of the Replanting Scheme for approval. The Replanting Scheme must include:-

- a. Details of the location of the area to be planted
- b. Details of land owners and occupiers of the land to be planted;
- c. The nature, design and specification of the proposed woodland to be planted;
- d. Details of all consents required for delivery of the Replanting Scheme and timescales within which each will be obtained;
- e. The phasing and associated timescales for implementing the Replanting Scheme;
- f. Proposals for the maintenance and establishment of the Replanting Scheme, including annual checks, replacement planting, fencing, ground preparation and drainage; and
- g. Proposals for reporting to the Planning Authority on compliance with timescales for obtaining the necessary consents and thereafter implementation of the Replanting Scheme.

The approved Replanting Scheme (or, as the case may be, an approved amended Replanting Scheme) shall be implemented in full, unless otherwise agreed in writing by the Planning Authority after consultation with Forestry Commission Scotland.

Reason: To secure replanting to mitigate against effects of deforestation arising from the development.

41 Forestry Replanting

Unless otherwise agreed in writing by the Planning Authority, the Development shall not be commissioned to supply electricity on a commercial basis until all relevant consents necessary for implementation of the approved Replanting Scheme referred to in condition 40 in accordance with the phasing and timescales set out therein have been obtained.

In the event that there is no reasonable prospect of the relevant consents necessary for implementation of the approved Replanting Scheme being obtained, then the Company shall submit an amended Replanting Scheme to the Planning Authority for approval in consultation with Forestry Commission Scotland. Unless otherwise agreed in writing by the planning Authority, the Development shall not be commissioned to supply electricity on a commercial basis until all relevant consents necessary for implementation of the approved amended Replanting Scheme in accordance with the phasing and timescales set out therein have been obtained.

Reason: To secure replanting to mitigate against effects of deforestation arising from the development.

42. Forest Plan

There shall be no commencement of any deforestation, as set out in conditions 40 and 41 of this consent, associated with construction of the Development until a Forest Management Plan covering the 33 year consent period has been approved in writing by the Planning Authority in consultation with SNH, Forestry Commission Scotland and RSPB. Unless otherwise agreed with the Planning Authority the approved plan must be implemented.

Reason: To minimise adverse impacts on forestry.

43. Private Water Supplies

Development shall not commence until a method statement has been submitted to and approved in writing by, the Planning Authority. The method statement shall contain details of all mitigation measures to be carried out to secure the quality, quantity and continuity of water supplies to properties which are served by private water supplies at the date of this consent and which may be affected by the Development. The method statement shall include water quality sampling methods and shall specify abstraction points. The approved method statement shall thereafter be implemented in full.

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

44. Waste Management Plan

At least 2 months prior to commencement of the Development a Site Waste Management Plan shall be submitted for the approval of the Planning Authority in consultation with SEPA and thereafter all work must be carried out in accordance with the approved plan. The Site Waste Management Plan shall be prepared and implemented in accordance with SEPA consultation response.

Reason: To minimise environmental impact and in order to retain effective planning control.

45. Peat Slide Risk

Development shall not commence until an updated Peat Slide Risk Assessment (PSRA) has been approved in writing by the Planning Authority in consultation with SNH and SEPA. The PSRA shall:

- a) Be informed by detailed ground investigation to identify areas of deep peat which will follow Best Practice Guidance including quantitative stability assessment;
- b) Set out depth of peat at each turbine location and across the site;
- c) Set out mitigation measures if higher risk areas are identified following the detailed ground investigation and quantitative stability assessment. Turbine locations should be adjusted towards area of shallowest peat (preferably areas less than 2m of peat);
- d) Set out method statement;
- e) Describe how important areas of peat will be protected during construction

And thereafter the mitigation measures shall be undertaken in accordance with the terms of the approved assessment.

The assessment should be carried out in accordance with the Scottish Government's 2007 Peat Landslide Hazard and Risk Assessments: Best Practice Guide for Proposed Electricity Generation Developments.

Reason: To minimise adverse impacts on peat and ensure development conforms to Environmental Impact Assessment Report.

46. Peat Management Plan

Development shall not commence until a Peat Management Plan has been submitted to and approved by the Planning Authority in consultation with SEPA. All work must be carried out in accordance with the approved plan. The Peat Management Plan shall be in accordance with SEPA's consultation response.

Reason: To minimise adverse impacts on peat and ensure development conforms to Environmental Impact Assessment Report.

47. Construction

During the construction period:-

- a. No work shall be undertaken within a 20m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing by the Planning Authority;
 - b. Crack layout shall minimise disruption to water courses;
 - c. Existing drainage routes shall be maintained through the sensitive placement of soil heaps and where necessary temporary drains;
 - d. Silt traps shall be provided on all existing drainage routes affected by site works;
 - e. A suitable design for the watercourse crossings shall be put forward and agreed in writing by the planning authority in consultation with SEPA;
 - f. Any disturbance of watercourses shall be minimised utilising cofferdam temporary works;
 - g. Cable trenches shall only be constructed in limited sections to reduce drainage of groundwater and prevent additional drainage routes being created;
 - h. Cable trenches shall be plugged to prevent the creation of new drainage paths;
 - i. The scheduling of works shall minimise disruption and working within wet weather;
 - j. Temporary works interception drains shall be constructed to prevent potential contamination of runoff and groundwater;
 - k. Stockpiling of materials of materials on wet ground and near drainage channels shall not take place, unless agreed in writing by the planning authority;
 - l. Backfilled trenches shall be re-vegetated temporary silt traps shall be constructed to treat runoff;
 - m. Sulphate resistant concrete shall be used to prevent leaching of chemical.
- Reason: To minimise environmental impact and in order to retain effective planning control.

48. Redundant Turbines

If, after the Date of Final Commissioning but before the Decommissioning Date, any wind 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;

- (i) By no later than the date of expiration of the 12month period, submit a scheme to the Planning Authority setting how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored; and
- (ii) 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.

49. Snow Clearance

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

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

50. Site Decommissioning, Restoration and Aftercare

The Development will cease to generate electricity on the Decommissioning Date and the Site will thereafter be decommissioned and restored in accordance with this consent. The total period for restoration of the site in accordance with this condition shall not exceed three years from the Decommissioning Date without prior written approval of the Planning Authority in consultation with Scottish Ministers.

Development shall not commence until a decommissioning, restoration and aftercare strategy has been submitted with SNH and SEPA. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and will

include, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

No later than;

- (i) if the Decommissioning Date is the Original Decommissioning Date 3 years prior to Original Decommissioning Date or
- (ii) if the Decommissioning Date is the Early Decommissioning Date, within one month after the Early Decommissioning Date.

A detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy shall be submitted to the Planning Authority for written approval in consultation with SNH and SEPA. The detailed decommissioning, restoration and aftercare plan must provide updated and detailed proposals 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:

- 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 entrance3s 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) 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 settlements lagoons for silt laden water;
- h) 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;
- l) a species protection plan based on surveys for protected species (including birds) carried out no longer than 18 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 otherwise agreed in writing in advance by the Planning Authority in consultation with SNH and SEPA.

The approved plan and works within the Decommissioning Method Statement shall be implemented and overseen by an ECoW.

Reason: To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Impact Assessment Report and maintain effective planning control.

51. Aviation Safety

Development shall not commence until the Company has provided the Ministry of Defence, Defence Geographic Centre and NATS with the following detailed information and has provided evidence to the Planning Authority of having done so:

- a) Estimated date of commencement of each phase of construction (followed by actual date once known);
- b) Estimated date of completion of each phase of construction (followed by actual date once known);
- c) The height above ground level of the tallest structure;
- d) The maximum extension height of any construction equipment
- e) The height and position of the turbines in latitude and longitude
- f) The height and position of the masts in latitude and longitude
- g) Site lighting, if appropriate

Reason: In the interests of public safety.

52. Aviation Lighting

No turbines may be erected until a scheme for aviation lighting has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include details of infra-red aviation lighting to be applied. No lighting other than that described in the scheme may be applied at the site, other than as required for health and safety purposes, unless otherwise agreed in advance and in writing by the Planning Authority.

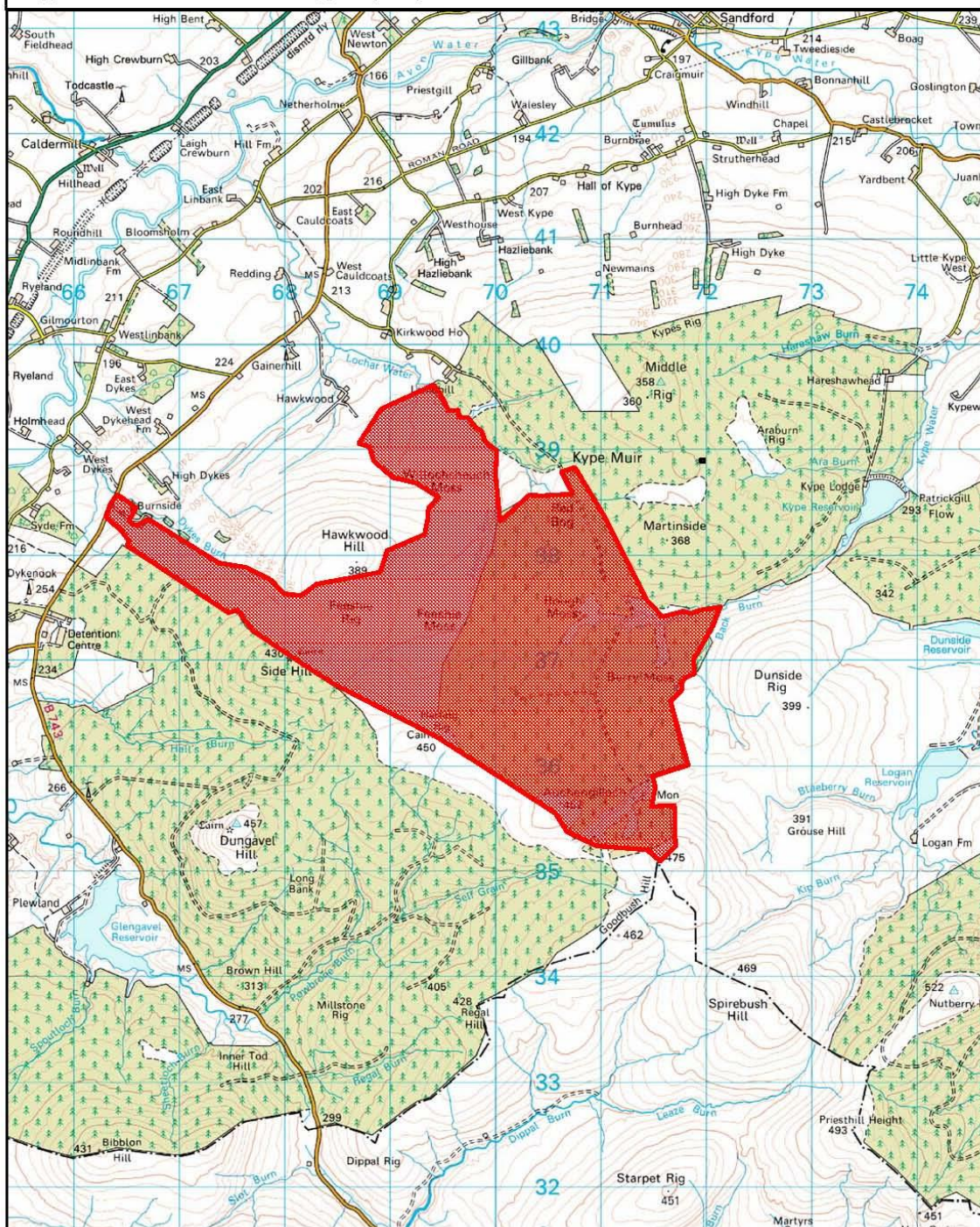
Reason: In the interests of public safety.

53. Deer Management statement

Development shall not commence until a Deer Management Statement has been submitted to and approved in writing by the Planning Authority in consultation with SNH. The deer management statement shall set out proposed long term management of deer using the wind farm site and shall provide for the monitoring of deer numbers on site from the period from Commencement of Development until the date of completion of restoration. The approved deer management statement shall thereafter be implemented in full.

Reason: In the interests of good land management and the management of deer.

Kype Muir Wind Farm Extension, Kype Highway, Strathaven



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COUNCIL**

South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development