

Report

Report to:	Planning Committee
Date of Meeting:	8 June 2021
Report by:	Executive Director (Community and Enterprise Resources)

Application no.	P/21/0282
Planning proposal:	Erection and operation of windfarm consisting of 14 turbines up to a maximum height to blade tip of 180m (Consultation from Scottish Ministers under S36 of the Electricity Act 1989)

1 Summary application information

Application type:	Electricity notification S36 application
Applicant:	EDF Renewables
Location:	Heathland Wind Farm A706 From Forth to Northern Boundary Wilsontown Lanark South Lanarkshire

2 Recommendation(s)

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

- (1) that the Scottish Government be informed that South Lanarkshire Council has no objection to the proposed erection of 14 wind turbines up to a maximum height to blade tip of 180m and associated infrastructure under Section 36 of the Electricity Act 1989; and
- (2) that the Head of Planning and Economic Development be authorised to undertake any discussions in relation to further agreements of conditions and planning obligations if required, with the Scottish Government.

2.2 Other actions/notes

- (1) The Planning Committee has delegated powers to determine this application.
- (2) The Scottish Government is also advised that approval should be subject to the conclusion of a legal agreement(s) covering:-
 - Community Contribution Payments
 - The funding of a Planning Monitoring Officer
 - 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 the Council's reasonably incurred legal expenses in respect of the legal agreement and restoration guarantee quantum.

3 Other information

- ◆ Applicant's Agent: Arcus
- ◆ Council Area/Ward: 02 Clydesdale North
- ◆ Policy Reference(s): **Adopted South Lanarkshire Local Development Plan 2 (2021)**

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

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

Supporting Planning Guidance Renewable Energy

- ◆ **Representation(s):**

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

- ◆ **Consultation(s):**

Carluke Community Council
Tarbrax Community Council
West of Scotland Archaeology Service
Roads Flood Risk Management
Roads Transportation Services Bridges Structures Section
Countryside and Greenspace
Roads Development Management Team
Environmental Services
Community and Enterprise Resources Play Provision Community Contributions

Planning Application Report

1 Application Site

- 1.1 The application site is an approximate 831ha area of commercial forestry (Heathland Forest). The application site lies within the administrative boundaries of both South Lanarkshire Council and West Lothian Council. Approximately two thirds of the site is within South Lanarkshire Council's boundary.
- 1.2 The application site is located approximately 0.8km to the south-west of the settlement of Wilsontown and 1.5km northeast of the village of Forth. The South Lanarkshire portion of the site is located within the Plateau Moorland Landscape Character Type (LCT) and specifically the Plateau Moorland Forestry subtype of this LCT.
- 1.3 The A706 public road runs along the west of the site boundary and it is proposed to take access directly from this road. There are no public roads within the application site. There are also no private access roads within the application site with the nearest property being located some 200m from the southern boundary

2 Proposal(s)

- 2.1 An application has been made to the Scottish Government under Section 36 of the Electricity Act 1989 for the erection of 14 wind turbines (with a maximum height of 180m to blade tip) and associated infrastructure with a 30 year operating lifespan. The proposals represent an amendment to a previous consent issued by the Scottish Government for the erection of 17 turbines at a height of 132m. The current proposals comprise the following components:-
 - Fourteen turbines with eleven at 180m tall (to blade tip) wind turbines and three turbines at 150m tall (to blade tip)
 - Crane hardstanding areas adjacent to each turbine
 - On site access tracks between turbines
 - Substation and compound
 - Electrical infrastructure including temporary (7 years) anemometer mast (up to 90m in height) and transmission cabling
 - Borrow pits (up to two)
 - On site energy / battery storage facility
- 2.2 The installed turbine generation capacity of the proposals would be approximately 80MW in total. Four of the proposed turbines (T7, T8, T9 and T10) are located within the administrative boundary of West Lothian and these all have a proposed height of 180m to blade tip. The remaining ten turbines are wholly located within the administrative boundary of South Lanarkshire Council. Three of these proposed turbines (T1, T2 and T3) are located furthest west within the site boundary and the height proposed for these three turbines is up to 150m to blade tip. The remaining seven turbines within the South Lanarkshire boundary (T4, T5, T6, T11, T12, T13 and T14) have proposed maximum heights of 180m to blade tip.
- 2.3 As the proposals relate to a wind farm with an electrical generating capacity of over 50MW the application is made under Section 36 of the Electricity Act, 1989. Unlike an application for planning permission, the S36 application is made to the Scottish Government who are the Consenting Authority with South Lanarkshire Council being a Statutory Consultee as part of the assessment process.

3 Background

3.1 National Policy

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

3.2 Development Plan Status

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

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

Volume 1

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

Volume 2

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

Supporting Planning Guidance: Renewable Energy

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

3.3 **Planning Background**

3.3.1 The current application site benefits from an extant consent (ECU Ref: EC00003124) under Section 36 of the Electricity Act for a development comprising 17 wind turbines at a height of 132m to tip (hereon referred to as the Original Consent). This Original Consent has not been commenced yet but is extant for a further 2 years (October 2023) to be implemented. The Original Consent could not be constructed if these current proposals are also consented. The Original Consent has a generating capacity of 68MW over a 25 year period.

3.3.2 As with these current proposals, the Original Consent is located within the Administrative Boundary of both South Lanarkshire Council and West Lothian Council. The Planning Committee of 29 November 2016 (SLC Planning Ref: CL/16/0049) agreed to a consultation response to the ECU of no objection subject to conditions.

4 **Consultation(s)**

4.1 **Roads and Transportation Services (Development Management)** – no objection subject to conditions requiring the further approval of a Traffic Management Plan, site security gate, wheelwashing facility and site entrance hardstanding, parking provision, site signage, an Abnormal Load Route Assessment, details of any material leaving the site and a full Safety Audit. The Traffic Management Plan is to be written following

consultation with the Council's Roads and Transportation Services, Police Scotland and the Council's Access Officer and shall also include a Travel Plan. A Section 96 legal agreement is also required as part of any consent.

Response: Noted, any consultation response to the Scottish Government stating no objection would recommend the above conditions to be attached to any consent, if issued. The Section 96 legal agreement would be encapsulated within the heads of terms of the legal agreement that forms part of the recommendation.

- 4.2 **Countryside and Greenspace** – no objection to the proposals but note that there is no mention of measures to ensure that any temporary storage of peat is not done in a way to ensure that it would not dry out or for structure loss. Welcome the proposed Habitat Management Plan (HMP) and expect to review it once completed.

Response: Noted and further approval of peat management and the HMP form conditions within the recommendation made as part of the response to the Scottish Government.

- 4.3 **West of Scotland Archaeology Service (WOSAS)** – agree with the methodology and conclusions set out within the Cultural Heritage Chapter of the Environmental Impact Assessment (EIA) Report

Response: Noted, any consultation response to the Scottish Government stating no objection would be predicated on the basis of conditions requiring the implementation of all mitigation measures as set out within the EIA Report.

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

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

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

Carluke Community Council
Tarbrax Community Council
Roads Flood Risk Team
Roads Transportation Services Bridges Structures Section
Community and Enterprise Resources Community Contributions

5 Representation(s)

- 5.1 Statutory advertisement of the application was undertaken by the applicant in February 2021.
- 5.2 No letters of representation have been received by the Council following this advertisement.

6 Assessment and Conclusions

- 6.1 This application has been submitted to the Scottish Government under Section 36 of the Electricity Act 1989 as it is development comprising a wind farm with a generating capacity of over 50MW. In this instance, South Lanarkshire Council is a Consultee to the application process and is not the Consenting Authority. Under the terms of Section 25 of the Town and Country Planning (Scotland) Act 1997, all applications must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the application is made under the Electricity Act 1989 and not the Planning Act and, therefore, the Development Plan does not have

the primacy it normally would for planning decisions but it is still an important material consideration in this instance and forms the basis for the Council's assessment and consultation response. In addition, the principle of windfarm development in this location has been established by the earlier consent issued by the Scottish Government.

- 6.2 In terms of National Planning Policy and Guidance, NPF3 notes in paragraph 3.8 that the Government seeks to meet at least 30% of overall energy demand from renewables by 2020.
- 6.3 The Scottish Government's Onshore Wind Policy Statement (December 2017) sets out the considered views of Scottish Ministers, following consultation, with regard to onshore wind energy and how renewable technology continues to evolve. Paragraph 25 acknowledges "the way in which wind turbine technology and design is evolving, and fully supports the delivery of large wind turbines in landscapes judged to be capable of accommodating them without significant adverse impacts".
- 6.4 SPP Policy Principles (page 9) states that "This SPP introduces a presumption in favour of sustainable development". At paragraph 28, SPP states that "the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost." The SPP also identifies a number of considerations to be taken into account when determining energy infrastructure developments including net economic benefit, the contribution to renewable energy targets, cumulative impacts, visual impacts, residential amenity, and landscape and visual impacts (paragraph 169).
- 6.5 It is considered appropriate to set out an assessment of the proposal against the current SPP. The preparation of a Spatial Framework requires the approach set out in Table 1 of the SPP to be followed. This categorises areas into their distinct groups. In Group 1 areas (National Parks and National Scenic Areas), wind farms will not be acceptable. Group 2 is used to identify areas of significant protection. This includes areas described as 'community separation for consideration of visual impact' and is relevant to this proposal. SPP indicates that this represents an area not exceeding 2km around settlements. This distance, however, is to be determined by the planning authority based on landform and other features which restrict views out from the settlement. In this instance, there is one settlement within 2km of the site. The settlement of Wilsontown is 1.9km from the nearest turbine, although it is considered that, given the distance is only 0.1km off the 2km threshold and Wilsontown is over 2km away from the other 13 turbines that, in this instance, it can be considered appropriate to not limit the application site to this Group 2 category of protection solely. Group 3 identifies 'areas with potential for wind farm development'. These are described as locations in which the acceptability of wind farms is subject to detailed consideration against criteria and SPP sets out 19 considerations to be taken into account when assessing wind farm developments. These include landscape and visual impact, cumulative impact, net economic impact and contribution of the development to renewable energy generation targets. These considerations are fully assessed below at sections 6.6 onwards of this report. Paragraph 170 of SPP states that "Areas identified for wind farms should be suitable for use in perpetuity. Consents may be time-limited but wind farms should nevertheless be sited and designed to ensure impacts are minimised and to protect an acceptable level of amenity for adjacent communities." Taking into account the above and for the reasons set out in sections 6.6 onwards, it is considered the proposed development accords with SPP.

- 6.6 The proposed development requires to be considered against the approved Glasgow and Clyde Valley Strategic Development Plan 2017 (GCVSDP) Onshore Wind Spatial Framework (paragraphs 7.8 and 7.9). The Onshore Wind Spatial Framework is aligned to increasing energy efficiency and reducing carbon emissions; Diagram 6 identifies areas within the city region that are likely to be most appropriate for onshore wind farm development. The methodology used in devising the Onshore Wind Spatial Framework is set out in Part Two of Background Report 10 Low and Zero Carbon Generating Technologies. At section 15.10, the background report acknowledges that wind turbine development is likely to be acceptable subject to detailed consideration against local policy criteria and that potential wind farm development should not be viewed in isolation. It goes on to state that developers and interested parties must refer to any local guidance made available by the local planning authority including local development plans and supplementary guidance, and landscape capacity studies. Policy 10 Onshore Energy of GCVSDP requires proposals to accord with local development plans. With regard to this proposal, it is noted that the South Lanarkshire portion of the site is located within the Areas with Potential for Wind Farm Development identified in Diagram 6 of Clydeplan. The proposed development by its nature contributes to developing low carbon energy. The visual, landscape and cumulative impact of the proposal is assessed below and concludes that there would not be an adverse effect. Consequently, it is considered that the proposal accords with Policy 10 of Clydeplan.
- 6.7 Turning to local planning policy in the adopted South Lanarkshire Local Development Plan 2 (SLLDP2), the overall strategic vision is 'to promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic and social development within a low carbon economy whilst protecting and enhancing the environment.' Policy 1 Spatial Strategy states, inter alia, that supporting renewable energy developments in appropriate locations is one of a number of ways the strategic vision of the Plan will be met. Given the extant consent for windfarm development at this location it is considered that, in principle, a scheme of 14 turbines with a capacity of 80MW accords with this strategic vision subject to a detailed assessment of the proposal in relation to policy specific criteria as carried out below.
- 6.8 Policy 2: Climate Change, seeks to minimise and mitigate against the effects of climate change by a number of criteria. Not all of the criteria are relevant and those that are include (3) utilising renewable energy sources; (6) having no significant adverse impacts on the water and soils environment, air quality, biodiversity (including Natura 2000 sites and protected species), blue / green networks and identify opportunities for enhancement of the natural heritage; and (13) avoid or minimise disturbance of carbon-rich soils. The proposed wind farm proposals would have a generating capacity of some 80MW together with the potential for additional battery storage capacity and, therefore, in line with Government targets on renewable energy generation, it is considered that the proposal complies with Policy 2 subject to a detailed assessment of the proposals in relation to the specific criteria (6 and 13). This is addressed further under the criteria specific policies as below.
- 6.9 Policy 4: Green Belt and Rural Area states that the Green Belt and rural area functions primarily for agricultural, forestry, recreation and other uses appropriate for the countryside. Policy 4 does not specify renewable energy as a specific use in the countryside but supports development that cannot be accommodated within an urban settlement. It is considered that, this scale of renewable energy would be a form of development that could not be accommodated within an urban settlement and is, therefore, an appropriate rural use. Policy 4 further states that the scale of renewable energy will be governed by considerations set out in Policy 18 – Renewable Energy.

It is, therefore, considered that subject to a successful assessment against Policy 18, the proposals are not contrary to the strategic aims of Policy 4.

- 6.10 Policy 18: Renewable Energy states applications for renewable energy infrastructure developments will be supported subject to an assessment against the principles set out in the 2014 SPP, in particular, the considerations set out at paragraph 169 and, additionally, for onshore wind developments of 15 metres or greater in height, the terms of Table 7.2 of SLLDP2. Table 7.2 sets out the Spatial Framework for Wind Energy and applies to all wind energy developments of 15 metres or greater in height. The spatial framework identifies those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. It sets out three groupings in relation to wind energy development. These are as follows:-
- Group 1: Areas where wind farms will not be acceptable
 - Group 2: Areas of significant protection
 - Group 3: Areas with potential for wind farm development
- 6.11 Group 1 areas comprise of National Parks and National Scenic Areas (NSA). There are no National Parks or NSA that will be affected by the proposed development and, therefore, the proposals are not located within a group 1 area.
- 6.12 Group 2 Areas of significant protection; SPP and SG10 recognise the need for significant protection of particular areas which include:-
- National and international designations
 - Other nationally important mapped environmental interests
 - Community separation for consideration of visual impact
- 6.13 Group 2 area interests also apply to other policy criteria in relation to the natural and built environment. In relation to this, a full assessment of all international, national and local designated assets is, therefore, carried out in relation to Policy 14 below and includes assets such as listed buildings and the water environment which are not classed as Group 2 Areas of significant protection in the spatial framework for onshore wind but are, however, detailed policy considerations.
- 6.14 Policy 14: Natural and Historic Environment and its associated SLLDP2 Volume 2 Natural and Historic Environment (NHE) policies provide the context for assessing all development proposals in terms of their effect on the character and amenity of the natural and built environment. It seeks to protect important natural and historic sites and features as listed in Table 6.1 of the SLLDP2 from adverse impacts resulting from development, including cumulative impacts. The policy categorises each of the natural and historic environment designations within three distinct groups and are assessed in turn below.
- 6.15 Category 1 areas are international designations and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) (Natura 2000 sites). Policy 14 states that development will only be permitted where an appropriate assessment of the proposal demonstrates that it will not adversely affect the integrity of the site following the implementation of any mitigation measures. The application site is not located within any SPA or SACs. There are no SPAs within 10km of the application site. Braehead Moss SAC is located 3.1km south of the application site. The qualifying interests of this SAC is for its active raised bogs and not for any habitat provision for protected species. It is, therefore, considered that a separation distance of 3.1km would ensure that the proposals would have no impact upon this bogland.

- 6.16 Policy 14 states that in Category 2 (National Designation) areas, development will be permitted where the objectives of the designation and the overall integrity of the area can be shown not to be compromised following the implementation of any mitigation measures. Any significant adverse effects must be clearly outweighed by social or economic benefits of national importance. The Category 2 national designations are considered in turn below taking account of further policy criteria provided in the NHE Policies within SLLDP2 Volume 2.
- 6.17 National Designations include several historical assets and they are set out below in relation to their own specific policy:-
- Policy NHE 2 Archaeological Sites and Monuments states that developments which have an adverse effect on scheduled monuments, or their settings, shall not be permitted unless there are exceptional circumstances
 - Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and not diminish its interest
 - Policy NHE 4 Gardens and designed landscapes aims to protect the quality and historic integrity of designed landscapes and avoid damage to their special character
 - Policy NHE 5 Historic battlefields requires development to take cognisance of the battlefield and demonstrate how the development will protect, conserve or, where appropriate, enhance the key landscape characteristics and special qualities of the site
- 6.18 There are no listed buildings, Inventory Gardens and Designed Landscapes (GDL) or Historic Battlefields within the application site. There is one Scheduled Monument (Wilsontown Ironworks) which is located on the south western fringe of the application site. The turbines have been designed to be stepped as far away from this Scheduled Monument to minimise any impact they may have on the integrity of this historic asset. It is considered that, whilst there may be a visual impact on the setting of this Scheduled Monument, it would not be to a degree that would significantly impact the integrity of the setting of the Ironworks. West of Scotland Archaeological Services (WoSAS) have not raised any objections in relation to this, or any other historic asset as part of their consultation response. It is, therefore, considered that the positioning of the turbines doesn't have an adverse impact on the scheduled monument. There are thirty three other Scheduled Monuments within 10km of the proposed development but only five are located within 5km of the proposed development and as with Wilsontown Ironworks, it is considered that the proposals would not have a significantly detrimental impact upon their integrity. There are no A Listed buildings or Garden and Designed Landscapes within 5km of the application site. It is considered that the proposals are located within a commercial forest that separates and, therefore, differentiates them from the setting of any of these historic assets. It is, therefore, considered that the proposals accord with the relevant policy criteria in policies NHE 2 - 5 in this instance. It should be noted that, Historic Environment Scotland are also a consultee to this application and have provided a response of no objection to the Scottish Government in relation to the proposals impact in relation to national, historic assets.
- 6.19 The remaining, relevant national designations within Policy 14 Category 2 are Sites of Special Scientific Interest (SSSI), priority peatland and the Water Environment.

- 6.20 Policy NHE 8 states that development which affects a Site of Special Scientific Interest (SSSI) / National Nature Reserve will only be permitted where an appraisal has demonstrated a) the objectives of designation and the overall integrity of the area will not be compromised or b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.
- 6.21 Braehead Moss SSSI is located 3.1km to the south of the application site. As well as being an SSSI, it is also a SAC and, as noted in 6.15 above, it is considered that the proposals would not have any impact on the qualifying interest of this site that is designated for its active bog rather than for any protected species.
- 6.22 Cobbinshaw Moss SSSI is located 3.3km east of the application site and similar to Braehead Moss is designated due to its blanket bog and, therefore, it is considered to also be at an adequate distance from the application site. Skolie Burn SSSI in West Lothian is 2.4km north east of the application site and is designated for its grassland. It is not considered likely that the proposals would impact upon the SSSI but given it is fully in West Lothian Council's administrative boundary, any detailed assessment would not be required by South Lanarkshire Council.
- 6.23 Cobbinshaw Reservoir SSSI is located 2km east of the application site and is designated for its open water transition fen that is popular with wildfowl. It is considered that, given the type of bird species found at this site and the separation distance of 2km with intervening woodland there is no likely notable environmental connection between this SSSI and the application site. It is also noted that the RSPB has responded with a response of no objection to the proposals. Nature Scot will also be providing a response with further detailed advice on ornithological and ecological matters. The Original Consent was also not considered to have any impact or environmental connection to this SSSI.
- 6.24 Policy NHE11 Peatland and Carbon Rich Soils seeks to protect peatland from adverse impacts resulting from development. Peat probing surveys have been carried out across the site with the majority of the site (79%) recording peat depths of under a metre. The turbine layout has been designed that all turbines are located on areas where peat is under a metre. The only turbine that could not be located on shallow peat was T3. It is considered that, given only one turbine would be located within peat over a depth of a metre there is not a significant impact upon the peatland. A Peatland Management Plan is proposed, if approval is granted and this forms one of the recommended conditions as part of the consultation response. It should be noted that, both SEPA and Nature Scot are separate consultees to this Section 36 application and as part of their responses to the Scottish Government, peat management would be addressed.
- 6.25 Policy NHE12 Water Environment and Biodiversity states development proposals should protect and where possible, enhance the water environment. This Policy should also be read in tandem with Policy 16 Water Environment and Flooding and Volume 2 Policy SDCC2 Flood Risk. These Policies state that any development proposal which will have a significant adverse impact on the water environment will not be permitted. The water environment is made up of groundwater, surface water and watercourses. The EIA Report contains a chapter on hydrology and hydrogeology that concludes that the proposals will have a minimal impact upon the water environment. Mitigation measures are proposed to further minimise the development's impact and this includes following a Water and Construction Environmental Management Plan (WCEMP) to ensure no oils or other potential pollutants during the construction phase are spilled and enter watercourses. Other mitigation includes surface draining for the areas of

hardstanding to direct surface water into the surrounding water table. The application area is not identified as being at the risk of flooding. It is considered that the proposals will have a limited impact upon the water environment and that the mitigation measures proposed are suitable. It should also be noted that, separately, SEPA will be providing further detailed advice on the water environment to the Scottish Government in their consultation response.

- 6.26 In terms of category 3 areas, Policy 14 sets out natural and historic assets at a local level and these are taken in turn below.
- 6.27 In relation to Non-Scheduled archaeological sites, Category B and C Listed Buildings and Conservation Areas, the relevant policy criteria is as follows:-
- Policy NHE 2 in relation to non-scheduled archaeological sites and monuments requires these assets to be preserved in situ wherever feasible. The Council will weigh the significance of any impacts on archaeological resources and their settings against other merits of the development proposals in the determination of planning applications.
 - Policy NHE 3 Listed buildings requires that development affecting a listed building or its setting must seek to prevent unnecessary loss or damage to its historic structure and ensure that proposals will not diminish its interest.
 - Policy NHE 6 Conservation Areas requires proposals to be considered in light of their effect on the character and appearance of the conservation area.
- 6.28 As noted in 6.18, it is considered that the proposals would not have any impact on A listed buildings. In relation to B and C category listed buildings, again there are none within the application site. There are seven B listed buildings and one C listed building within 5km of the proposed development. The nearest ones, Cleugh House (C Listed) and the Dovecot at Cleugh House (B Listed), are 1.4km and 1.3km respectively south of the application site. This distance from the proposed application site is considered adequate in ensuring that the setting of these, or any of the other more distant historic assets, are not adversely affected by the proposals. The Carnwath Conservation Area is approximately 9.5km from the site and it is, again, considered that this distance from the proposed turbines would ensure there is no impact on this conservation area.
- 6.29 In relation to non-scheduled archaeological sites, a desk-based assessment has been carried out which identifies 29 non-designated heritage assets within the boundary of the application site. The majority of these relate to past agricultural activity or mining within the area and that they would be of low archaeological interest. Two, however, do relate to prehistoric flint finds and, therefore, there is potential for the area to produce archaeological material relating to this period of pre-history but that it is moderately low given the sites use for commercial forestry and, therefore, there is no proposed archaeological mitigation for the site with the exception of ensuring that one of the on-site heritage features, a former mine shaft, which is located near the proposed location of T2 will be protected from development when constructing this turbine. WoSAS are content with this mitigation and had no further comments or recommendations to make.
- 6.30 Policy 14 includes Special Landscape Areas within its category 3 (Local designations). Volume 2 Policy NHE16 Landscape requires development to maintain and enhance SLAs and the wider landscape. The Pentlands Hills and Black Mount SLA is the nearest designated landscape to the application site and lies within 10km east of the site boundary. This SLA is designated for its wild, undeveloped character and its panoramic views over central Scotland as well as the setting the (Pentland Hills) hills provide in views from elsewhere, the dramatic topography in contrast with the lower-

lying surroundings and their opportunities for recreation. It is considered that the proposals are adequately separated from this SLA so as not to affect these designated characteristics. Whilst the proposed development would be visible from this SLA, it would be read in the context of other development, including wind farms and urban settlements. The proposed turbines would not be of a scale that they would impinge on the apparent wildness of this SLA and again there would be an adequate separation to ensure they would not be visually linked to the SLA. A Landscape and Visual Impact Assessment (LVIA) was carried out for the proposals and formed part of the EIA Report. The SLA has been recognised in the LVIA and taken into consideration when assessing the sensitivity of the landscape character and visual amenity. The LVIA considers that the proposals whilst being visible from the SLA would not encroach upon the character of the SLA. It is, therefore, considered that the integrity of the SLA's character is not compromised by the wind farm development and the special nature of the valley is maintained. Further landscape and visual impact assessment is carried out in further detail below.

- 6.31 The remaining relevant category 3 interests are core paths and Rights of Way. Policy NHE18 Walking, Cycling and Riding Routes requires the safeguarding of existing and proposed routes within the Council's Core Paths Plan. The EIA Report states that developing a public access strategy for the site to allow recreational access through the site is one of the environmental commitments of the scheme. The proposals do not affect any core paths or right of ways during operation and any walking routes will be diverted during the construction period for health and safety. It is, therefore, considered that the proposals are acceptable in relation to public access. A condition requiring approval of an Access Management Plan forms part of the recommended response to the Scottish Government.
- 6.32 Whilst not specifically included in categories 1, 2 or 3, protected species are a natural asset within the Policy 14 criteria. Policy NHE9 further supports Policy 14 by stating that new development must demonstrate that it would not have an adverse impact upon protected species. Policy NHE20 expands on this theme by expecting new development to not have an adverse impact upon the biodiversity of an area and should consider opportunities to contribute positively to biodiversity conservation and enhancement.
- 6.33 Protected species surveys have been carried out as part of the EIA Report which state that the development would not have a significant impact upon protected species and habitats. The majority of the habitat is commercial forestry and is, therefore, considered to be of low conservation value. The EIA Report does recommend a Habitat Management Plan be implemented as part of the proposals. It is considered that, whilst the habitat within the application site is relatively poor in ecological terms, there are always potential habitat enhancement measures that can be implemented as part of the scheme and it is expected that these would form part of any subsequent Habitat Management Plan.
- 6.34 It is therefore considered that, following the above consideration in relation to designations, that the proposals meet the relevant policy criteria in this instance. As noted at 6.10 above, Policy 18 Renewable Energy sets out a spatial framework for Wind Energy. In this instance, in view of the assessment from 6.12 onwards in relation to national and international designations it is considered that, whilst located in proximity to some of these designations, they are not considered to have a detrimental impact upon them. Overall, therefore, it is concluded the aims of Policy 14 are met.

- 6.35 The final qualifying criteria of being located within a Group 2 categorisation (Areas of Significant Protection) is applicable only if proposals are located within 2km of any city, town or village. Whilst the settlement of Wilsontown is within 2km of the application boundary this relates to the red line boundary for the whole site. In reality, Wilsontown is only located within 2km of one of the proposed turbines and at a distance of 1.9km from it. Given that thirteen of the fourteen turbines are outwith 2km of Wilsontown with one only being 0.1km off this threshold it is, therefore, considered that the application site is generally located within a Group 3 (Areas with potential for wind farm development) categorisation that the spatial framework states wind farms are likely to be acceptable subject to detailed consideration against identified policy criteria.
- 6.36 Policy 18 is an overarching renewable policy and, therefore, defers the detailed, development management consideration to the Assessment Checklist for Renewable Energy Proposals contained within SLLDP2 Volume 2. Volume 2 Policy RE1 Renewable Energy outlines the considerations, criteria and guidance that must be taken into account for all renewable energy proposals. These are the Assessment Checklist contained with Appendix 1 of SLLDP 2, Volume 2, the Supporting Planning Guidance on Renewable Energy, the South Lanarkshire Landscape capacity for wind energy 2016 (as amended by the Tall Wind Turbines Guidance 2019) and other relevant SLLDP2 Policies. All the RE1 above referenced criteria and guidance have been included in the following Assessment Checklist and are referenced where appropriate. As previously noted, the Council is only a consultee in the assessment of this application and, therefore, only the relevant criteria is assessed. Other criteria that relate to the remit of other consultees such as the Civil Aviation Authority, Ministry of Defence etc, therefore, do not form part of this assessment as they will be providing their own responses to the Scottish Government.
- 6.37 The relevant SLLDP2 Volume 2 Appendix criteria are taken in turn as follows:-
- 6.38 Impact on international and national designations.
National and international designations have been previously assessed at paragraphs 6.12 to 6.34 and it is considered that there are no adverse effects on national and international designations.
- 6.39 Impact on carbon rich soils, deep peat and priority peatland habitat (CPP).
This has previously been assessed in paragraph 6.24.
- 6.40 Community separation for consideration of visual impact.
As noted in 6.35 there is one turbine within 1.9km of a community. The visual impact of the turbines is assessed as part of the landscape and visual impact assessment in paragraphs 6.45 to 6.54 below.
- 6.41 Economic benefits.
This includes local and community socio-economic benefits such as employment, associated business and supply chain opportunities. Section 16 of the EIA Report presents an assessment of the socio-economic impact of the proposed development. It concludes that the proposed development has the opportunity to deliver a range of positive economic impacts through construction and operation. Reference is also made to the making of community benefit payments based on electricity generated if the wind farm becomes operational.
- 6.42 The scale of contribution to renewable energy generation targets and effects on greenhouse gas emissions.
It is considered that, the generating capacity of the proposed wind farm (80MW) with potential additional battery storage represents a significant renewable energy project

which would contribute to Scotland's renewable energy targets. It is noted that, the current proposals would have an increase in generating capacity of 12MW more than the Original Consent.

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

This consideration has been carried out at 6.32 to 6.33 above. It is considered that, subject to the mitigation described in the EIA and the implementation of a Habitat Management Plan, the proposed development accords with the consideration set out in Table 7.1 criteria 7 a) of the Checklist and SPP regarding effects on the natural heritage, including birds. Nature Scot will also be providing detailed advice on protected species and ornithology as part of their consultation response.

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

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

6.45 Landscape and visual impacts

It is considered that landscape designations, character and capacity are key considerations in considering the impact of wind farm and wind turbine proposals. The Council's landscape technical studies provide a comprehensive baseline for the assessment of wind farm and wind turbine proposals in South Lanarkshire. First, the impact on landscape designation and character, and the capacity of the landscape to accommodate the proposed development is assessed below. Landscape impact is in essence an assessment of whether a landscape and its character is susceptible to development or not. Secondly, the visual impact is assessed followed by the impact on visual residential amenity. Visual impact is therefore, in essence, a development's impact in relation to how it impacts upon receptors. SPP makes reference to wild land which is a consideration when assessing landscape impacts. There are no areas of designated wild land within South Lanarkshire. A Landscape and Visual Impact Assessment was carried out and submitted within Chapter 6 of the EIA Report. The landscape and visual assessment also takes into account cumulative impacts in terms of other neighbouring wind farm developments.

6.46 The application site is located within the Plateau Moorland Landscape Character Type (LCT) and specifically the Plateau Moorland Forestry subtype of this LCT, as defined in the South Lanarkshire Landscape Character Assessment 2010 (LCA). The key characteristics of the Plateau Moorland LCT are its large scale, undulating upland landscape. The Plateau Moorland Forestry subtype's key characteristic in relation to its distinction from Plateau Moorland is that it is a landscape influenced by the presence of forestry. South Lanarkshire's Landscape Capacity for Wind Turbines 2016 provides guidance on the individual and cumulative landscape impact of wind farm and wind turbine developments in the moorlands.

6.47 The Plateau Moorland and its subtype's are landscapes characterised by large areas with a wide horizontal scale with uniform land cover and few obvious scale indicators except for wind farms. As the area is close to settlements with existing lighting from roads, traffic and houses there is a limited feeling of wildness. This limited feeling of wildness, therefore, allows the area to be suitable for wind farm development as it is not a blank landscape. The wideness of the landscape allows it to be able to accommodate large scale wind farm developments without it being overpowering.

- 6.48 The application site is located within an area that is identified as having high capacity for wind turbines at a scale of 150m to 250m within the Tall Turbine Addendum, 2019 to the South Lanarkshire Landscape Capacity Study (hereon referred to as the Addendum).
- 6.49 This Addendum seeks to inform developers of areas within South Lanarkshire where turbines over 150 metres may be appropriate. It identifies areas into 4 categories of capacity, High, Medium, Low and None. It should be noted that, the majority of South Lanarkshire is identified as None in relation to capacity. The capacity study is a high level, strategic document and whilst trying to inform developers of the more suitable locations, each site's context and the nature of the proposals have to be fully taken into account when making assessments. The Addendum also contains further, more LCT specific advice to again help inform developers in relation to siting tall turbines. The Addendum provides guidance for siting turbines of 150 to 200 metres in the Plateau Moorland LCT (and its forestry subtype). It states that, due to the LCT's large area and wide horizontal landscape it is capable of absorbing large scale wind development. The Addendum notes that all the areas in the LCT suitable for large scale wind farm development already host substantial wind energy developments and new proposals could, therefore, be read as extensions to existing wind farms on the central plateau. It is considered that, in this instance, the Original Consent would have been one of the existing wind farm developments considered as existing in the Addendum as it had been consented at the time of the Addendum's analysis. Therefore, the Original Consent site is effectively a gap site in relation to assessing whether an amended scheme could in effect replace this wind farm. It is considered that the site is therefore one where large-scale wind turbines could sit comfortably without appearing to be a continuous extension of any other wind farm development as well as being in a landscape that has the capacity for heights of 150 and 180 metres.
- 6.50 It is also considered that the turbines would rise out of the existing forestry which would initially soften their appearance on the landscape at a low level. Whilst the current forestry is not permanent as it will mature and be felled, it is unlikely that the land would be used for anything other than forestry and, therefore, another cycle of trees would be planted which would again start to provide this softening effect over the long term.
- 6.51 Due to height the turbines would require aviation lighting. An assessment of the lighting was included as part of the LVIA and a lighting scheme is proposed within Chapter 14 Aviation and Telecommunications of the EIA Report. It is considered that proposals are not introducing night time lighting into an area designated as being a 'dark sky' landscape and the nearby urban settlements and roads already introduce lighting into the wider area as do neighbouring wind farms. Therefore, it is considered that the proposed lighting would not be detrimental to the surrounding area and its requirement for aviation safety would balance any minimal, additional visual impact the lighting may have on the area.
- 6.52 In terms of other cumulative visual impacts, it is considered that the design of the proposals and the scale of the turbines would minimise them looking out of place in relation to the other turbine proposals in the area but with adequate separation from them to ensure they are not read in tandem with neighbouring wind farms to ensure there is not a large visible barrier of wind development within the landscape.
- 6.53 As part of the LVIA carried out within the EIA Report, a Residential Visual Amenity Study (RVAS) was included. The RVAS identified 61 individual properties within 2km of the proposed turbines. Of the 61 properties, 45 properties were assessed as experiencing low or lower magnitude of change from the proposals which in essence results in these properties experiencing no potential for "living conditions" to be

affected and therefore these properties have been removed from any further RVAS. The remaining 16 properties have been assessed as having medium or higher magnitude of change from the proposals. Each property has been individually assessed in relation to the significance of this potential magnitude of change and it is considered that all 16 properties, whilst experiencing a magnitude of change from the proposed turbines it would not be of a significance that would impact on “living conditions”. The nearest property to the turbines is 1.1km away and this separation distance is considered adequate in ensuring that whilst there may be a change in views, the properties outlooks are not adversely affected and dominated by the turbines. The turbines would also be located within an area with existing wind farm development and would, therefore, not involve the introduction of this form of development on the visual landscape. The spacing of the turbines also ensures that they do not form a visual barrier. It is, therefore, considered that the distance between communities is acceptable in this instance and that, whilst the turbines would have a visual impact, it is one that is not of a significance to be considered detrimental to the visual amenity of the area.

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

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

- 6.55 The impact on communities and individual dwellings in respect to shadow flicker and noise require to be assessed. A full noise assessment has been submitted as part of the EIA Report (Chapter 13). The assessment demonstrates that acceptable noise emission limits can be met. Environmental Services raise no issues with the assessment and recommend that an appropriate condition can be attached which require the noise limits to be validated, if consent is granted to ensure the required levels are met. In addition, Environmental Services recommend as part of this condition a requirement of a procedure in the event of there being a noise complaint from the proposed development that requires addressing. Shadow flicker is assessed in Chapter 18 of the EIA Report. The shadow flicker analysis within this Chapter of the EIA report modelled potential shadow flicker based on 10 rotor diameters from each of the proposed turbines. Four receptors were located within the 10 rotor diameter study zone. The results of the flicker analysis showed there was only potential for one of these receptors to encounter shadow flicker. This receptor was assessed as likely to experience a worst case scenario of shadow flicker of 40 hours per year but as the sun does not shine all year round this is predicted as likely being an average of 14 hours a year. Environmental Services have not raised any concerns in relation to the shadow flicker assessment. It is, therefore, considered that there are no receptors affected to a detrimental degree by potential shadow flicker from the proposals.

6.56 Impact on Public Access.

This consideration has been assessed in 6.31 above.

6.57 Impacts on the historic environment.

This consideration has been assessed in 6.18 and 6.28 to 6.29 above.

6.58 Impacts on tourism and recreation.

The EIA Report assesses the likely effects of the proposals on tourism and recreation in Chapter 16. The assessment in the EIA Report concludes the proposed development would not generate any significant adverse effect on any of the tourist and recreational assets. There are a number of walking routes within the area, however, it is considered that due to the existing wind farms in the area that there is already a high expectancy for walkers or cyclists visiting the area to see a wind farm. Therefore, the proposals are not considered to be significant in this respect. Overall, the effects are considered not to be significant on tourism and recreation.

6.59 Impact on road traffic and on trunk roads.

The EIA Report in Chapter 12 provides an analysis of the proposals with respect to the potential impact it may have on the road network. The proposed route for turbine delivery from the King George V Dock in Glasgow is via the M8, then the A899 at Junction 3 Livingston, then the A71, A704, A706 and then direct into the site access. Roads and Transportation Services have no objections to the proposals subject to conditions as outlined within 4.1 above. These conditions form part of the recommended response to the Scottish Government.

6.60 Impacts on hydrology, water environment and flood risk

These considerations have been assessed in 6.25 above.

6.61 Decommissioning and restoration.

This consideration requires a plan for decommissioning and restoration of the proposed development to be robust, and any consent granted will require a decommissioning and restoration condition attached. The EIA Report sets out a brief summary of the decommissioning proposals which includes all components being removed from site and the top 1m of each turbine base would be removed and back filled with soil or peat. The tracks would remain in situ for use for forestry or recreation. It is, therefore, considered as part of any response to the Scottish Government that, if consent is granted, conditions shall be attached requiring that a decommissioning and restoration plan and to secure a decommissioning bond that satisfies the Council's requirements.

6.62 Energy storage.

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

6.63 Site decommissioning and restoration bond.

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

6.64 Forestry and woodland removal.

The majority of the site is a commercial forest that, therefore, has only a certain lifespan until being felled. To accommodate the turbines and their bases approximately 49.90ha of productive forestry will be removed of forestry and will require to be felled however, 49.90ha of offsite compensatory planting is proposed as part of the scheme. It is considered that the commercial nature of the forestry proposals are acceptable in this instance. It is also noted that Scottish Forestry will also be consulted by the Scottish Government as part of the proposals.

6.65 Impact on Prime Agricultural Land.

There is no Prime Agricultural Land within the application site.

6.66 Borrow pits.

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

6.67 Environmental Protection

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

6.68 Mitigation

Assessment Checklist Criteria 27 requires the developer to demonstrate that appropriate mitigation measures will be applied. As referenced throughout the report, the application was submitted with a robust EIA Report containing appropriate mitigation measures and environmental commitments (Chapter 19). The response to the Scottish Government will recommend the implementation of all the mitigation measures as outlined within Chapter 19 of the EIA.

6.69 Legal agreement

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

6.70 Environmental Impact Assessment (EIA)

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

6.71 It is, therefore, considered that the proposals meet the relevant Assessment Checklist Criteria and the relevant Policies of SLLDP2 where appropriate.

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

Conclusion

- 6.73 The proposals are for the erection of 11 wind turbines at a height of 180 metres to tip and 3 turbines at a height of 150 metres to tip height and associated infrastructure including battery storage with an electricity generating capacity of over 50MW and, therefore, the application has been made to the Scottish Government under Section 36 of the Electricity Act 1989. South Lanarkshire Council is a statutory consultee as part of a Section 36 application with 10 of the 14 turbines located within the Council's Administrative Boundary.
- 6.74 The application site has an extant consent for 17 turbines at 132m to tip height which would be replaced by the current proposals if consent is granted. The proposed turbines are considered suitable in terms of scale and siting in a landscape of this scale. The design and layout of the turbines and the separation distance and scale of the landscape minimise the visual impact the proposals may have on surrounding settlements and individual receptors. The proposed mitigation measures are considered appropriate subject to being conditioned to any permission. No objections have been received from the Council's consultees.
- 6.75 In view of the above, it is considered that the proposals accord with national, strategic and local planning policy on renewable energy development. It is, therefore, recommended that the Council in its consultation response does not object to the application subject to the conditions listed in the paper apart and the conclusion of a legal agreement to address the matters described on the front page of the report.

7 Reasons for Decision

- 7.1 The proposed seven, 180 metres to tip height and three, 150 metre turbines and associated infrastructure located within the Administrative Boundary of South Lanarkshire are considered acceptable; are not considered to have any significant, adverse impact within the surrounding area; and accord with National Policy and the relevant provisions of the Development Plan and allow a consultation response of no objection being made to the Scottish Government subject to the imposition of the attached, recommended environmental and transportation conditions.

Michael McGlynn

Executive Director (Community and Enterprise Resources)

Date: 18 May 2021

Previous References

- ◆ CL/16/0049

List of Background Papers

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

► Consultations

West of Scotland Archaeology Service	29.04.2021
Countryside and Greenspace	15.04.2021
Roads Development Management Team	08.03.2021
Environmental Services	23.04.2021

Contact for further information

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

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

Phone: 01698 455903

Email: james.wright@southlanarkshire.gov.uk

Conditions and reasons

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

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

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

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

03. No development shall commence unless and until a scheme for the working and restoration of each borrow pit has been submitted to, and approved in writing by, the Planning Authority. The scheme shall include:
- (a) a detailed working method statement based on site survey information and ground investigations;
 - (b) details of the handling of any overburden (including peat, soil and rock);
 - (c) drainage measures, including measures to prevent surrounding areas of peatland, water dependant sensitive habitats and Ground Water Dependent Terrestrial Ecosystems (GWDTE) from drying out;
 - (d) a programme of implementation of the works described in the scheme; and
 - (e) details of the reinstatement, restoration and aftercare of the borrow pit(s) to be at the end of the construction period, including topographic surveys of pre-construction profiles and details of topographical surveys to be undertaken of the restored borrow pit profiles.

The approved scheme shall be implemented in full.

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

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

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

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

-Blasting techniques and instantaneous charge levels shall be employed such that the predicted peak particle velocity shall not exceed 6 mm/s in any plane in 95% of all blasts in any one month period, and no individual blast shall exceed a peak particle velocity of 12 mm/s as would be measured on the ground adjacent to any vibration-sensitive building;

-Under normal atmospheric conditions, the peak linear overpressure level shall not exceed 120dB as measured from any neighbouring noise sensitive premises;

-Within the constraints of safe practice, blasting shall be avoided under weather conditions which are likely to direct or focus the blast air overpressure towards neighbouring noise sensitive properties; and

-Blasting shall thereafter be carried out in accordance with the approved method statement, unless otherwise agreed in writing with the Planning Authority.

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

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

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

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

05. At least one month prior to the commencement of the development, a guarantee to cover all site restoration and aftercare liabilities imposed on the expiry of this consent will be submitted for the written approval of the planning authority. Such guarantee must:-

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

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

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

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

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

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

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

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

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

08. No development work shall commence until a Construction Environmental Management Plan (CEMP) including Peat Management Plan and Ground Water and Surface Water Monitoring Plan has been submitted to and approved by the Planning Authority in consultation with SEPA and Nature Scot. The CEMP shall be submitted a

minimum of 2 months prior to works commencing on site and shall incorporate "good practice" methods from the Scottish UK wind farm industry to ensure that environmental impacts are reduced and incorporate all the mitigation measures identified in the EIA Report and Appendices dated November 2020. Thereafter, all the measures described in the approved CEMP shall be implemented within the timescales set out. The method statement shall include the following:-

- a) A plan of the construction operations at an appropriate scale;
- b) A plan to an appropriate scale showing the location of any contractor's site compound and laydown areas required temporarily in connection with the construction of the development.
- c) Method of defining track route and location (track corridors should be pegged out 500 - 1000m in advance of operations);
- d) Track design approach
- e) Maps of tracks indicating double and single tracks and position of passing places.
- f) The full extent of anticipated track 'footprint(s)' including extent of supporting 'geogrid' below roadstone and cabling at the edges of the track
- g) Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less. Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads.
- h) Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution is identified, informed with reference to advice from ECoW.
- i) Details of peat/soil stripping, storage and re-use. All soils stored on site shall be in accordance with BS3882 and SNH and SEPA guidance.
- j) A management plan for minimising the emission of dust from the construction and operation of the development.
- k) Specifying the means by which material to be used for the development is brought on site unless it has certification from a suitably UKAS accredited laboratory to confirm that the material is not contaminated.
- l) Compliance with the Council's Sustainable Drainage Systems (SuDs) design criteria guidance and inclusive sign off by the relevant parties carrying out the elements of work associated with the design criteria appendices 1 to 4.
- m) A coloured plan showing the sustainable drainage apparatus serving the application site together with the contact name and emergency telephone number of the party responsible for its future maintenance. Details of the future maintenance regime in accordance with the latest Construction Design and Management (CDM) Regulations is to be provided on this drawing.
- n) Peat Management Plan (PMP) - a PMP shall be submitted to and approved by the Planning Authority in consultation with SEPA and Nature Scot and thereafter all work will be carried out in accordance with the plan within the required timescales.
- o) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
- p) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.
- q) Watercourse crossings should be kept to a minimum to ensure they do not adversely impact on natural flow pathways. These crossings shall be appropriately sized and overland flow routes shall be provided in the event of culvert blockage.

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

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

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

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

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

In relation to when borrow pits are operational as approved by condition 3, then the noise levels shall be restricted to 55dB LA eq (1hr) or background LA90 (1hr) + 10dBA, whichever is the lesser and any general construction noise, which is ongoing simultaneously with the Borrow Pit operation, shall be considered as Borrow Pit noise.

Reason: In the interests of local amenity.

10. No work shall start on site until a Traffic Management Plan (TMP) has been submitted for the written approval of the Council, as Planning and Roads Authority. The plans shall be produced in consultation with Roads & Transportation Services, Police Scotland and the Council's Access Officer. Proposals shall include signage at conflicts with the Council's Core Path and Wider Network and arrangements for maintenance of such signage. The plans shall also include but not be limited to:-
- a. The routing of all traffic associated with each phase of the Development (construction, operational and decommissioning) on the local road network. This shall provide the date when the access is no longer required other than for occasional intermittent use by light vans and cars.
 - b. Measures to ensure that the specified routes are adhered to, including monitoring procedures;
 - c. Details of all signage and lining arrangements to be put in place;
 - d. Provisions for emergency vehicle access;
 - e. Wheel washing facilities, site security gate, access hardstanding and bellmouth;
 - f. Site staff car parking;
 - e. Identification of a nominated person to whom any road safety issues can be referred;
 - f. access routes for any turbine erection crane; and
 - g. Details of monitoring and recording the vehicle movements and tonnage to and from site require to be submitted to the Planning Authority monthly or on request.
 - h. Travel Plan

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

Reason: In the interests of road safety.

11. That prior to commencement of works on site the applicant shall submit, for the written approval of the Council as Planning Authority, an Abnormal Load Route Assessment. For the avoidance of doubt this should include proposals for a trial run of abnormal load deliveries. Details of all works and modifications to the Council's local road network associated with this Abnormal Local Route Assessment shall also be submitted for the written approval of the Council as Planning Authority. Following approval of the Abnormal Load Route Assessment and details of any required, associated works, these shall be implemented as approved and maintained as such until all abnormal loads have delivered to the site.

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

12. That no development shall commence until a full Safety Audit, in accordance with the Institute of Highways and Transportation Guidelines, for all infrastructure to be constructed and adopted, or altered, on the public road, is approved by the Planning Authority in consultation with the Roads Authority.

Reason: In the interest of road safety

13. The developer will notify the Council in writing should they propose to remove any excess material from site. Any such notification shall include details of proposed traffic routes and phasing of such operations for the written approval of the Council.

Reason: In the interests of road safety.

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

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

15. No development shall commence unless and until a Habitat Management Plan (HMP) has been submitted to, and approved in writing by the Planning Authority. The HMP shall set out proposed habitat management of the site during the period of construction, operation, decommissioning, restoration and aftercare, and shall provide for the maintenance, monitoring and reporting of habitat improvements and creation of new habitats to aid biodiversity on site.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No later than five years prior to decommissioning of the Development or the expiry of the section 36 consent (whichever is the earlier) a detailed decommissioning, restoration and aftercare plan, based upon the principles of the approved decommissioning, restoration and aftercare strategy (condition 19), shall be submitted for the written approval of the Planning Authority. The detailed decommissioning, restoration and aftercare plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development,

the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall include (but is not limited to):

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

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

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

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

1.0 Operational Noise from Wind Farm ETSU-R-97

In keeping with the data submitted within Chapter 13 of the Environmental Impact Assessment Report, January 2021, the following noise limits shall be adhered to-

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

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

Should the permitted ETSU-R-97 conditions above be apportioned within the format of the IOA Good Practice Guide Example Condition- the proposed noise limits as detailed within Table 13.15: Proposed Noise Limits for Deemed Planning Permission Condition of the Environmental Impact Assessment, Heathland Wind Farm Environmental Impact Assessment, Chapter 13, Noise, January 2021 the following shall be required.

On selection of the turbine to be deployed details of the proposed mitigation strategy shall be submitted to the Planning Authority with respect to-

- ◆ Mountainblaw Farm the application of any reduced noise operational modes at wind speeds <8 ms⁻¹ 270-30 degrees.
- ◆ Longford Farm cottage the application of any reduced noise operational modes at wind speeds < 12 ms⁻¹, 90 - 240 degrees
- ◆ Woodmuir Cottage the application of any reduced noise operational modes at wind speeds < 12 ms⁻¹, 90 - 240 degrees
- ◆ Woodmuir Farm the application of any reduced noise operational modes at wind speeds < 12 ms⁻¹, 90 - 240 degrees.

This shall take cognisance of 115-117 of the Environmental Impact Assessment, Heathland Wind Farm Environmental Impact Assessment, Chapter 13, Noise, January 2021

2.0 Tonal Contribution

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

3.0 Investigation of Complaints

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

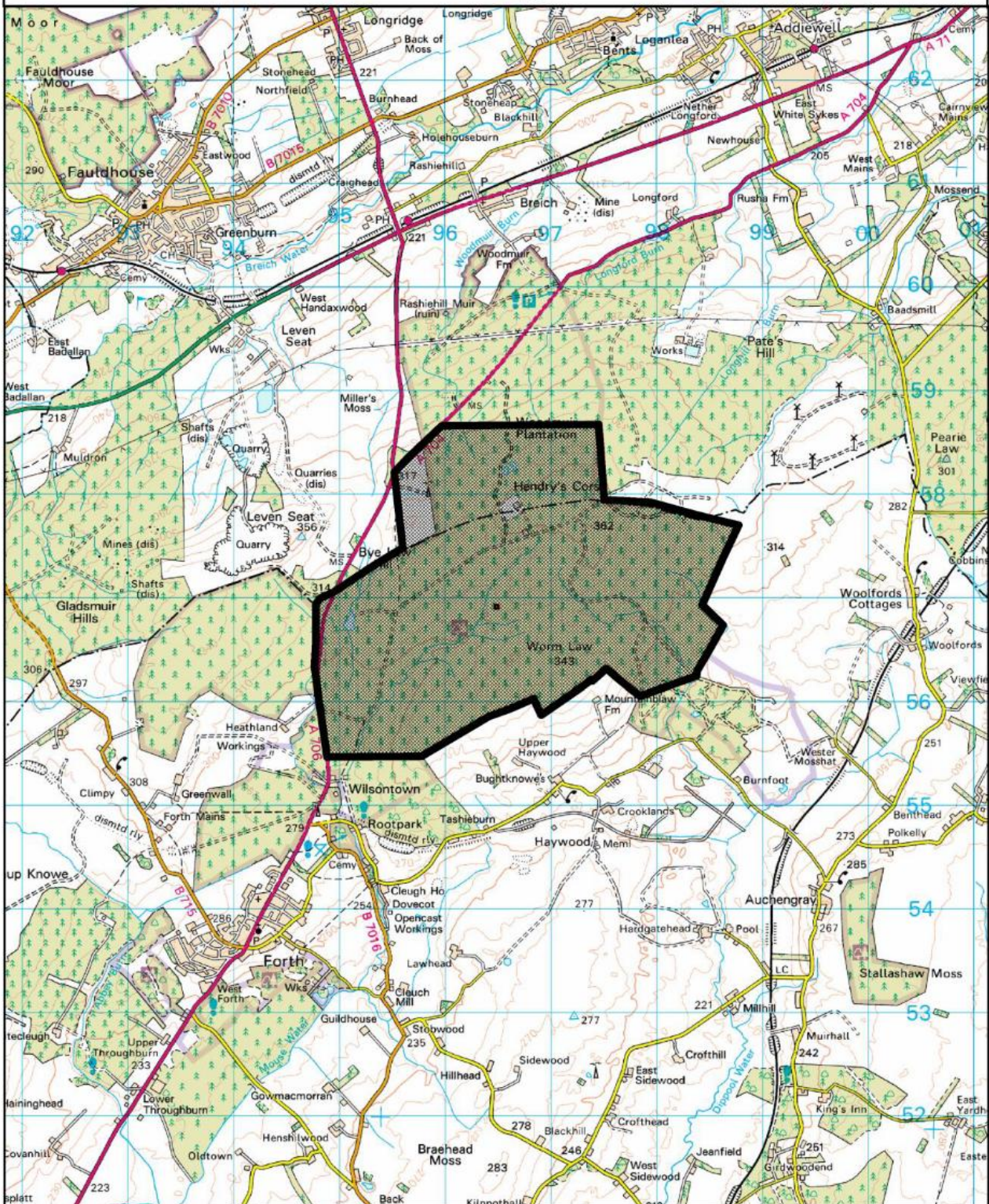
Where an assessment of any noise impact is, in the opinion of the Planning Authority acting reasonably, found to be in breach of the noise limits the developer shall carry out mitigation measures to remediate the breach so caused. Details of any such mitigation measures required are to be submitted to the Planning Authority for prior approval. Within 21 days of a written request by the Local Planning Authority, following a complaint to it from a resident alleging noise disturbance at the dwelling at which they reside and where Excess Amplitude Modulation is considered by the Local

Planning Authority to be present in the noise immissions at the complainant's property, the wind farm operator shall submit a scheme, for the approval of the local planning authority, providing for the further investigation and, as necessary, control of Excess AM. The scheme shall be based on best available techniques and shall be implemented as approved.

Reason: In the interests of residential amenity

P/21/0282

Heathland Wind Farm, A706 from Forth to Northern Boundary, Wilsontown



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Scale:
1:50,000
Date:
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South Lanarkshire Council
Community and Enterprise Resources
Planning and Economic Development