

## **KYPE MUIR WIND FARM EXTENSION**

**Wind Farm Proposal  
Section 36C Variation Application**

## **PLANNING STATEMENT**

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# 1. PLANNING STATEMENT

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## SUMMARY

The EIA and subsequent EIAR for the proposed Development conclude that the proposed Development provides an opportunity to maximise the efficiency, viability and socio-economic benefits arising from the proposed Development, and by giving careful attention to design and mitigation the applicant has achieved this with minimal additional environmental impact.

In relation to National Policy which was relevant at the time of the 2016 Consent (principally the 2014 SPP) it has been concluded that the proposed Development continues to enjoy support from these policies and that they weigh in favour of the proposed Development.

In addition to those national policies considered previously it has also been necessary to consider the proposed Development in relation to more recent national policies namely the Scottish Energy Strategy and Onshore Wind Energy Policy Statement. These two documents not only provide an up to date economic and policy context, within which this application has been progressed, but quite clearly set out support for the approach that the applicant has adopted in progressing this application and the type of project including the use of taller and more efficient turbines which they are now proposing. More specifically these documents support the deployment of taller turbines in areas and landscapes with the capacity to accommodate them. Both the EIAR and this Planning Statement have shown this to be the case for the proposed Development. In this regard the proposed Development is considered to have an even stronger level of support than before from relevant National Policy. Accordingly these new policies provide even more weight to a positive response.

Considering the conclusions of the EIA against the most recent version of the development plan, the 2017 Clydeplan provides strategic level support for developments which make better use of existing assets and which will help to transition the area towards a low carbon economy. The Clydeplan also supports wind farms where potentially significant effects can be overcome through mitigation.

The 2015 LDP was available when the 2016 consent was granted. By generating additional benefits to the 2016 consent, the proposed Development, enhances the contribution of the site to the sustainable economic growth of the local area, to the South Lanarkshire area's contribution to addressing climate change and to the transition of the local area towards a low carbon economy. The proposed Development therefore increases the potential of the site to contribute to the Vision of the LDP as well as its socio-economic policies and is considered to be entirely consistent with these elements of the LDP. Having robustly considered the potential impacts of the changes in the proposed Development through an EIA process it has been concluded the proposed Development will not give rise to any unacceptable significant effects and so does not materially alter the findings of the previous application against the environmental requirements of the local development plan. In particular the redesign has carefully considered both the landscape and visual effects of proposed Development and concluded that individually and cumulatively does not give rise to any unacceptable

additional significant effects. It is therefore concluded that the proposed Development continues to be supported by the development plan.

In considering other existing and emerging supplementary policies and guidance at the local level the proposed Development has been considered against the 2016 Supplementary Guidance 10 Renewable Energy and the 2017 draft guidance on Tall Turbines. Although neither specifically take account of the wider context provided by the more recent Scottish Energy Strategy, and Onshore Wind Energy Policy Statement nor the 2017 Clydeplan, the draft Tall Turbine guidance does recognise that the direction of travel for wind turbine developments is towards the type of project envisaged by the proposed Development. The combined guidance not only continues to recognise the strategic potential of the Kype Muir area for wind farm development but also acknowledges its potential suitability for large turbines. Additionally and importantly in planning terms the 2016 guidance promotes a balanced approach to the consideration of more detailed matters. Drawing these points together it is the Applicants view that having satisfactorily addressed the requirements of these guidance documents, individually and cumulatively in both the redesign and assessment of the proposed Development, that the proposed Development not only enjoys the support of these documents but that there is nothing in either of these documents which would justify a decision which is any different to that envisaged under national energy or planning policy or the policies of the development plan.

Considering the above it is the Applicants view that the Section 36C application for the proposed Development should be approved and with it the requisite deemed planning consent.

## 2. INTRODUCTION

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- 2.1 In May 2014 consent was granted for Kype Muir Wind Farm, a development by Banks Renewables, located on adjacent land to the east of the proposed Development. Kype Muir Wind Farm is currently consented for 26 turbines with a maximum blade tip height of 132 m and a maximum installed capacity of up to 104MW. Kype Muir Wind Farm is currently under construction.
- 2.2 In September 2016 consent was granted for Kype Muir Extension Wind Farm, a development by Banks Renewables (Hartling Rig Wind Farm), located on Harting Rig to east of Kype Muir Wind farm (the '2016 Consent'). Consent was granted for 15 turbines, eight turbines with a maximum blade height of 152 m and seven turbines with a maximum blade tip height 132 m. It is this consent which the Applicant is seeking to vary via this application.
- 2.3 The application is being made under Section 36C of the Electricity Act 1989 to vary the 2016 Electricity Act consent, and the associated section 57 direction.

### THE APPLICANT

- 2.4 This Planning Statement accompanies an application which has been submitted by Banks Renewables, part of the Banks Group. Since its foundation in 1976, the Banks Group has undergone carefully planned growth and diversification into new business areas. The group now operates in three business areas:
- Renewable Energy;
  - Mineral Extraction; and
  - Property Development.
- 2.5 The Group's renewable energy division operates from offices in Hamilton and Durham, and draws upon the company's 40-plus years of experience successfully developing significant projects.
- 2.6 The renewable energy division is exploring opportunities for generating green electricity throughout Scotland, as well as, the rest of the UK.
- 2.7 The Banks Group's success in delivering major projects has largely been attributed to its 'Development with Care' approach, which is central to the aims and objectives of the business. Commitment to the local community is demonstrated by the way in which Banks strives for total satisfaction in all of its dealings. The Group publishes and adheres to best practice policies and encourages community participation in projects. The Group is continually improving its performance and competitiveness, using exciting new ideas. The company has a commitment to 'Development with Care' in all of its work. This is demonstrated through the community work that Banks Renewables has undertaken, and is proposing to continue, in relation to the proposed Development.

### CONSULTANTS

- 2.8 The preparation of the EIAR and this Planning Statement has been coordinated by Natural Power Consultants Limited (Natural Power) on behalf of the Applicant. Other specialist contractors have also been appointed to undertake the surveys and assessments required to fulfil the requirements of the EIA regulations. These are detailed in the EIAR.

### **3. OVERVIEW OF THE PROPOSED DEVELOPMENT**

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- 3.1 The original Kype Muir Extension was consented by ECU in September 2016. As set out in Section 2 of this statement, the Applicant is seeking to vary the 2016 Consent and associated deemed planning consent via this application. The proposed Development is the product of an iterative design process which has considered environmental issues at each stage. Full details of the final design are set out in Chapter 2 (The Proposed Development) of the EIA Report, and further details of the design process undertaken are set out in Chapter 3 (Design Iteration) of the EIA Report.
- 3.2 The proposed Development comprises the following key elements:
- An increase to all 15 turbines rotor diameters to between 110 metres and 140 metres;
  - 4 turbines increase to up to 156 metres to blade tip;
  - 3 turbines increase to up to 176 metres to blade tip;
  - 4 turbines increase to up to 200 metres to blade tip;
  - 4 turbines increase to up to 220 metres to blade tip;
  - An increase in size of turbine foundation;
  - An increase in size of the crane pads;
  - Amended forestry felling plan;
  - Update to the HMP;
  - Increase the operational life to 30 years; and
  - An increase in the time period for commencement of development from five to seven years.
- 3.3 Whilst there will be other minor changes to ancillary infrastructure required to accommodate the proposed changes, listed above all other infrastructure remains largely as per the 2016 Consented Scheme.
- 3.4 Banks Renewables are seeking to increase the height of the turbines to maximise the wind farms efficiency. Since submission of the original Application in 2014 there has been considerable change in the onshore wind market. It is now vital that onshore wind farms maximise their efficiency. Therefore larger, more productive turbines that maximise energy yields need to be considered.
- 3.5 Implementing the proposed variation will therefore:
- Increase the overall capacity of the proposed Development;
  - Generate more renewable electricity from the same site;
  - Increase the efficiency of the proposed development;
  - Make a greater contribution to meeting Scottish Government targets for renewable energy generation and climate change;
  - Increase the value of the project and its subsequent contribution to the economy of South Lanarkshire and Scotland; and

- Increase the benefits available to the local community, including funding for the Connect2Renewables jobs and training initiative.
- 3.6 Through their Connect2Renewables Charter the Applicant is committed to maximising the benefits of the proposed development within South Lanarkshire. Further details of the benefits associated with the proposed development, including case studies from Kype Muir Wind Farm, can be found in chapter 2 of the EIA Report.
- 3.7 Changes in predicted significant environmental effects, from the baseline of those predicted in the Original ES, as a result of each of the above elements have been assessed in detail as part of the EIA and are summarised above.
- 3.8 An indicative construction timetable is contained within Chapter 2 of the EIAR (The Proposed Development). Should consent be granted, the proposed Development would generate electricity for 30 years, and would then be decommissioned, or a fresh application made to extend its life.
- 3.9 In order to ensure that the same or similar satisfactory outcomes could be achieved in relation to the construction and operation of the proposed Development that were considered acceptable under the 2016 Consent it is proposed that a similar suite of conditions are attached to a consent for the proposed Development (Technical Appendix 13.1).

## 4. ENVIRONMENTAL IMPACT ASSESSMENT REPORT

- 4.1 The application outlined above has been subject to an Environmental Impact Assessment carried out in accordance with The Electricity Works (Environmental Impact Assessment) (Scotland) Amendment Regulations 2017, referred to hereafter as the EIA Regulations. The findings of the EIA have been reported in an Environmental impact Assessment Report (EIAR) setting out a description of the likely significant effects of the proposed Development on the environment.
- 4.2 Potential significant environmental effects considered likely to arise from the changes between the 2016 Consented Scheme and the proposed Development have been studied as part of an iterative design and development process.
- 4.3 The structure of the EIAR is set out below and referenced throughout this Planning Statement.

<b>VOLUME 1 - STATEMENTS AND PLANS</b>	
<b>SUMMARY</b>	Non-technical summary
<b>PLANNING STATEMENT</b>	
<b>ENVIRONMENTAL IMPACT ASSESSMENT REPORT</b>	
	Preface
	Contents
	List of Abbreviations and Glossary
<b>Background information</b>	
1	Introduction and Approach to Assessment
2	The Proposed Development
3	Design Iteration
<b>Biological and Physical Environment</b>	
4	Landscape and Visual Impact
5	Ornithology
6	Ecology and Nature Conservation
7	Ground Conditions and Hydrology
8	Cultural Heritage and Archaeology
9	Forestry
<b>Population and Human Health</b>	
10	Noise
11	Traffic and Transportation
12	Aviation
<b>Summary of Assessment</b>	
13	Synergistic Effects, Schedule of Mitigation, Residual Effects and Conclusions
<b>Planning Drawings</b>	

<b>Environmental Drawings</b>
<b>VOLUME 2 - LANDSCAPE AND VISUAL GRAPHICS AND VISUALISATIONS</b>

### **Key findings of the EIAR**

- 4.4 The proposed Development remains broadly similar in terms of its physical make up to that of the 2016 Consented Scheme. The main difference being the increased height, larger foundations and crane pads, additional felling and longer operational life.
- 4.5 Through careful design and imbedded mitigation the Applicant has proposed a project which is not dissimilar in its overall impact to the 2016 Consented Scheme but which has the potential to deliver a much larger amount of power and to do so more efficiently.
- 4.6 As Chapter 2 of the EIAR highlights, by making more efficient use of the site, the proposed Development brings with it a variety of additional benefits over and above those already noted in the 2016 consent. These include<sup>1</sup>:
- Increasing the operational benefits by 5 years (20%) from 25 years to 30 years;
  - Increasing the operating capacity of (and likewise electricity generated by) each turbine by approximately 12%;
  - Increasing the expected savings carbon dioxide emissions over its 30 year lifetime to 2,918,434 tonnes;
  - Securing habitat management and enhancement measures over the longer operational period;
  - Increasing the installed capacity;
  - Increasing the Community Benefits package both in line with the installed capacity (additional £1.8m based on the guaranteed minimum) and over the longer operational period;
  - Increasing the contribution of the project to securing energy from sustainable and indigenous sources;
  - Increasing the level of spend on the project to £151million;
  - Increasing the contribution to business rates by £8.1 million;
  - Adding value to the contracting opportunities through the previously established Connect2Renewables Charter; and
  - Increasing the contribution on a per MW basis to the existing Jobs and Training Initiative
- 4.7 Despite the increase in the size of turbines, the carefully considered and iterative design process which has been informed by the outcome of the 2016 Consent and having taken on board the specific requirements of more recent national and local policy and guidance have resulted in a project which continues to respond to the design parameters of this site. As a result of this process the Landscape and Visual effects

<sup>1</sup> Based upon a 4.2MW candidate turbine.

of the proposed Development were considered in Chapter 4 of the EIA to be not to give rise to unacceptable significant effects.

- 4.8 Modelled mortalities on ornithological interests from collision with turbine blades were considered to be insignificant in terms of potential long-term impacts on local bird populations, reiterating the conclusions presented in the 2014 ES. All other effects for construction, operation and decommissioning were assessed in 2014 as being negligible and therefore not significant, across all species, and remain valid for the proposed Development in isolation and in its contribution to regional cumulative effects. Information is also presented to allow the competent authority to conduct an assessment of potential effects of the proposed Development on the integrity of the Muirkirk and North Lowther Uplands SPA. This information should demonstrate that the Development will not have an adverse effect on the integrity of the SPA.
- 4.9 The Ecology Chapter finds that the implementation of mitigation will reduce the significance of potential effects and, consequently, there may be no significant negative residual effects. The proposed Development could also have a positive effect on blanket bog habitats, as a result of the implementation of the HMP. It is proposed that the HMP requirements are again addressed through a planning condition details of which are contained in Technical Appendix 13.1.
- 4.10 Impacts on Ground Conditions and Hydrology over and above those predicted for the 2016 Layout were limited to the additional level of peat disturbance arising from the larger crane pads. By utilising similar mitigation and good practice to the 2016 Consented Scheme the residual effects on hydrology and ground conditions are not expected to be significant. It is noted that this outcome is already deliverable through the 2016 Consent and as such the reapplication of relevant conditions on the 2016 Consent could be used to secure a similarly satisfactory outcome. Draft conditions are attached in Technical Appendix 13.1.
- 4.11 For Cultural Heritage, the mitigation set out in the original ES, and secured through conditions in the 2016 consent are considered to still be valid for the proposed Development. Accordingly no significant residual effects have been predicted.
- 4.12 On Forestry, the proposed Development would result in an increased level of timber being harvested than under the 2016 Consented Scheme, but that the net residual effect on forestry is minimal.
- 4.13 Predicted operational noise levels indicate that for dwellings neighbouring the development, wind turbine noise will not be significant.
- 4.14 With the implementation of mitigation measures similar to the 2016 consent, residual impacts of the proposed Development on Traffic and Transportation would be temporary and not significant.
- 4.15 Aviation effects have been assessed and concluded that the proposed amendments to the height of the turbines will not alter the effects on aviation interests when compared to the 2016 consent. The agreed mitigation remains valid although it is noted that as all turbines are now above 150 m high they will all require lighting to comply with Civil Aviation Authority requirements.
- 4.16 The potential synergistic effects of related residual effects during construction and decommissioning of the proposed Development would be temporary and not significant. Potential synergistic effects during the operational phase relate primarily to overlaps between physical and human receptors and are limited to areas which are

within or close to the proposed Development Area where there may be a combination of potential visual and noise effects, these are considered to be not significant. In overall terms it is concluded within the EIA that the potential impacts of the proposed Development are not significantly different from those previously predicted and accepted under the 2016 Consent. Furthermore it has been identified that similar environmental outcomes to those predicted under the 2016 consent could be achieved and secured through the general reapplication of the previous planning conditions, as set out in Technical Appendix 13.1. The remainder of this statement considers the consenting requirements of the proposed development within this context.

## 5. LEGAL AND POLICY FRAMEWORK

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- 5.1 The original Application was considered in relation to Scottish Energy Policy and Targets, National Planning Policy and the development plan.
- 5.2 The evaluation against Scottish Energy Policy included:
- Scottish Renewable Energy Targets;
  - Renewables Action Plan and 2020 Routemap for Renewable Energy in Scotland;
  - A Low Carbon Economic Strategy for Scotland (2010); and
  - Scottish Government Economic Strategy 2011.
- 5.3 The evaluation against these policies concluded that *'there is a high degree of consistency between the Development and national policies that secure domestic energy supplies, attract significant amounts of inward investment and facilitate the transition to a low carbon future. The support which the Development draws from the national policy framework is significant and it weighs in favour of approval.'*
- 5.4 On the basis that the current proposal provides a more efficient means of delivering sustainable energy than the 2016 consented scheme, it is concluded for the purpose of this assessment that the supportive position in relation to these documents remains and may even be enhanced by the proposed Development.
- 5.5 On National Planning Policy the following were also considered:
- National Planning Framework 3 (2014);
  - Scottish Planning Policy (2014);
  - Scottish Government Online Renewables Advice: Onshore Wind Turbines; and
  - Planning Advice Notes.
- 5.6 The evaluation in the previous planning statement concluded that;
- The ES prepared to accompany this application comprehensively and robustly considers all potential environmental effects set out in paragraph 169 of the SPP and on balance, it is found that there are few significant effects. As such, the Development accords with the subject-specific guidance contained within SPP and can take support from it. Accordingly, the support which the Development draws from policy at the national level weighs in favour of approval.*
- 5.7 On the basis of the findings of the EIAR being broadly aligned with those of the original ES and the acceptability of the 2016 Consent, especially in relation to landscape and visual effects, it has been concluded for the purpose of this assessment that the support from planning policy at the national level still weighs in favour of approval. The implications of this in terms of local policy are considered in section 6 of this statement.

### **Recent National Policy**

- 5.8 Since the previous application was determined the Scottish Government has produced two key policy documents which require consideration in the context of this application. These are:

- Scottish Energy Strategy 2017; and
- Onshore Wind Energy Policy Statement 2017.

5.9 Both documents have been produced in response to changing circumstances at a UK level which have emerged since the previous application was approved. Namely the removal of support funding mechanisms for large scale onshore wind projects in the UK.

### **Scottish Energy Strategy 2017**

5.10 The Scottish Energy Strategy was published in 2017 and outlines a vision for the future of energy production in Scotland for 2050. The vision is centred on achieving a strong, low carbon economy in which renewable energy is recognised to play an important part.

5.11 The Scottish Energy Strategy states new targets to produce 50 % of Scotland's energy demand for heat, transport and electricity as well as to increase the productivity of energy use across the Scottish economy by 30 %.

5.12 An important driver of this strategy is the recognition of the requirements of the renewable energy industry to improve efficiency for example by utilising larger turbines with larger rotor diameters to operate in the market following the removal of government support for onshore wind projects through Renewable Obligation Certificates (ROC) and subsequently Contracts for Difference (CFD). Enabling projects such as the proposed Development is essential in order to meet the ambitious, but achievable, targets set out in the Scottish Energy Strategy.

5.13 The strategy recognises that Scotland's energy system is changing and there has been a sharp rise in harnessing the country's renewable resources as a means of energy production. It is also recognised that renewables are a key driver in Scotland's economy.

5.14 The proposed Development has been redesigned to operate in these emerging market conditions and as such can contribute positively towards reaching the targets set out in the Scottish Energy Strategy and towards the estimated 17 GW of installed renewable capacity required by 2030 in order to reach these targets.

### **Scottish Onshore Wind Energy Policy Statement (December 2017)**

5.15 The final version of the Scottish Onshore Wind Energy Policy Statement (OWPS) was published in December 2017 following consultation on the earlier draft version in January 2017. The final version sets out the Scottish Governments considered views of this sector following the earlier consultation. These views are set out under 7 policy headings namely.

- Route to Market;
- Repowering;
- A Strategic Approach to Development;
- Barriers to Deployment;
- Protection for Residents and the Environment;
- Community Benefits; and

- Shared Ownership.

5.16 Under the heading of route to Market, the OWPS highlights that at the time of writing there were 79 projects awaiting construction (2511 MW) of which the 2016 Consent is one. The OWPS recognises in paragraph 9 that developers face an uncertain route to market but set out in 10. That:

*'Helping to secure this route to market for onshore wind, at all scales, remains a priority for the Scottish Government – building on the successful development of the sector and technology over the past two decades, and capitalising on the learning and reductions in cost that these developments have brought about.'*

5.17 On the specific subject of bigger turbines paragraph 25 of the policy statement states;

*'The Scottish Government 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. Our planning policy already supports the development of appropriately sited wind turbines – we anticipate that this will enable a range of turbine sizes in the future. Individual decisions on wind turbines and wind farms will continue to be considered on a case by case basis.'*

5.18 The proposed Development is a direct response to this situation and considers the Scottish Governments support for enabling such developments as a key driver in the iterative redesign and submission of this variation application.

5.19 Although not repowering in the normal sense the redesign and submission of this variation application draws on the same principles of maximising value and making better and more efficient use of existing sites to help deliver Scottish Government social environmental and wider economic objectives. The repowering section of the OWPS also recognises the potential to extend the life of projects from the previous 25 year period, recognises the added potential for community benefit and shared ownership and for integrated land management. The added benefits of the proposed Development over and above those already secured through the 2016 consent are therefore considered to be in line with the OWPS position on repowering.

5.20 In terms of adopting a Strategic Approach to Development the OWPS highlights the benefits in terms of efficiencies which can be achieved by sharing infrastructure as well as the potential to focus projects in areas where there is sufficient landscape capacity. The OWPS also promotes opportunities for integrated land management which might stem from this approach. By maximising the extension of the Kype Muir Wind Farm and securing the integrated approach envisaged by Scottish Government the proposed Development is considered to be consistent with the Strategic objectives of the OWPS.

5.21 By securing additional benefits and the long term viability of the proposed Development within the geographic confines of the 2016 Consented Scheme, the proposed Development is not considered to give rise to or be significantly affected by any additional strategic barriers to development as listed in the OWPS.

5.22 Similarly having gone through a carefully considered iterative design process and having been subject to a robust Environmental Impact Assessment, the proposed Development is not envisaged to give rise to any unacceptable significant effects on residents or the environment.

- 5.23 The Applicant has already committed to both Community Ownership and Community Benefit packages in line with Government Guidance on these topics and notes that the value of each will increase in line with the increased capacity of the project. In line with the Scottish Energy Strategy findings above, the Applicant also considers the current support from the Onshore Wind Policy Statement to be a key driver for this variation application.
- 5.24 The proposed Development takes a strong lead from this Policy Statement in terms of making use of a site which is strategically suitable for wind energy development, maximising the efficiency of the proposed Development, making an already acceptable project viable and in doing so helping the Scottish Government and South Lanarkshire Council to achieve its objectives for climate change and sustainable economic growth. It is the Applicants view that having taking on board the strong, clear messages from the Policy Statement and the Energy Strategy that these not only weigh heavily in favour of the proposed Development but that these should be given considerable weight in the determination of this application.

### **Conclusions under National Policy**

- 5.25 The 2016 Consent confirms the Applicants previously held position that the relevant National Policy at the time of determination provided support for the proposed Development. The EIAR for the proposed Development provides no reason to alter this position which is therefore considered to still be relevant and supportive of the proposed Development.
- 5.26 Since the 2016 Consent was granted the Scottish Government has published two key policy documents, namely the Scottish Energy Strategy and Scottish Onshore Wind Energy Policy Statement. These two documents both set out a clear framework for the continuing development of onshore wind in Scotland, and both specifically recognise the need for improved efficiency in onshore wind projects through the application of larger and more powerful wind turbines to meet the Scottish Governments wider objectives of addressing climate change and sustainable economic growth. In doing so these also provide a new driver which planning and other policies will need to reflect both at a national and local level. Having responded to these same drivers, the proposed Development is considered to be particularly well aligned with these recent Government policies. It is the Applicant's view that these policies and the proposed Development's alignment with them should be afforded a substantial level of weight in the determination of this Application.

## 6. DEVELOPMENT PLAN CONTEXT & POLICY ASSESSMENT

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### Development Plan

- 6.1 Scottish Ministers are required to assess all wind energy developments which qualify for determination under Section 36 of the Electricity Act 1989. Lord Malcolm's ruling in relation to the Dorenell Judicial Review established that in determining consent, Section 25 of the TCPA does not take precedence, and therefore the development plan does not take primacy.
- 6.2 Despite this, the development plan is clearly a key material consideration and as such the relevant policies are set out within this section of the Planning Statement in order that the Development can be assessed robustly against it.
- 6.3 The development plan for South Lanarkshire when the original Application was consented was:
- The Glasgow and the Clyde Valley Strategic Development Plan (GCVSDP) (2012); and
  - The South Lanarkshire Local Plan (SLLP) (2009).
- 6.4 Other supplementary and emerging policies and guidance at the time included the South Lanarkshire SPG: Renewable Energy (2010), South Lanarkshire Spatial Framework and Landscape Capacity for Windfarms, 2010 as well as the Proposed South Lanarkshire Local Development Plan (SLLDP) and associated Supplementary Guidance (SG). This includes the South Lanarkshire Landscape Capacity Study for Wind Turbines which was published in February 2016.
- 6.5 The original Application concluded in relation to the above that it was consistent with the development plan and that other material considerations weighed significantly in favour of the development. The determination of the original Application through the 2016 Consent confirms that the 2016 Consent was also on balance considered acceptable in this regard as well as policy changes which occurred between the points of submission and determination.
- 6.6 Since the original Application was submitted the South Lanarkshire LDP was adopted in 2015 replacing the 2009 version of the LDP and its associated guidance. The 2012 Glasgow and Clyde Valley Strategic Development Plan has also been replaced by Clydeplan in 2017. This part of the planning statement will therefore consider whether the additional impact of the proposed Development raises any significant issues under the new development plan and associated guidance such that it would give rise to a different decision to the 2016 Consented Scheme.

### Clyde Plan July 2017

- 6.7 Approved by Scottish Ministers in July 2017 the new Clydeplan provides a Strategic Vision for the Glasgow and Clyde Valley area including South Lanarkshire where the proposed Development is located.
- 6.8 The Vision for Clydeplan picks up on the key themes from the 2014 SPP including the need to transition to area towards a low carbon economy, including the need for low

carbon heat and power networks which will contribute to the achievement of low carbon economy and lifestyles.

- 6.9 Under the theme of Project to Place, the Clydeplan provides general support for the approach that the applicant has taken to the proposed Development, recognising the need to make *'Better use of Assets', 'Climate Adaptation' and where 'Investments Work Harder to Achieve More'*.
- 6.10 Section 7 of the plan provides specific advice on the City Region as a Low Carbon Place, and in diagram 6 provides the Spatial Framework required by the SPP. Within the areas which are identified as having potential for wind farm development, the plan states that developments *'will only be acceptable if they can demonstrate that any significant effects on the qualities of the area can be substantially overcome by siting, design or other mitigation.'*
- 6.11 It is the Applicant's view that having been redesigned to increase the efficiency of the proposed Development and its ability to generate more of the low carbon power the Clydeplan area requires to transition its economy and the lifestyle of its residents, the proposed Development is supported by the Vision and overall direction of the Clydeplan. More specifically having demonstrated through mitigation that significant effects on the qualities of the area have been substantially overcome, the proposed Development is acceptable and therefore supported by the 2017 Clydeplan.

#### **South Lanarkshire LDP 2015**

- 6.12 The 2015 South Lanarkshire LDP was adopted after the submission of the 2016 consent but prior to its determination. The current consent is therefore considered to be acceptable and in line with the relevant requirements of the LDP.
- 6.13 Further consideration of the chronology surrounding the LPD shows that although adopted after the 2014 SPP and therefore reflective of this Scottish Government Planning Policy, it predates the 2017 Scottish Energy Strategy, Onshore Wind Policy Statement, and indeed the 2017 Clydeplan.
- 6.14 The Plan's overall Strategic vision reflects the policies of the SPP in terms of its intention *'To promote the continued growth and regeneration of South Lanarkshire by seeking sustainable economic development within a low carbon economy whilst protecting and enhancing the environment.'* By its very nature and having gone through a rigorous EIA process, the proposed Development is considered to be entirely aligned with and therefore supported by the plan's strategic vision.
- 6.15 Although the LDP itself doesn't reflect the more recent Scottish Government Energy and Clydeplan policies outlined above, by seeking to produce renewable energy more efficiently than the 2016 Consented Scheme, the proposed Development nevertheless has the potential to help further transition the economy of South Lanarkshire towards a low carbon future, thereby helping to underpin the various economic policies of the LDP.
- 6.16 In particular the proposed Development is considered to enjoy support generally from Policy 11 Economic Development and Regeneration but especially in terms of the additional benefits (set out in section 4 of this Statement) that the proposed Development can deliver over those secured under the 2016 Consent.
- 6.17 Falling under the Infrastructure section the principal policy for dealing with renewable energy within the new LDP is policy 19 Renewable Energy. This provides support for

wind energy in general provided it addresses the principles set out in paragraph 169 of the 2014 SPP, other policies in the plan and accords with supplementary guidance.

- 6.18 Having already concluded in section 5 of this statement that an assessment under the 2014 SPP continued to weigh in favour of the proposed Development it can also be concluded that a determination under policy 19 of the LDP would do likewise.
- 6.19 Given the findings of the EIAR against the topics covered by paragraph 169 of the SPP it is further concluded that the additional impacts of the proposed Development would not give rise to any material conflicts with the remaining policies of the plan such as to warrant a decision which was substantially different from the current approval.
- 6.20 In particular given the findings of Chapter 4 of the EIAR which considers the potential impact of the proposed Development on Landscape and Visual receptors having given specific consideration to the supplementary guidance which sits alongside the LDP concluded that
- There are no significant residual effects as a result of the proposed Development.
  - Effects on landscape character will be the same as for the Consented 2016 Layout, except in the area of Rolling Moorland outside the site but within up to 3 km to the southeast – where the effect of being ‘near a wind farm’ would be slightly intensified and extended by the taller turbines. This is a marginal change which does not result in the effects identified being of higher magnitude or significance.
  - Effects on visual receptors would, in general, be very slightly increased for receptors within approximately 7 km. For receptors within 3-6 km to the northwest, there would be effects of increased magnitude and significance with effects on local roads, core paths and settlements including Gilmourton, Caldermill and Drumclog being of Moderate significance and Adverse.
  - There would be no change to effects on designated landscapes.
  - An assessment of cumulative effects was scoped out of this assessment as this proposal would not change the number or pattern of turbines proposed. Nevertheless the LVIA concludes in terms of the relationship between the proposed Development and relevant neighbouring sites that the change of turbine size means that the turbines tend to be perceived as being of the same scale as whichever of the existing Kype Muir and Dungavel wind farms is the closer.
- 6.21 It is therefore concluded that the proposed Development has sufficient support from both the strategy and detailed policies of the new LDP to continue to weigh in favour of the proposed Development.

### **Supplementary Guidance**

- 6.22 Turning to supplementary guidance, the main change to the supplementary guidance which was available at the time of the previous determination is the;
- South Lanarkshire Local Plan Supplementary Planning Guidance: 10 (SPG10) Renewable Energy, 2016 and the
  - ‘Tall Wind Turbines: Landscape Capacity Siting and Design Guidance’ which was published for consultation in 2017 as an addendum to the ‘Landscape Capacity Study for Wind Energy 2016’.

- 6.23 Supplementary Guidance 10 Renewable Energy confirms the location of the proposal as being within a Group 2 area. This is due to the location of the proposed Development within an area defined by the SPP as having carbon rich soils, deep peat or priority peatland habitat. Chapter 7 of the EIAR concluded that despite having larger crane pads than the 2016 consent, by employing similar mitigation measures during construction to those conditioned in the 2016 Consent, additional significant effects were not expected. The site layout has sought to minimise the proposed Developments impact on peat and any significant effects will be overcome through mitigation.
- 6.24 For other potential impacts, the guidance goes on to identify an extensive checklist of information that is expected of renewable energy proposals. These are based on the checklist provided within the SPP and in the LDP2. As such they have already been considered within the EIAR and within other sections of this Planning Statement.
- 6.25 As established elsewhere in this statement Chapter 2 of the EIAR details the additional significant socio-economic benefits which will arise, from the proposed Development fulfilling this requirement of the guidance.
- 6.26 The document also contains specific guidance on the perceived potential landscape and visual effects of 'taller turbines' in the Rolling Moorland Character type where the proposed Development is located. Having had regard to these and the three primary considerations of minimising effects on settled areas and valleys, ensuring consistency of appearance with adjacent wind farms and ensuring that the scale of turbines is proportionate to the landform, the LVIA concludes in paragraph 4.121 that;
- 'These three objectives are all served by using taller turbines set further back on the moorland, and smaller turbines towards the northern outer edge of the development.'*
- 6.27 The effect of this is further clarified in the Summary sections of the of the LVIA Chapter which state that;
- 6.28 *'The change of turbine size means that the turbines tend to be perceived as being of the same scale as whichever of the existing Kype Muir and Dungavel wind farms is the closer.'* It is noted in 6.1 of the guidance that the Council shall seek to ensure that a balanced approach is undertaken when considering the detailed elements of the guidance in the assessment of applications. Given the history of this site, the alignment of the proposed Development with other more recent national policies and the findings of the EIAR (especially the mitigation section of the LVIA chapter which specifically addresses matters raised by the guidance), and adopting the balanced approach promoted by the Council that the proposed Development is aligned with the requirements of the 2016 Supplementary Guidance 10 on Renewable Energy.
- 6.29 At a strategic level and whilst recognising that *'Many developers are reviewing consented (unbuilt) and new wind energy developments'* following changes in the economic circumstances for onshore wind in the UK, the draft Tall Turbine Guidance document focusses on updating the 2016 Landscape Capacity Study without specific reference to the wider context of the Scottish Energy Strategy or Onshore Wind Energy Policy Statement. Nevertheless the draft guidance identifies the area around the proposed Development (rolling moorland) as having Medium capacity for turbines of 150 -200m indicating a general level of acceptance for this size of turbine in this location. Section 4.2 of the draft guidance provides guidelines for tall turbines located within the rolling moorlands. It sets out that most of the areas in which tall turbines could be located already host wind farms, and that carefully located larger turbines should be located more towards the centre of the rolling moorlands. The careful siting and design of the proposed development adheres to this guidance in so far as it is

possible to do so. The guidance also sets out that “*Aviation warning lighting is likely to have a less adverse effect in area (i)..*” The proposed development is located in area (i).

- 6.30 As above, against this guidance Chapter 4 of the EIA considers the Specific Landscape and Visual impact of the proposed Development both individually and cumulatively and concludes that as a result of the mitigation which was imbedded through the careful design process there are no additional residual effects as a result of the proposed Development. In doing so the mitigation section of Chapter 4 specifically highlights how the detailed guidance in both documents has been considered in the redesign including the impact of additional aviation lighting, turbine height and the relationship with neighbouring wind farms and demonstrates how these have been addressed through design to the point where there are no significant residual effects.
- 6.31 Considering both guidance documents together there is nothing in either to suggest a decision which goes against the support provided by other policy documents above and as such a decision on the proposed Development should continue to weigh in favour of the current proposal.
- 6.32 Given the limited changes between the proposed Development and 2016 consented scheme it is proposed by the Applicant that similar conditions to those attached to the 2016 consent should be used to facilitate the construction and operational phases of the proposed Development.

## 7. SUMMARY AND CONCLUSIONS

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- 7.1 The EIA and subsequent EIAR for the proposed Development conclude that the proposed Development provides an opportunity to maximise the efficiency, viability and socio-economic benefits arising from the proposed Development, and by giving careful attention to design and mitigation the Applicant has achieved this with minimal additional environmental impact.
- 7.2 In relation to National Policy which was relevant at the time of the 2016 Consent (principally the 2014 SPP) it has been concluded that the proposed Development continues to enjoy support from these policies and that they weigh in favour of the proposed Development.
- 7.3 In addition to those national policies considered previously it has also been necessary to consider the proposed Development in relation to more recent national policies namely the Scottish Energy Strategy and Onshore Wind Energy Policy Statement. These two documents not only provide an up to date economic and policy context, within which this application has been progressed, but quite clearly set out support for the approach that the applicant has adopted in progressing this application and the type of project including the use of taller and more efficient turbines which they are now proposing. More specifically these documents support the deployment of taller turbines in areas and landscapes with the capacity to accommodate them. Both the EIAR and this Planning Statement have shown this to be the case for the proposed Development. In this regard the proposed Development is considered to have an even stronger level of support than before from relevant National Policy. Accordingly these new policies provide even more weight to a positive response.
- 7.4 Considering the conclusions of the EIA against the most recent version of the development plan, the 2017 Clydeplan provides strategic level support for developments which make better use of existing assets and which will help to transition the area towards a low carbon economy. The Clydeplan also supports wind farms where potentially significant effects can be overcome through mitigation.
- 7.5 The 2015 LDP was available when the 2016 Consent was granted. By generating additional benefits to the 2016 consent, the proposed Development, enhances the contribution of the site to the sustainable economic growth of the local area, to the South Lanarkshire area's contribution to addressing climate change and to the transition of the local area towards a low carbon economy. The proposed Development therefore increases the potential of the site to contribute to the Vision of the LDP as well as its socio-economic policies and is considered to be entirely consistent with these elements of the LDP. Having robustly considered the potential impacts of the changes in the proposed Development through an EIA process it has been concluded the proposed Development will not give rise to any unacceptable significant effects and so does not materially alter the findings of the original Application against the environmental requirements local development plan. In particular the redesign has carefully considered both the landscape and visual effects of proposed Development and concluded that individually and cumulatively does not give rise to additional significant effects. It is therefore concluded that the proposed Development continues to be supported by the development plan.
- 7.6 In considering other existing and emerging supplementary policies and guidance at the local level the proposed Development has been considered against the 2016 Supplementary Guidance 10 Renewable Energy and the 2017 draft guidance on Tall Turbines. Although neither specifically take account of the wider context provided by

the more recent Scottish Energy Strategy, and Onshore Wind Energy Policy Statement nor the 2017 Clydeplan, the draft Tall Turbine guidance does recognise that the direction of travel for wind turbine developments is towards the type of project envisaged by the proposed Development. The combined guidance not only continues to recognise the strategic potential of the Kype Muir area for wind farm development but also acknowledges its potential suitability for large turbine. Additionally, and importantly in planning terms the 2016 guidance promotes a balanced approach to the consideration of more detailed matters. Drawing these points together it is the Applicants view that having satisfactorily addressed the requirements of these guidance documents, individually and cumulatively in both the redesign and assessment of the proposed Development, that the proposed Development not only enjoys the support of these documents but that there is nothing in either of these documents which would justify a decision which is any different to that envisaged under national energy or planning policy or the policies of the development plan.

- 7.7 Considering the above it is the Applicants view that the Section 36C application for the proposed Development should be approved and with it the requisite deemed planning consent.