

Appendix 1.1 SLC Decision Notice CL/16/0273

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Town and Country Planning (Scotland) Act 1997

To : **3R Energy Solutions Ltd**
Lanark Auction Market
Hyndford Road
Lanark
ML11 9AX

Per : **3R Energy Solutions Ltd**
Lanark Auction Market
Hyndford Road
Lanark
ML11 9AX

With reference to your application dated 09 July 2015 for Conditional Planning Permission under the above mentioned Act :

Description of Proposed Development :

Erection of 15 wind turbines (maximum height to tip 126.5m), access tracks, substation and other associated infrastructure and wood fuel drying facility

Site Location :

Douglas West and Dalquhandy DP Renewable Energy Project
Former Dalquhandy Opencast Coal Site
West of Junction 11 of M74
South Lanarkshire

SOUTH LANARKSHIRE COUNCIL in exercise of their powers under the above mentioned Act hereby:

GRANT CONDITIONAL PLANNING PERMISSION

for the above development in accordance with the plan(s) specified in this decision notice and the particulars given in the application, subject to any condition(s) listed overleaf in the paper apart. Any condition(s) are imposed by the Council for the reasons detailed.

Date: 02/02/16

Head of Planning and Building Standards Services

This permission does not grant any consent for the development that may be required under other legislation, e.g. Building Warrant or Roads Construction Consent.

South Lanarkshire Council
Community and Enterprise Resources
Planning and Building Standards Services

Conditional Planning Permission

PAPER APART - APPLICATION NUMBER: CL/15/0273

I direct that unless the development hereby permitted has already begun, this permission will lapse after a period of 5 years beginning with the date of this permission. This direction replaces section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended) for this permission.

CONDITIONS

1 Conditions 1 - 16 relate to the whole development both the Wood Fuel Drying Facility and wind farm and its associated infrastructure at Douglas West and Dalquhandy DP

That the development is carried out strictly in accordance with the terms of the application, the plans hereby approved and the accompanying Environmental Statement dated July 2015 and Supplementary Environmental Information September 2015, including all mitigation and monitoring measures stated in it, subject to any requirements set out in these conditions. Any proposed deviation from the detail provided within these documents, must be submitted to and approved in writing by the Planning Authority before the works described therein are undertaken.

2 Construction Noise (BS 5228)

The applicant shall ensure that all works carried out on site must be carried out in accordance with the current BS5228, 'Noise control on construction and open sites'. The applicant shall further ensure that audible construction activities shall be limited to, Monday to Friday 7.00am to 7.00pm, Saturday 7.00am to 1.00pm and Sunday - No audible activity with no audible activity taking place on Sunday, local and national bank holiday - without prior written approval of the Planning Authority.

Under exceptional conditions the above time restrictions may be further varied subject to written agreement with the council as Planning Authority.

3 Prior to commencement of development works the developer shall submit a detailed Traffic Management Plan (TMP) for the written approval of the Council as Roads Authority, and thereafter adhere to and implement the TMP within the timescales set out. The TMP shall be produced in consultation with Roads & Transportation Services, Police Scotland and the Council's Access Officer and include a programme indicating phasing of construction of the project. Proposals shall include signage at conflicts with the Council's Core Path and Wider Network and arrangements for maintenance of such signage. The developer shall also submit a Travel Plan as part of their TMP, to encourage less reliance on individual private car trips to the site for those personnel involved in construction activities on a routine basis and also for those attending through the course of site inspections and site meetings. No works shall commence on site until such times as the TMP has been approved in writing by the Council as Roads Authority.

4 The developer shall notify the Council in writing, as soon as reasonably practical, of any changes in construction and decommissioning related activities where these will have an impact on the approved TMP. The developer will consult with the Council and Police Scotland to agree in writing any changes to the TMP, and thereafter adhere to and implement the agreed changes within the timescale set out.

5 The developer shall undertake all work associated with the approved planning consent and any subsequent amendments in accordance with the approved TMP. All specialist wind turbine components shall be delivered to site in accordance with the approved TMP and

Abnormal Load Route Assessment. The developer shall notify the Planning Authority 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 all for the approval of the Council as Roads Authority.

- 6 That prior to commencement of construction works a full Safety Audit for all infrastructure to be constructed and adopted, or altered, on the public road, undertaken in accordance with the Institute of Highways and Transportation Guidelines, shall be submitted to and approved by the Planning Authority in consultation with the Roads Authority.
- 7 At least 2 months prior to commencement on site a Construction Environmental Management Plan (CEMP) and Construction Method Statement (CMS) including Surface Water Monitoring Plan shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH. The CEMP 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 Environmental Statement July 2015 and Supplementary Environmental Information September 2015 supporting the application. 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) 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.
 - k) 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 5.
 - l) 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.
 - m) A description of and measures to mitigate impact on surface water courses, hydrology, and private water supplies.
 - n) 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.

- 8 Construction Environmental Management Plan (CEMP) continued from condition 7 above:
- o) Measures to be taken to ensure that the work does not cause mud, silt, or concrete to be washed away either during the construction stage or as a result of subsequent erosion. Where possible construction works shall avoid road construction during periods of high rainfall.
 - p) Timing and extent of any necessary re-instatement.
 - q) 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.
 - r) Best practice mitigation for pollution prevention and Forest and Water Guidelines published by the Forestry Commission.
 - s) 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.
 - t) A monitoring plan shall be submitted to the planning authority setting out the steps that shall be taken to monitor and mitigate 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, type of monitoring equipment to be used, frequency, gathering of information on background levels, and keeping of records 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 request.
- 9 Prior to commencement of development the developer shall submit a detailed Access Strategy (AS) for the written approval of the Planning Authority, and thereafter adhere to and implement the AS within the timescales set out. The AS shall be produced in consultation with the Council's Countryside & Greenspace Services and a programme of community consultation shall be undertaken on the draft AS. Proposals shall incorporate and identify the Council's Core Path and Wider Network and provide signage where the network identifies links. No works related to the AS shall commence on site until such times as the AS has been approved in writing by the Planning Authority.
- 10 That during the construction of the development:-
- a) All works shall be carried out in a manner consistent with The Water Environment (Controlled Activities) (Scotland) Regulations 2005
 - b) No work shall be undertaken within a 50 m buffer zone surrounding all watercourses and known functioning drains, with the exception of access route crossings, unless otherwise agreed in writing with the Planning Authority.
 - c) Track layout shall minimise disruption to water courses
 - d) Existing drainage routes shall be maintained through sensitive placement of soil heaps

and where necessary temporary drains.

e) Silt traps shall be provided on all existing drainage routes affected by site works.

f) Bridge crossings across watercourses should, where possible, be used instead of culvert designs where existing culverts do not already exist or require to be upgraded; and/or where CAR authorisation cannot be achieved for new culverts. Bridge crossings and culvert design shall be put forward and agreed in writing with the Planning Authority in consultation with SEPA.

g) Any disturbance of watercourses shall be minimised utilising cofferdam temporary works.

h) Cable trenches shall only be constructed in limited sections to reduce drainage of groundwater and prevent additional drainage routes being created.

i) Cable trenches shall be plugged to prevent the creation of new drainage paths.

j) The scheduling of works shall minimise disruption and working within wet weather

k) Temporary works interception drains shall be constructed to prevent potential contamination of runoff and groundwater

l) Stockpiling of materials on wet ground and near drainage channels shall not take place, unless agreed in writing with the Planning Authority

m) Backfilled trenches shall be re-vegetated

n) Temporary silt traps shall be constructed to treat runoff

o) Sulphate resistant concrete shall be used to prevent leaching of chemicals.

11 The development site shall not be illuminated by lighting unless:

a) the Planning Authority has given prior written approval

b) lighting is required during working hours which has been approved by the Planning Authority; or

c) an emergency requires the provision of lighting.

12 Three months prior to the commencement of the development, an Ecological Clerk of Works (ECoW) shall be in place. The Planning Authority shall approve the ECoW for the period from prior to commencement of development to final commissioning of the development. The scope of work of the ECoW shall include:

- Monitoring compliance with the ecological mitigation works that have been approved in this consent, including the mitigation measures identified in the Environmental Statement dated July 2015 and Supplementary Environmental Information September 2015;

- Advising the developer on adequate protection of nature conservation interests on the site;

- Directing the micro-siting and placement of the turbines, bridges compounds and tracks and,

- Monitoring compliance with the Construction Environmental Management Plan and Construction Method Statement required by condition 7 and 8.

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

14 No development shall take place within the development site as outlined in red on the approved plan until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service, and approved by the Planning Authority. Thereafter the developer shall ensure that the

programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in agreement with the West of Scotland Archaeology Service.

- 15 The developer shall be responsible for any alterations required to statutory undertaker's apparatus.
- 16 Prior to development commencing on site, details of materials, external finishes and colours of the Wood Fuel Drying Facility building and for all ancillary elements (including access tracks, transformers, switchgear/metering building, compound, and fencing) shall be submitted to and approved in writing by the Planning Authority. If required by the Planning Authority, samples of materials shall be provided and only materials approved by the Planning Authority shall be used.

17 **Conditions 17 - 21 relate to the development of Wood Fuel Drying Facility**

Prior to development commencing on site a detailed planting plan shall be submitted to the Planning Authority for written approval and it shall include:(a) details and specification of all trees, shrubs, (b) details of any top-soiling or other treatment to the ground; (c) sections and other necessary details of any mounding, earthworks and hard landscaping; (d) proposals for the initial and future maintenance of the landscaped areas; (e) details of the phasing of these works; and no work shall be undertaken on the site until approval has been given to the planting plan. Thereafter the planting plan shall be implemented and maintained.

- 18 That the approved planting plan shall be completed to the satisfaction of the Planning Authority during the first available planting season following commencement of the development and shall thereafter be maintained and replaced where necessary to the satisfaction of the Council.
- 19 That should connection to the public sewerage system not be possible, the facility shall not become operational until a septic tank and soakaway designed and constructed in accordance with the current code of practice BS6297:1983 is provided and that before development starts, the results of soil porosity testing on the site to assess the suitability of the sub-soil for effluent disposal shall be submitted to and approved by the Council as Planning Authority.
- 20 That before any part of the facility hereby approved is operational, all of the parking spaces shown on the approved plans shall be laid out, constructed and thereafter maintained to the specification of the Council as Roads and Planning Authority.
- 21 Noise

Industrial Noise

A BS4142:2914- Methods of rating and assessing industrial and commercial sound

During the operation of the wood fuel drying facility between the hours of 07.00hrs to 19.00hrs the noise level attributable to site operations at nearby sensitive receptors (LAeq.1hour) shall not exceed the pre-existing background noise level (LA90.1/2hour) by more than 4dB when measured free field at buildings where people are likely to be affected.

During the operation of the wood fuel drying facility between the hours of 19.00hrs to 07.00hrs the noise level attributable to site operations at nearby sensitive receptors (LAeq15mins) shall not exceed the pre-existing background noise (LA90.1/2hour) by more

than 4dB when measured free field at buildings where people are likely to be affected

B Deliveries of Materials

The use of the premises, for deliveries by commercial vehicles (with the exception of maintenance works not audible outside the premises), shall be restricted to the following hours of operation:

Mondays to Fridays: Between 07:00 and 19:00

Saturdays: Between 07:00 and 13:00

22 **Conditions 22 - 51 relate to the development of the wind farm and associated infrastructure**

That consent is granted for the wind farm and its associated infrastructure for a period from the date of this consent until 25 years from the date of final commissioning of the development. No later than 5 years prior to the end of said 25 year period, the decommissioning scheme referred to in condition 35 of this consent shall be submitted to and approved in writing by the Planning Authority. Written confirmation of the date of commencement of development shall be supplied in writing to the Planning Authority and the date of commencement of the development shall be no later than 5 years from the date of this consent.

- 23 Prior to the commencement of the development intrusive site investigations work shall be undertaken and a report prepared of the findings shall be submitted to the Planning Authority. Details of ground conditions and the final turbine foundation design shall be submitted at least 1 month prior to commencement of development unless agreed in writing with the Planning Authority, for the written approval of the Planning Authority, and thereafter adhere to and implement as approved in the report. The site investigation should have particular regard to the potential for unrecorded mine workings within the application site.

If peat is identified during the site investigations, a Peat Management Plan (PMP) shall be submitted to and approved by the Planning Authority in consultation with SEPA and SNH and thereafter all work will be carried out in accordance with the plan within the required timescales.

If any historic mine workings are identified during the site investigation, suitable mitigation plan shall be submitted to and approved in writing by the Planning Authority in consultation with the Coal Authority prior to the commencement of construction works on site. Thereafter, the approved mitigation scheme shall be implemented in full to the satisfaction of the Planning Authority in consultation with the Coal Authority in accordance with the plan within the required timescales.

- 24 All imported material that is required to be brought onto site shall be accompanied by certification from a suitably U.K.A.S accredited laboratory to confirm that it is free from contamination. If any off-site borrow pit(s) are proposed, information relating to the quantities, proposed vehicle trips and delivery routes between the proposed borrow pit site(s) and the wind farm site shall be submitted to the Planning Authority. Should these routes not be covered by the approved route for this application the developer will be required to provide an amended legal agreement to reflect any changes. Thereafter the changes require to be adhered to and implemented.

- 25 There shall be no commencement of development until a scheme for the avoidance or mitigation of any shadow flicker experienced by residential and commercial properties situated within 10 rotor diameters of any turbine forming part of the development and which lawfully exist or for which planning permission has been granted at the date of this consent has been submitted to and approved in writing by the Planning Authority. The approved mitigation scheme shall thereafter be implemented in full.
- 26 At least 3 months prior to the delivery of abnormal loads the developer will undertake an Abnormal Load Route Assessment (ALRA) which shall include a swept path assessment of the route and proposals for a trial run of abnormal load deliveries, and submit details of their report together with any recommendations for the written approval of the Council as Roads Authority and in consultation with Transport Scotland. The ALRA shall include details of a public relation strategy to inform the relevant communities of the programme of abnormal deliveries and confirmation from Transport Scotland that it is acceptable if their land is encroached by abnormal loads along the approved route. The recommendations shall thereafter be implemented in accordance with a programme to be approved by the Planning Authority and shall be implemented prior to the delivery of the abnormal loads. Should the Abnormal Load route include any bridge crossings, prior to the commencement of the development clarification on the Bridge Assessments require to be submitted to and approved by the Council as Roads Authority.
- 27 Each turbine shall be erected in the position indicated in Table 3.2 Wind Turbine Co-ordinates in the Environmental Statement July 2015. A variation of the indicated position of any turbine or other development infrastructure detailed on the approved drawing shall be notified on the following basis: (a) if the variation is less than 25 metres it shall only be permitted following the approval of the Ecological Clerk of Works (ECoW) in consultation with SEPA and West of Scotland Archaeology Service (b) if the variation is of between 25 metres and 50 metres it shall only be permitted following written approval of the Planning Authority in consultation with SEPA and West of Scotland Archaeology Service. The said provisions relating to variation shall not have the effect such that any variation will:
- bring a turbine any closer to an uninvolved property than is already approved
 - bring a turbine outwith the planning application boundary.
 - breach the 50m water buffer zones, without the prior written agreement of the Planning Authority in consultation with SEPA.
- 28 Within 3 months of commissioning the approved wind farm the applicant shall submit to the Planning Authority an "as built plan" at an appropriate scale indicating the location of any track, turbine, crane pad and restored borrow pit within the development.
- 29 Culverts/ crossings shall be designed appropriately for a 1:200yr event. Prior to commencement on site detailed drawings of the culverts/crossings and an inspection and maintenance plan shall be prepared which shall set out regular inspection, maintenance and monitoring arrangement of the culverts/crossings. Thereafter the drawings and plan shall be implemented.
- 30 No part of any turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by South Lanarkshire Council in order to avoid the impact of the development on the Primary Radar of the Operator located at Cumbernauld and associated air traffic management operations.
- 31 No part of any turbine shall be erected above ground until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

For the purpose of conditions 30 and 31 above;

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Cumbernauld primary radar and air traffic management operations of the Operator.

- 32 Prior to delivery of turbines details of the confirmed turbine layout, colour, height and manufacturer, including illustrations as well as details of size, shall be submitted to, and approved in writing by, the Planning Authority. The turbines:
- i) Shall have blades that rotate in the same direction.
 - ii) Shall have no large 'logos' or other symbols or writing unless for reasons of health and safety or as agreed in writing by the Planning Authority.

Only the approved type shall be installed.

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

- 34 A minimum of 6 months prior to the commencement of decommissioning an Ecological Clerk of Works (ECoW) shall be appointed by the Company and approved by the Planning Authority after consultation with SNH until the completion of aftercare or such earlier date as may be agreed in writing by the Planning Authority. The scope of work of the ECoW shall include those elements identified in condition 12 with the exception of the third and fourth bullet points of that condition and monitoring compliance with the Decommissioning Plan and Method Statement required by condition 35.

- 35 No later than 5 years prior to the end of the period of this planning permission for the wind farm and its associated infrastructure, or by such date later as may be agreed by the Planning Authority, the applicant shall submit a Restoration and Aftercare Plan including a decommissioning and method statement for the decommissioning of the wind farm and the restoration of the application site for the approval of the Planning Authority in consultation with SEPA and SNH. Additional consultation will be carried out to ensure that it takes into account changes in the environmental conditions, laws and techniques over the anticipated 25 year operational period. Decommissioning in accordance with the approved method statement shall be completed within 24 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development. The approved Decommissioning Plan and Method Statement shall be implemented and the works monitored by an ECoW.

- 36 Within 24 months of the end of the period of this consent (unless a further consent is granted) all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the Restoration Plan and Aftercare Plan referred to in Condition 35. Notwithstanding the terms of condition 36 above, no later than one year prior to the commencement of the approved Decommissioning Plan and Method Statement, the Planning Authority, in

consultation with SNH, shall review the retention of pads, foundations, cable/ducts and access tracks within the context of the restoration strategy to identify any elements to be retained on site or requiring alternative reinstatement. Thereafter any amendments to the restoration strategy are agreed by the Planning Authority.

- 37 No later than 3 months prior to starting on site the Outline Habitat Management Plan (HMP) dated May 2015 for the entire application site and the Draft Species Protection Plan (SPP) dated May 2015 shall be finalised in consultation with the Council's Local Biodiversity Officer, RSPB and SNH, and submitted to the Planning Authority for approval. The HMP shall include:
- i. monitoring at the site to collate any bird collisions
 - ii. confirm the significance of the losses
 - iii. identify any potential mitigation to minimise the potential for bird strike
 - iv. monitor flight paths of SPA species and other species and recommend any mitigation measures required for approval of the Habitat Management Group.
 - v. Agreed management units
 - vi. Delineate management measures on a spatial plan
 - vii. Timing and programme of delivery and monitoring

The SPP shall include:

- i. Otter Management Plan
- ii. Badger Management Plan
- iii. Pre-construction surveys

Thereafter all works shall be implemented strictly in accordance with the terms of the approved HMP and SPP and within the timescales set out in the approved HMP and SPP.

- 38 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, RSPB 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 mitigation 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.
- 39 Prior to the erection of any turbines, the requirement to meet Ministry of Defence (MOD) aviation lighting shall be submitted to, and approved in writing by the Planning Authority, in consultation with MOD. Thereafter implemented and maintained over the life of the wind farm. The cardinal turbines are to be fitted combi 25 candela red and IR lighting and the perimeter turbines are to be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point or as agreed in writing with MOD. The developer shall provide the MOD with the 'as built' turbine locations within 1 month of installation of turbine erected.

- 40 Prior to the erection of turbines or cranes on site the company shall provide to the Planning Authority, Ministry of Defence, Defence Geographic Centre, Civil Aviation Authority, and NATS with the following information, and has provided evidence to the Planning Authority of having done so;
- date of the expected commencement of turbine or crane erection
 - height above ground level of the tallest structure forming part of the Development;
 - the maximum extension height of any construction equipment; and
 - grid co-ordinates of the turbines and masts positions in latitude and longitude.
- 41 Except to any extent specifically permitted in writing by the Planning Authority, there shall be no commencement of development or operations at the site until the Guarantee (aftermentioned) has been delivered to the Planning Authority and the Planning Authority has confirmed receipt of it.
- 42 There will be a validly executed guarantee in an appropriate form that incorporates all the Guarantee Criteria and has been approved in writing by the Planning Authority ("the Guarantee") lodged with the Planning Authority for the period from the date of commencement of development to a date no earlier than 24 months after the date of completion of the restoration and /or aftercare ("the Guarantee Period"). If this Condition has not been complied with for any reason, operations at the site will cease until this Condition has been complied with.
- 43 In this Condition (i) a "guarantee in an appropriate form " means a bond or a deposit agreement, or at the Planning Authority's discretion, such other form of surety that has been confirmed as acceptable to the Planning Authority and (ii) "Restoration Sum" means the confirmed in writing by the Planning Authority from time to time to cover the full value of the restoration and aftercare works set out in the restoration schemes as approved by the Planning Authority from time to time during the Guarantee Period.
- 44 The Guarantee Criteria which a guarantee must meet is :-
- (i) that the sum which can be claimed by the Planning Authority is the Indexed Restoration Sum which is (a) the Restoration Sum plus (b) an amount equal to an annual increase in the Restoration Sum by the same percentage increase in PubSec Index (non housing building) or, in the event that the PubSec Index (non housing building) is no longer in force, such other replacement index as is in force published as at the date on which the Restoration Sum was determined and the relevant anniversary of that date;
 - (ii) that any financial institution, bank or building society against whom the Planning Authority can make a claim is of sound financial standing and capable of paying the Indexed Restoration Sum;
 - (iii) that it is enforceable by the Planning Authority either (a) for the whole Guarantee Period that the Planning Authority is entitled to make a claim on the Guarantee for the Indexed Restoration Sum (a) on a breach of the restoration and aftercare conditions set out in this Consent; (b), for a breach of the requirements set out at (i) and (ii) of this Guarantee Criteria (c) for a breach of the requirement for a Guarantee to be in place for the Guarantee Period (such claim being permitted for a period up to [one month] after the date of expiry of the Guarantee) and (d) on the insolvency of the party carrying out the operations permitted by the Consent.
- 45 Operational Noise from Wind Farm ETSU-R-97
- 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.

Notwithstanding the following condition the base limits and noise projections are based on Appendix 9.7 of the Douglas West & Dalquhandy DP Renewable Energy Project (30 July 2015).

46 Validation Testing

Prior to electricity being exported the wind farm operator shall submitted to the Planning Authority for written approval a list of proposed independent consultants who shall undertake compliance and validation measurements to demonstrate compliance with the condition 45 above. Amendments to the list of approved consultants shall be made only with written approval of the Planning Authority. The measurements shall be carried out in accordance with ETSU-R-97 (with respect to current best practice) and submitted to the Planning Authority for their approval. Any variation determined from the compliance and validation measurements shall be mitigated for in order to comply with condition 45 above subject to agreement with the Planning Authority.

47 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 45 shall be reduced by the penalty level identified within section 28 of 'The Assessment and rating of Noise from Wind Farms- ETSU-R-97 (See Figure below). The definition of audibility for the purposes of this condition shall be as described in ETSU-R-97. The penalty shall only apply at properties where the tonal noise is measured and shall only relate to the wind speeds at which the tonal noise occurs at.

48 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. In the event of

amplitude modulation being established, the developer shall implement suitable mitigation consistent with best available technology to the satisfaction of the Planning Authority.

- 49 In the event of any turbine, or group of turbines, failing or being no longer required for electricity generation, or any other reason, for a continuous period of 12 months, unless otherwise agreed with the Planning Authority, the turbine(s) shall be replaced (in the case of failures), or dismantled and removed. In the case of removal, that part of the site accommodating the turbine, the turbine pad and access roads shall be reinstated within three months of the end of the twelve month period of non-generation in accordance with a scheme agreed with the Council as Planning Authority, all to the satisfaction of the Council.
- 50 That no part of any turbine blade shall be closer than a minimum of 50m from the nearest woodland (forest edges) unless otherwise agreed in writing with the Planning Authority and that a European Protected Species licence has been obtained from SNH if required.
- 51 Where a complaint of deterioration in television signal is received by the Local Authority or applicant the wind farm operator shall undertake appropriate investigations as agreed in writing with the Planning Authority to confirm the deterioration and occurrence within 1 month of the complaint or otherwise agreed in writing with the Planning Authority. If the applicant's wind turbines are deemed to be the cause of the deterioration of television signal the applicant will implement within 2 months of the complaint or otherwise agreed with the Planning Authority, an agreed technical mitigation measure with the Planning Authority to prevent any re-occurrence.

REASONS

1. For the avoidance of doubt and to specify the documents upon which the decision was made.
2. In order to retain effective planning control and to safeguard the noise amenity of local residents.
3. In the interest of road safety and in order to retain effective planning control.
4. In the interest of road safety and in order to retain effective planning control.
5. In the interest of road safety and in order to retain effective planning control.
6. In the interest of road safety
7. To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
8. To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
9. In the interests of amenity and in order to retain effective planning control.
10. In order to retain effective planning control
11. In the interests of amenity.
12. To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
13. To protect local residents from noise nuisance.
14. To minimise adverse impacts on archaeology on site.
15. In the interest of public safety

16. In order to retain effective planning control
17. In the interests of amenity and in order to retain effective planning control.
18. In order to retain effective planning control
19. To ensure the provision of a satisfactory sewerage system.
20. To ensure the provision of adequate parking facilities within the site.
21. In order to retain effective planning control and to safeguard the noise amenity of local residents.
22. To comply with section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
23. To ensure the mineral and ground stability of the site.
24. To minimise environmental impact and in order to retain effective planning control.
25. To offset impacts of shadow flicker on residential and commercial property amenity.
26. In the interest of road safety and in order to retain effective planning control.
27. In order to retain effective planning control
28. In order to retain effective planning control
29. To minimise environmental impact on watercourses and in order to retain effective planning control.
30. In the interest of public safety
31. In the interest of public safety
32. In order to retain effective planning control
33. To minimise the environmental impact of snow clearing operations by avoiding the use of chemicals or salt without explicit approval.
34. To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.
35. To ensure compliance with all commitments made in the Environmental Statement and Supplementary Environmental Information and in order to retain effective planning control.
36. In order to retain effective planning control
37. To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.
38. To safeguard environmental impacts, ecology, species and habitats, to ensure development conforms to Environmental Statement and Supplementary Environmental Information and maintain effective planning control.
39. In the interest of public safety
40. In the interest of public safety
41. In the interests of amenity and in order to retain effective planning control.
42. In the interests of amenity and in order to retain effective planning control.
43. In the interests of amenity and in order to retain effective planning control.
44. In the interests of amenity and in order to retain effective planning control.

45. In order to retain effective planning control and to safeguard the noise amenity of local residents.
46. In order to retain effective planning control and to safeguard the noise amenity of local residents.
47. In order to retain effective planning control and to safeguard the noise amenity of local residents.
48. In order to retain effective planning control
49. To ensure that any redundant wind turbine is removed from site, interests of safety, amenity and environmental protection.
50. To safeguard protected species and in order to retain effective planning control.
51. In order to retain effective planning control

REASON(S) FOR DECISION

- 1 The reasons for approving the application are:
 - (a) The proposal is consistent with relevant Scottish Government policy and guidance.
 - (b) The proposal is consistent with the adopted South Lanarkshire Local Development Plan and associated Supplementary Guidance, SPG: Renewable Energy and Proposed Renewable Energy Supplementary Guidance subject to conditions and legal agreement being implemented.A five year commencement period has been imposed to reflect the scale and complexity of the proposal.

NOTES TO APPLICANT

APPLICATION NUMBER: CL/15/0273

Important

The following notes do not form a statutory part of this Decision Notice. However, it is recommended that you study them closely as they contain information which guides you to other relevant matters that may assist in ensuring that the development is properly carried out.

- 1 This decision relates to drawing numbers:
 - Figure 1.1 Site Location Plan
 - Figure 1.2 Site Layout Plan Aerial
 - Figure 3.1 Mining Areas
 - Figure 3.2 Environmental Designations
 - Figure 3.3 Cumulative Developments
 - Figure 3.4 Site Layout Plan
 - Figure 3.5 WTG Elevations
 - Figure 3.6 WTG Foundations
 - Figure 3.7 Access Route
 - Figure 3.8 Track and Cable Design
 - Figure 3.9 Substation and Control Room
 - Figure 3.10 Met Mast
 - Figure 3.11 Construction Compound
 - Figure 3.12a Wood Fuel Drying Facility Detailed Site Plan
 - Figure 3.12b Wood Fuel Drying Facility Detailed Site Plan
 - Figure 3.13a Wood Fuel Drying Facility Elevations
 - Figure 3.13b Wood Fuel Drying Facility Elevations
 - Figure 3.14 Wood Fuel Drying Facility Floor Plan
- 2 Failure to comply with the conditions imposed on this planning permission can result in the planning authority serving a Breach of Condition Notice and/or Enforcement Notice. If any of the requirements set out in these notices are not then complied with, a fixed penalty notice may be served seeking the payment of the sum specified in the penalty notice to the Planning Authority. The sum will be as set by The Town and Country Planning (Amount of Fixed Penalty) (Scotland) Regulations 2009.
- 3 The person carrying out the development must give advance notice in writing to the planning authority of the date when it intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action. [See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)]
- 4 As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position [See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)]
- 5 The terms of the section 75 agreement associated with this application can be inspected at Planning and Building Standards HQ, Montrose House, 154 Montrose Crescent Hamilton ML3 6LB. Email planning@southlanarkshire.gov.uk
Phone 08457 406080 or online at www.southlanarkshire.gov.uk