

**Electricity Act 1989**

**Town and Country Planning (Scotland) Act 1997**

**KEIRS HILL WIND FARM APPLICATION**

**OBJECTION SUBMISSION**

**SUBMITTED BY**

**SAVE STRAITON FOR SCOTLAND**

Submitted: 7<sup>th</sup> February 2014

<http://savestraitonforscotland.com/>

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## Background

1. Save Straiton for Scotland ('SSfS') is a local group formed in reaction to the unprecedented five wind farm proposals planned around the conservation village of Straiton, South Ayrshire which is one of only three local villages which has been classed as outstanding by the Scottish Government. At the time of the formation of SSfS, the five wind farm proposals included 130 of the largest turbine types to be found in the UK. The proposed Keirs Hill windfarm is set within the backdrop to the east of Straiton, providing a dominant presence at the head of the valley.
2. In order to accurately gauge local opinion, SSfS conducted an opinion poll in June 2013 (submitted alongside this objection). The survey was open to the 272 residents in Straiton and surrounding houses. The results showed that 92.5% of respondents in the community oppose Keirs Hill windfarm. Furthermore, it is understood that at around 3,000 individual objections to this application have been lodged with ECDU.
3. The comments presented in this Report have been consolidated by SSfS. These have not been subject to any professional review or advice, but present issues which, in the opinion of SSfS, the ECDU should be aware of and have regard to. This Report has been informed by and takes full account of the LVIA Review by Mark Steele Consultants ('MSC'). The MSC Review is summarised later in this submission and a full copy of the Review, which confirms the qualifications and experience of the author, is submitted alongside this objection representation.
4. Further information supplied as a part of the SSfS Report includes:
  - Tourism report and supporting objection representation - Visit Straiton
  - Local opinion poll results and form
  - Copy of the SSfS petition
5. SSfS fully supports South Ayrshire Council's objection representation to this application, and is of the view that East Ayrshire Council should similarly recommend an objection and thus trigger a Public Inquiry. However, the Council has yet to apply its new Landscape Capacity Study (see later) in the determination of a s.36 wind farm application. Therefore, whilst SSfS is hopeful of a Council objection, in the event that the Council does not object, SSfS requests that the ECDU have careful regard to:
  - i. the terms of this objection representation;
  - ii. the significant and adverse landscape and visual effects on receptors including local residents and locally designated landscape resources and viewpoints; and
  - iii. the complexity of the planning policy position and the cumulative landscape and visual impact issues (and the associated landscape capacity issues) applicable in this case.

6. This Report has been further informed by extensive local knowledge, multiple site / area visits, the Linfairn Windfarm Planning Report<sup>1</sup> prepared by Ian Kelly MRTPI (Head of Planning, Graham and Sibbald, Perth), the October 2013 Burnhead Appeal Decision Notice<sup>2</sup> and the Druim Ba Windfarm decision<sup>3</sup> by the Scottish Ministers, dated 16 July 2011, and the South Ayrshire Council representation to Keirs Hill Windfarm<sup>4</sup>.
7. There are many particular aspects within the Environmental Statement (ES) not given full consideration, however, SSfS does not mean to imply it has accepted the findings of the ES: either a final view cannot be formed on that impact until further information is seen or it has been concluded that the issue is not of primary importance to this submission.

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<sup>1</sup> <http://savestraiton.files.wordpress.com/2013/11/project-808-linfairn-wf-ssfors-objection-issue.pdf>

<sup>2</sup> 8/10/2013 – Appeal Decision Notice: PPA-190-2031

<sup>3</sup> <http://www.scotland.gov.uk/Resource/0042/00427741.pdf>

<sup>4</sup> <http://eplanning.east-ayrshire.gov.uk/online/files/FB14FEAB8243301FDE76FF71342EA899/pdf/document-194896.pdf>

## The Applicant

8. SSfS has welcomed the engagement process adopted by RES UK & Ireland Ltd (the 'Applicant'). The Applicant actively engaged with SSfS throughout the scoping phase of this application. They have been upfront regarding timescales and changes to the project, provided details and further information timeously when requested (with the exception of noise data that was requested by the residents of High Keirs, who are still awaiting this information at the time of writing). In general SSfS found that the Applicant was open and participative when compared to the group's experience with other developers. There are a number of concerns however, which have been raised by SSfS supporters. While it is understood that these do not form part of a material 'planning' objection, there is no other forum available to set-out those issues, accordingly they are included in this submission.
9. Since moving the application out of South Ayrshire, Straiton (as a community) is given a cursory mention in the ES material and as such the ES implies the village is unaffected by the proposal for 17 turbines, 149m high, only some 3km away and adjacent to one of the primary routes to the village. In contrast, the Applicant's actions have suggested otherwise – the offer of a Local Electricity Discount to affected households in the 'local' area (within 4km of the site) who are deemed to be 'hosting' the windfarm was made to all residents in Straiton village. There are a few pertinent points which fall out of this bizarrely motivated scheme.
  - The timing of this 'offer' coincided with the planning application. With only 28 days to make an informed decision, it could easily be construed as an attempt to distract residents from the negative impact of the proposals and dilute the number of local objections that might otherwise have been lodged. It is understood that such schemes are in part recommended as a means of sharing the benefits of a development locally, however to make such an offer during the pertinent window of the planning process for local residents is highly questionable, aggressively opportunistic and renders itself open to accusations of bribery by attempting to interfere with people's objective decisions as regards the appropriateness of the proposal.
  - Secondly, the considerable number of households (approx.1200 homes) that were offered the discount in itself amplifies the extent to which this scheme impacts not just a few individual households, but entire communities and villages. Is it appropriate to have such a major development so close to so many households? SSfS submits that it is not in the public interest to reduce the quality of so many people's daily life and living conditions.
  - Many SSfS supporters have posed the question that if there is truly negligible or 'no impact' from the proposed wind turbines as the ES appears to suggest throughout, why does the applicant feel it necessary to have to offer financial incentives to communities like Straiton in order to 'host' such a development nearby?

10. The Applicant has stated on several occasions during discussions with SSfS, that should planning permission be granted for the proposed Keirs Hill Windfarm, there would not be subsequent attempts to extend into the original Scienteuch site in South Ayrshire. Unfortunately however, the Applicant refused to confirm this in writing, which would be an exceptionally simple and positive gesture. It is widely accepted by SSfS supporters that once a landscape precedent of this nature has been set, then further applications (or a Phase II development, which frequently appears to be the pattern followed by RES) would be particularly difficult to prevent. This lingering threat is of deep concern to SSfS supporters, particularly given the proximity of so many residences in Patna and Waterside (both are predominantly within the recommended 2km from the site) and the disregard that has been shown in the ES for the amenity of these residences – it should be noted that between 85% and 100% of Waterside residents objected to this scheme. Furthermore, this uncertainty has been compounded by the Applicant recently receiving a 2 year extension of the planning permission for the meteorological mast in the original Scienteuch site<sup>5</sup>.
11. SSfS was disappointed that the Applicant hired professional campaigners (from Yorkshire) to canvass strangers in town centres (ironically in South Ayrshire) miles away from the proposed windfarm. SSfS supporters reported that the campaigners were unaware of local issues and appeared ignorant of basic guidelines regarding landscape character and settlement distances. Furthermore, propaganda displayed by the campaigners was deeply misleading: the banners on display did not mention Keirs Hill, just a slogan 'Yes to Wind'.
12. Supporters of SSfS are fully aware that this campaign group is not 'anti-wind' per se, rather it is firmly opposed to inappropriate wind developments around the Straiton area. Keirs Hill is fundamentally inappropriate: the turbines are **too high**. They can be seen for miles and miles, spanning several counties, and scarring valued landscapes. There are **too many** for this narrow strip of land to accommodate and they are **far too close** to many villages and properties. Given the numbers and scale involved, they would undoubtedly have an overbearing and oppressive effect on the residential amenity of many residents in these areas.

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<sup>5</sup> <http://ww6.south-ayrshire.gov.uk:81/bumblebee-web/caseFile.do?category=application&caseNo=13/01409/FUR>

## The Key Determining Issues

13. The key determining issues to be weighed up when reviewing this application are:

- *the need for the wind farm and national energy policy and guidance; and*
- *its environmental and other impacts (including landscape and visual impact upon the residential amenities of nearby houses and impact on tourism) bearing in mind the development plan, other policy guidance and the duties set out in Schedule 9.*

14. In accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2000, the Applicant submitted an environmental statement in relation to the Application. In considering the Application, the Scottish Ministers have had regard to the desirability of the matters mentioned in paragraph 3(1)(a) of Schedule 9 to the Act and the extent to which the Applicant has done what it reasonably can to mitigate the effects that the wind farm would have on the natural beauty of the countryside and on flora, fauna and sites, buildings or objects of architectural, historic or archaeological interest.

15. These provisions apply to Licence Holders or exempt persons. As far as SSfS understands, the current Applicant is neither. Having regard to the recent decision of Lady Clark of Calton in the Petition of Sustainable Shetland, reported at [2-13] CSOH 158, the same principle would make this application an unlawful one. The Scottish Ministers have appealed that decision and have indicated that the s.36 process should carry on irrespective of the Court's decision. The issues that arise might be resolved in Spring/Summer 2014, but if they are not then this will have been an unlawful application and all of the time and money spent on assessing it and objecting to it will have been an unnecessary and unreasonable expense.

## Material Planning Considerations

16. The material planning considerations to which this report will refer are principally the Government renewable energy and climate change policies and the Development Plan, namely the Ayrshire Joint Structure Plan (AJSP) and the East Ayrshire Local Plan, with reference to the South Ayrshire Local Plan.

17. Despite the Development Plans not being particularly up to date, these two Ayrshire Councils have recently adopted landscape capacity studies for wind energy. There is, therefore, a full and up to date policy basis for the detailed assessment of the s.36 application for the proposed Keirs Hill Windfarm.

## Scottish Planning Policy

18. Scottish Ministers aim to achieve a thriving renewables industry in Scotland. Accordingly, they support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. The criteria to be considered when considering applications for wind farms varies depending on the scale of development and its relationship to the characteristics of the surrounding area. The design and location of any wind farm development should reflect the scale and character of the landscape. The location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised. SSfS submits that this has not been achieved with respect to this proposal.
19. SSfS notes that the Scottish Government's policy direction generally favours onshore wind development on appropriate sites, but it does not do so unquestioningly. Windfarms are only to be permitted where they can be satisfactorily accommodated and where the identifiable and measurable benefits of any scheme outweigh any adverse impacts.
20. Nowhere in the Government climate change or energy policies is there justification for the approval of projects which are unacceptable in terms of adverse environmental and/or other impacts and are therefore contrary to Development Plan policy.
21. The Scottish Government's current renewable energy target is simply one of a number of key considerations for Planning Authorities when updating their Development Plans and when preparing SPG/SG, and for Ministers when considering those Development Plan documents. The target itself does not presume that consents/permissions must follow for any particular site and does not define the outcome of this s.36 application.
22. Currently, there is no indication of any fundamental change to current national planning policy as set out in SPP. The consultative NPF3 and SPP2 look to strengthen spatial planning and guidance for onshore wind energy, but the basic position remains – the Scottish Government's policy direction generally favours onshore wind farm developments on appropriate sites, but it does not do so unquestioningly: they are only to be permitted where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. In short, only suitable sites should be approved.

## The Proposal

23. The proposal is to construct 17 wind turbines with a tip height of 149m at Keirs Hill, which lies on a particularly narrow strip of East Ayrshire land, approximately 3km east of Straiton (South Ayrshire). Each turbine is envisaged to have a capacity to generate up to 3.4MW, giving the whole development a potential generating capacity of 57.8 MW. SSfS notes that this figure is only marginally beyond the s36 trigger of 50MW. The site is located on moorland currently used for commercial forestry and rough grazing, located to the west of the A713 (national tourist route) and less than 2km from the settlements of Patna and Waterside.
24. Paragraph 4.9 of the ES advises that the applicant 'requires flexibility' and is seeking a micro-siting allowance of 50m. This implies that a proper site investigation has not been carried out. A house builder could not successfully apply for a detailed planning permission for a residential development, whilst simultaneously asking to be allowed to locate that the houses all up to 50m away from where they are shown without any need to apply for a variation of the planning permission. Given much of the site is already well within the 2km buffer provided by the SPP guidelines to protect settlements, a possible further encroachment by up to 50m will compound what are already significant adverse effects.
25. Should consent be granted for the proposal, in spite of the thousands of objections and other material problems with the Application, SSfS respectfully requests that any proposed variation to the layout should be the subject of a further submission to the Planning Authority.
26. Benefits of the scheme: beyond the generation of electricity, the output of which will be restricted by a number of constraints, the range of claimed benefits of the proposal are limited. The ES sets out a potential set of economic impact figures. Overall, these are likely to be minor positive – the specific (and surprisingly limited) employment opportunities in terms of economic benefits are discussed later in this Report. That assessment is broadly accepted, although the income redistribution effect the renewable energy policy and the pricing of externalities are not included in the assessment. The environmental benefits are predominantly the assumed reduction of greenhouse gas emissions which has already been built into a favourable policy framework.
27. It is vital to be specific about what the claimed benefits of this particular windfarm development in this particular location actually are, in order to avoid mistaking identified, locational and particular adverse impacts are outweighed by the assumed, generic and unspecified benefits associated with windfarm proposals. Whether, in the opinion of the Applicant, the adverse effects are just outweighed and no more, or are overwhelmingly outweighed, or whether there is a tipping point somewhere in between, has not been made clear.

28. In this case the benefits of the scheme are the limited economic benefits set out in the ES and the environmental benefits (as noted, the predicted greenhouse gas emissions reductions and climate change benefits), which are already assumed by existing policy and factored into the favourable policy environment. The Applicant claims no other significant scheme-specific economic or environmental benefits. These assumed benefits should, therefore, not be double counted in the planning balancing exercise.

## Primary Objection Material

### Landscape

29. This objection Report has taken into account the MSC Review. The MSC salient points with reference to landscape effects are summarised below (and the full Review is lodged as an integral part of this objection):

- *The ES and MSC assessments find significant landscape (and cumulative landscape) effects on the Upland River Valleys and Foothills with Forest LCTs as well as the Doon Valley SLCA.*
- *the proposed Keirs Hill Windfarm satisfies none of the four landscape and visual constraints identified in the 'The East Ayrshire Landscape Wind Energy Capacity Study' for the 'Foothills with Forest West of the Doon Valley';*
- *the proposed turbines are more than twice the height of the 'The East Ayrshire Landscape Wind Energy Capacity Study' recommended maximum height of 70m; and*
- *the proposed development is outwith the 'Search Areas for the large Typology (Turbines >70m)'<sup>6</sup>.*

30. The MSC Review continues to conclude at 5.2.1 *'that these points provide sufficient reason, in LVIA terms, for an objection to the proposed development by East Ayrshire Council and South Ayrshire Council'*.

31. Within Ayrshire the landscape guidance has recently been enhanced and clarified with the publication of the Landscape Wind Energy Capacity Study for the Ayrshire Council areas (2013) ("Capacity Study"). This work contains detailed guidance on the capacity of the landscape to accommodate future wind energy development and is a material consideration for the South and East Ayrshire Councils when considering windfarm development.

32. The Capacity Study identifies the proposed site as being within the Landscape Character Type 'Foothills with Forest West of the Doon Valley' (17b). This is assessed as being unable to accommodate and sensitive to turbines of the largest typology i.e. larger than 70m. It should be noted that there are no existing or consented wind turbines sited in this character type. To do so would render it vulnerable to further development.

33. The key constraints identified which make the Keirs Hill location an inherently unsuitable character area for large turbines are clearly stated in the Capacity Study:

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<sup>6</sup> MSC Review 5.1, p. 27

- *The more prominent steep-sided hills with well-defined summits which occur on the outer edges of these foothills and include Auchenroy Hill, Big Hill of the Baing and Kildoach Hill. These ‘landmark’ hills form a scenic backdrop to the settled and smaller scale Middle Dale (12), Intimate Pastoral Valley (13) and Upland River Valley (10).*
- *Potential effects on the setting of designed landscapes sited within the adjacent Middle Dale (12) and the Upland River Valley (10) including the Inventory listed Craigengillan and Blairquhan.*
- *Potential effects on the setting of settlements such as Dalmellington/Bellsbank, Patna and Straiton sited within the adjacent Doon and Girvan Valleys.*
- *The limited extent of these foothills which increases sensitivity, particularly to the large typology (turbines >70m) in terms of potential effects on adjacent well-settled, smaller scale settled valleys.*
- *Views from the Craigengower Monument above Straiton and from Auchenroy Hills which are popular with walkers.*<sup>7</sup>

34. The Capacity Study continues to emphatically conclude that **‘no scope for the large typology (>70m) has been identified in this sensitivity assessment’**<sup>8</sup>.

35. Furthermore, turbines of this size present a major intrusion on adjacent small scale settled valleys (Doon and Upper Girvan). The proximity of turbines serves to exacerbate this problem.

36. Turbines of this size present significant impact on key views to and from designed landscapes, as demonstrated by the developers own photomontages. Given the particular narrow nature of this landscape character, this impact cannot be avoided.

37. SSfS note that there is there also no such scope in the adjacent Landscape Character Areas. The decision to apply for turbines which are more than double the acceptable size (even then only in limited numbers) exacerbates their unsuitability making them entirely and fundamentally inappropriate.

38. The Development Plan accepts that there will be ‘impact of renewable energy on landscape character and appearance’ and accordingly continues to stipulate that ‘it is essential therefore that positive landscape management is carried out throughout Ayrshire to achieve improved landscape quality as well as landscape protection’ (AJSP Para 92). Any diversion from or contravention of the findings of the recent, pertinent and, no doubt, expensive Capacity Studies would absolutely flout the Plan’s commitment.

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<sup>7</sup> the East Ayrshire Wind Capacity Study Appendix (2013), 8.22

<sup>8</sup> *Ibid*, 8.3.

39. The Development Plan's support of the guidance provided by the Capacity Study is evident and unquestionable: 'Local plans shall seek to protect and enhance landscape character and establish criteria for the assessment of future development proposals in the context of the particular local landscape type within which the development is proposed', yet the Applicant, in this project, has shown a total disregard for that guidance and the assessment criteria.

**40. SSfS considers that this application is not in accord with the Capacity Study and as such, should not be granted consent.**

41. The adverse visual impact on the landscape would unquestionably dominate the skyline and landscape character of the intimate Girvan River Valley. The Development Plan insists that 'development will require to respect the landscape character of the area and not result in visual damage or intrusion'. The Applicant's own photomontages demonstrate how the turbines break the horizon and devalue the features of this unique landscape and surrounding landscapes – yet these landscapes are protected within in the context of the Structure Plan: AJSP ENV 1 Landscape Quality policy recognises that the quality of the landscape within Ayrshire is a valuable economic resource and its quality, with its distinctive local characteristics, should be maintained and enhanced. SSfS notes that in providing for new development, particular care should be taken to *conserve* those features that contribute to local distinctiveness which include the setting of communities and buildings within the landscape, special qualities of rivers, historic landscapes, skylines and hill features including prominent views.

42. Conversely, this Application would result in a large scale alteration to key features and characteristics of the area, and an introduction of visually prominent elements – especially given that the proposed turbines are 149m high – which are totally uncharacteristic rendering it unacceptable in terms of the Development Plan<sup>9</sup>.

43. Structure Plan Policy STRAT1 asserts that the guiding principles of sustainable development are to be applied to planning applications as appropriate. In terms of those principles and the proposed Keirs Hill wind farm application documents:

- A. The natural heritage will not be conserved and enhanced (and it is important to stress, once again, that the policy test is clearly to conserve **and** enhance);
- B. The development will not respect the landscape character and it will result in visual damage and intrusion;
- C. The development will have an adverse effect in terms of light (particularly during its construction and decommissioning phases, but also throughout the life of the windfarm) and may also affect water resources; and
- D. The significant adverse effects of the proposed development are not mitigated and the external environmental costs from the proposed development will be borne locally, contrary to the principles of the policy.

**44. The proposal is, therefore, not in accord with Policy STRAT1.**

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<sup>9</sup> As per GLVIA, 3<sup>rd</sup> edition, Paras 6.38 to 6.41.

45. Furthermore, although this proposal lies outwith a Sensitive Landscape Area, there are impacts on adjoining landscapes which are sensitive to change. AJSP Policy ENV2 B, Landscape Protection states that ‘the protection and enhancement of the landscape shall be given full consideration... in the determination of planning applications’. Based on both the ES LVIA and the review of that LVIA by MSC, the proposal is not considered to comply at all with the “protect and enhance” aims of the policy and, therefore, the proposal does not accord with ENV2. SSfS notes that it is essential to take into full account that the test is to “protect **and** enhance”.
46. Given that ‘the landscape of Ayrshire is a valuable resource and makes a significant contribution to the economic, environmental and cultural life of the area... much of Ayrshire is valued for its scenic and environmental qualities’ (AJSP Para 91), the substantial deterioration caused by this project would result in an absolute change to the character and nature of this particular landscape which provides the backdrop for so much of Ayrshire, as the photomontages demonstrate, even from as far afield as Troon. This project would undeniably demean the value of vast swathes of Ayrshire’s scenic and environmental qualities.

## Visual Amenity and Communities

47. As noted above, this objection Report has taken into account the MSC Review. The MSC salient points with respect to visual effects are summarised below (and the full report is lodged as an integral part of this objection):

- *the ES and MSC assessment's both find significant visual (and cumulative visual) effects at ES Viewpoints 1 to 9;*
- *MSC generally agrees with the ES assessment that the residents of Gass, Low Keirs and High Keirs would be subject to significant effects. However substantial numbers of residents in Patna, Burnfoot and Waterside would also be subject to significant visual effects;*
- *SSfS have calculated that a total of 729 properties are within 2km of the nearest turbine;*
- *the Druim Ba Windfarm Appeal Report to Scottish Ministers conclusion (that the number of residential properties subject to significant effects would be unacceptable) would also apply to the Keirs Hill Windfarm effects;*
- *the Burnhead Windfarm Appeal Decision Notice conclusion (that effects on settlement settings would be unacceptable) would also apply to the Keirs Hill Windfarm effects on the settlements of Patna, Waterside and Dalmellington; and*
- *the ES and MSC assessments conclude that there will be significant adverse visual (and cumulative) effects on users of the A713 and B741.<sup>10</sup>*

48. The MSC Review continues to conclude at 5.2.1 *'that these points provide sufficient reason, in LVIA terms, for an objection to the proposed development by East Ayrshire Council and South Ayrshire Council'.*

49. The AJSP, the East Ayrshire Local Plan (CS12b) and the South Ayrshire Local Plan (Policy BE3) provide fair and rational protection for the setting of settlements. This is crucial for maintaining Ayrshire as 'an attractive place in which to live, work, visit and invest' (Para 63 AJSP). Contrary to these policies, the proposed wind farm would adversely impact the amenity and dominate the setting of the conservation village of Waterside, designated as 'outstanding' by the Scottish Government and so make a mockery of its status; furthermore, the photomontages illustrate that the turbines would become a defining feature of not merely the setting, but the villages themselves of Patna and Waterside. The Keirs Hill Windfarm's presence would be pervasive - visitors could not fail to recall them as 'the villages with the windfarm'.

50. In South Ayrshire, Kirkmichael and Straiton are also both Conservation Villages, the latter being one of only 3 villages in the county to have been designated as 'outstanding' by the Scottish Government. As for Waterside, this proposal would dominate the backdrop to this village from every approach road, introducing visually prominent elements which are totally out of scale with the rest of the setting; furthermore, in Straiton's case, the turbines would become a permanent moving

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<sup>10</sup> MSC Review 5.1.2, p.28

feature visible from the village itself and so make a mockery of its outstanding conservation status. Conversely, SSfS notes that Straiton is considered so worthy of protected status that residents are (understandably) refused planning permission to have solar panels on their roofs.

51. Similarly and causing as much concern, the proposal would be a dominant feature within the setting of the Dalmellington Conservation Area, 100s of Listed Buildings, Scheduled Monuments including Dalnean Hill, and, fundamentally, compromise no less than 5 SSSI's and the precious Designed Landscapes of Craigen Gillan and Blairquhan.
52. **It is clear from the photomontages and ES that the Application presents a direct contravention of the AJSP ENV1's commitment** that 'the quality of Ayrshire's landscapes and its distinctive local characteristics shall be maintained and enhanced. In providing for new development, particular care shall be taken to conserve those features that contribute to local distinctiveness including: a) Settings of communities and buildings within the landscape...'
53. SSfS submits that the significant adverse visual impacts caused by this proposal will be oppressive to the above specified communities and many others. This is directly contrary to the AJSP's key vision of promoting 'strong and vibrant communities' and promise to 'provide an attractive setting for existing communities and new investment' (para 91 AJSP), and the ethos of the Development Plan as a whole.
54. In short, it is the opinion of SSfS that this part of Ayrshire and the attractiveness of its villages and associated heritage would be sacrificed as a fantastic place to live and visit should the proposal be granted consent, given the proximity, height and number of turbines involved.
55. The height of the proposed turbines does not reflect the scale and character of the immediate landscape features and will unquestionably have significant impacts on the surrounding landscape. The wind farm would become a dominant element and create a confusing sense of perspective - contrary to para 187 of SPP.

## Residential Amenity

56. Windfarms have the potential to create significant long term adverse impacts on the amenity of an area. Visually, within 2km, wind turbines are a prominent feature, and all the more so at this scale of 149m high. These impacts can be significantly reduced by distance from a proposal. Other impacts such as noise and shadow flicker can also be mitigated with distance and careful sighting. The application documents clearly demonstrate that the site for this proposed windfarm is inappropriate – it lies within 2km of no less than two villages and many more homes besides.
57. The SPP directs developers to sites further than 2km from settlements, indicating this is a good starting place when looking for appropriate areas for windfarms. This proposal falls within these guidelines.
58. As the proposal stands, SSfS calculates **that 729 homes in settlements (Patna and Waterside) will lie within 2km** of at least one turbine (please see Appendix). Over 500 of these will be **within 2km of 4 or more turbines**. Significantly for residents and visitors, the Doonbank House Nursing Home is 1.6km from T17 and the Riverside Medical Practice 1.9km from T17 also.
59. Furthermore, the guidance contained within Structure Plan, Technical Report 03/2006 does not support turbines within 2km of a town or village, unless the Applicant can demonstrate that the impacts are acceptable.
- 60. SSfS does not consider there to be any evidence presented in the application documents which justifies such proximity to so many homes.**
61. The SPP process is evolving in an attempt to keep up with turbine technology, the newly proposed consultative draft of the SPP highlights the national concerns on this matter, and recommends that a community separation distance of 2.5km, rather than just 2km, is actually appropriate now that turbine size has increased so dramatically over the last few years. Given that the turbine size applied for in this instance is of the highest bracket for onshore wind turbines in the UK, it would be appropriate and in keeping with the spirit of the SPP to take the 2.5km as being the minimum distance to start with when determining the location for a windfarm of this size and nature.
62. The developer in this instance has demonstrated a lack of regard for the planning process and the clear direction that it is headed: given the proximity and scale of the turbines, with little or no screening effects, SSfS submits that the Applicant has knowingly and unreasonably ignored the SPP Guidelines and that the proposal is not in accord with the clear ethos of the SPP. The impacts identified are considered significant and adverse on the communities of Patna and Waterside (VP3 & VP4).

The proposal will also be a significant feature in the landscape when viewed from Dalmellington, VP7 and from a multitude of locations within South Ayrshire.

## Tourism

63. SSfS notes and supports the VisitStraiton objection representation and Report (attached with this submission). This outlines many shortcomings of the Tourism chapter in the ES and the vulnerability that the local tourism industry faces in respect to wind developments of this nature.
64. As the AJSP notes, Ayrshire is 'best known for tourism nationally and internationally'. The Doon and Girvan Valleys are hubs for vast numbers of visitors to Ayrshire. Their natural beauty and interest is becoming increasingly appreciated, this is strengthened by their inclusion within the Galloway & Southern Ayrshire UNESCO Biosphere and the Scottish Dark Sky Observatory, not to mention the draw of the recreational Galloway Forest Park. The area would deteriorate should this proposal be permitted. The important cultural heritage represented by the above-noted conservation villages, the Designed Gardens at Craigengillan and Blairquhan (and the house itself, from which both blades and hubs of the WTGs will be visible) would not be 'safeguarded' as the Development Plan suggests, but rather sacrificed.
65. SSfS would like to reiterate to the ECDU and East Ayrshire Council the following comments made by South Ayrshire Council when considering the tourism impacts that this proposal has in their response to the application dated 15th Jan 2014.

*Tourism makes a significant contribution to the economy of Ayrshire and has the potential for significant growth. At the heart of this growth is a need to maintain environmental quality through improvements or protection from inappropriate development. Within the context of this application areas which are sensitive to change include designated scenic /sensitive landscapes, the Galloway national tourist route, A713, which stretches from Gretna to Ayr which links the Robert Burns attractions in both Dumfries and Ayr and the industrial heritage of the Doon Valley and local walking routes. This proposal has a direct impact on the sensitive landscapes which adjoin the scheme and on the interest that the designation is intended to protect, (Refer: AJSP Technical Report 23/supporting information for Sensitive Landscape Designations within Ayrshire), in particular these include the cultural landscape, historic landscapes and the strong sense of place in this valley. This is confirmed by the LVIA which concludes the effects on these designations would be locally significant and substantial, particularly within 5km.*

*As illustrated in the supporting environmental statement this proposal will have a significant visual impact on tourists and visitors travelling along this route, the National Tourist Route, A713. The scale of the turbines, limit any screening mitigation. This scheme would detract from and compromise the environmental quality of the route. The scheme will be locally prominent and significant from the Doon Valley and will introduce turbines onto the skyline from the west approached from Ayr.*

66. Waterside is dominated by the former Iron Works and Brickworks site, previously operated as a national heritage centre by the Dalmellington and District Conservation Trust. The whole of the village is designated, because of its industrial archaeological importance as an Outstanding Conservation Area. The former Ironworks site is also designated by the Scottish Government as a Scheduled Ancient Monument. The area contains a prepared industrial site although this remains unserviced and undeveloped. As noted by South Ayrshire Council, this built heritage and historic environment landscape at Waterside helps define the sense of place of an area. A high level of significance is attached in the assessments to the Waterside Iron Works and its associated features. The landscape assessments identify significant impacts on key features of this heritage. These impacts have a direct impact on the setting of the historic assets at Waterside, where the views to and across the broader historic landscape are adversely affected. SSfS submits that these adverse impacts are not justifiable.
67. SSfS is also concerned about negative effects that this proposal has on the inventory listed designed landscapes, particularly Blairquhan. The ES understates the impact to this designed landscape as crucially the **setting** has not been adequately included in the assessment. Again as South Ayrshire Council has noted, 'Views from and to this historic asset can contribute to the setting and also the character of the surrounding landscape and can be considered significant'.
68. The ES has understated the recreational impact sensitivity of every core path, settlement, transport route, visitor attraction, and right of way (assessed as 'low'). This shows a disregard for the importance of the recreational amenity within both South and East Ayrshire which draws thousands of tourists here every year (particularly via the A713 and B741 which border the proposed site). The most recent VisitScotland Survey clearly showed that 20% of visitors would not return to an area with wind farms. There is no tourism business in this area that could absorb a 20% reduction in trade. The costs to the local people and the area far outweigh any proposed benefits of the development.
69. Given the consequential threat and associated loss to business that this development represents to local tourism employment, it is important to consider how this could possibly be offset by the employment opportunities for locals identified in the ES. In fact, this wind farm will generate very little permanent employment. It is widely understood that during construction the balance of civil contracts can provide short term and limited local employment, however these jobs are neither sustainable nor provide 'growth' in any real sense, since they go as quickly as they come. Longer term maintenance of turbines is usually carried out by specialist technicians moving from site to site rather than by locally employed people, and the Application implies this by identifying just one single possible long term role for a member of the local community: 'It is likely that a local person would be employed to regularly inspect the Development, generally on a weekly basis' (ES 4.74).

**70. In short, the development is contrary to Policy ECON7, ECON12 and ECON 13 of AJSP which seek to promote and safeguard the Ayrshire tourism resource.**

## Cumulative Impact

71. The community of Straiton is facing with three other live Section 36 proposals, namely Dersalloch, Linfairn and Glenmount, with a further windfarm (Knockskae, at scoping) also in the immediate area. From a cumulative perspective there are many more schemes in South Ayrshire, Dumfries and Galloway, and East Ayrshire within 20km of Straiton. Accordingly, SSfS is concerned about both scheme specific and cumulative impacts. Indeed the “local” cumulative impact would be significant and alarmingly adverse. The ECDU is asked to take full account of the cumulative impacts identified in this objection alongside the related planning policy conclusions.
72. SSfS notes that cumulative impacts arising from windfarm developments is becoming an increasingly important consideration in South and East Ayrshire, given the potential number of windfarms in the area, and welcomes that the relationship of the proposed site has been assessed together with other developments which are the subject of undetermined Section 36 or planning applications.
73. It is understood that SNH guidance indicates that Cumulative effects on visual amenity can be caused by 'combined visibility and/or sequential effects. Combined visibility occurs where the observer is able to see two or more developments from one viewpoint. Sequential effects occur when the observer has to move to another viewpoint to see different developments. Sequential effects should be assessed for travel along regularly-used routes'<sup>11</sup>. SSfS contends that the Applicant has clearly demonstrated in the ES that the cumulative effect (combined and sequentially) is demonstrable and significant in relation to several routes and viewpoints, many of which are shown within the Applicant’s photomontages. It is not the intention to go through all of these, as in general, they speak for themselves, however of particular and notable concern to SSfS are the following:
- Sequential and combined visibility from the B741 between Dalmellington and Straiton. A 5km section of this road is extremely close to both Keirs Hill (North) and Dersallach (South) proposals. A further 2 km along this road (the scenic drop down into the Girvan Valley), the Linfairn proposal would present a further prominent and domineering vista to the West . This route should not be understated in it's importance, apart from local residents, the road is popular with many recreational users (it is a particularly popular circuit for cyclists) including tourists entering South Ayrshire from the South, off the A713, and into Straiton, the Galloway Hills and beyond. Tourists using this route specifically come to enjoy the recreational and visual amenity that the area brings, and the cumulative sight of 3 large industrial windfarms will undeniably compromise the scenic quality of that route.

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<sup>11</sup> Assessing the Cumulative Impact of Onshore wind energy Developments – SNH March 2012

- Keirs Hill will also have a significant visual impact on visitors travelling along the National Tourist Route, A713 . The ES demonstrates that South of Dalmellington, turbines at Benbrack and South Kyle would be visible at close proximity; only 5 km away, Dersalloch will be seen in combination with Keirs Hill to the south; and Glenmount (now also in application stage) will be seen from various points along this major tourist route. Overall, the proposal both on its own and cumulatively would detract from and compromise the environmental quality of the A713. Local plan Policy ENV 20 seeks to ensure that the environmental quality of the main strategic access and tourist routes throughout East Ayrshire is not compromised by inappropriate, unacceptable or insensitive development, and users of the A713 would be exposed to a significant adverse impact given that sequential cumulative impact along this route has to be taken into account: as such, this development is not in accord with policy ENV 20.
  - Many photomontages demonstrate significant and adverse combined visibility from key local footpaths and viewpoints. Notable and significant to SSfS is the Craigengower Monument, an extremely popular route for visitors and locals alike. Within approximately 2/3km of this viewpoint, there would be a full and uninterrupted 360 degree view of Linfairn, Dersallach, Keirs Hill (all s36 application stage proposals) and Knockskae (scoping stage). SSfS further contends that the Glenmount windfarm would be also prominently visible from this viewpoint, however the Applicant has not mentioned this windfarm in the ES.
  - There would also be significant cumulative issues on the skyline when viewed from a number of locations within South Ayrshire. This is demonstrated in a number of the photomontages for this application.
74. In terms of addressing the cumulative impact assessment of this proposal, there is already in the South Ayrshire, East Ayrshire and Dumfries and Galloway Council areas a considerable provision of renewable energy installations and proposals within a limited geographical area. There is an increasing need for a wide ranging cross-council-boundary approach and a cross-boundary landscape capacity assessment (to supplement the recent individual studies) as a key aspect in the consideration of the cumulative impact aspects of individual wind farm proposals in this area. SSfS hopes that such an approach will be undertaken by SNH and the Council.

## Further considerations in terms of the Development Plan

75. The AJSP identifies key tests which this proposal requires to be considered against. These are set out in Policies ECON 6 “Renewable Energy” and ECON7 “Wind Farms”. Guidance on how this Structure Plan policy should be interpreted is contained within the Addendum to the Ayrshire Joint Structure Plan Technical Report TR03/2006 (reference is also be made to ENV1 and STRAT 1).
76. The proposal is contrary to ECON 7. It clearly threatens the ‘integrity of national and international designations’ (C) and visitor experience of them, such as the Dark Sky Park and Merrick Wild Land. The application site for this wind farm is outwith the defined Areas of Search. Considering the relevant subsections within the policy, it is considered that:
77. The cumulative impact implications are deeply concerning given the amount of developer activity within the immediate area (no fewer than 5 live s.36 applications<sup>12</sup>, as well as many other large and medium applications within the wider area). The Capacity Study implies that the limit of acceptable cumulative impact has been reached in this area of Ayrshire and the remaining landscape / adjacent landscape should now be afforded significant protection, including the refusal of this application (subsection D), hence there is no scope to accommodate turbines of this typology in this area. SSfS submits that the new Capacity Study provides significant protection to this area and that alone would justify a rejection of the proposal.
78. Being a site outwith the areas of search (subsection E of the policy applies), it is considered that the Keirs Hill proposal has adverse effects that cannot be overcome or minimised in terms of the following “constraints” as set out in the policy:
- An area designated for its regional and local natural heritage value – the South Ayrshire Scenic Area and Doon Valley Sensitive Landscape Character Area
  - Tourism and recreation interests – it is noted that this issue has acquired greater prominence in the recent consideration of wind farm applications
  - Communities, particularly Patna and Waterside and the adjoining and nearby individual houses (with the submitted ES recognising that there are a considerable number of residencies “identified as potentially experiencing a significant impact as a result of the Project” - please see the discussion above relating to residential amenity).
  - Buffer zones around those communities (please see above discussions regarding ‘settings’).
79. **The proposal is therefore not in accord with Structure Plan Policy ECON 7** which is the key Development Plan policy that is to be applied in relation to windfarms.
80. This proposal is also contrary to ECON 6 of the AJSP despite it being in general a supportive renewable energy policy. ECON 6 states that development proposals

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<sup>12</sup> Namely South Kyle, Dersalloch, Glenmount, Linfairn and Keirs Hill.

which are considered to have an adverse effect on the following resources shall not conform to the Structure Plan.

- listed buildings of architectural and historic interest;
- Designated conservation areas;
- Historic gardens and designed landscapes; and
- Archaeological locations and landscapes.

81. The Development Plan recognises that ‘the link between ourselves and the past helps define our sense of place and belonging’ and Local plans are further directed to detail policies to protect and enhance built heritage resources. Conversely, this proposal undermines the integrity of the local built heritage resources (in particular with respect to Waterside) by inflicting enormous moving features onto the landscape around them. The design of this development is evidently insensitive to landscape character and cultural heritage, and so contravenes the principles enshrined in the policy framework.

82. It is considered that the proposed Keirs Hill wind farm development will lead to significant adverse impacts, including cumulative impacts, and that the design of the development is not sensitive to landscape character (and cultural heritage). Many of these adverse landscape and visual effects are fully recognised in the ES, and in the detailed assessment by MSC. Therefore, **the proposal does not accord with ECON 6.**

**83. Therefore, overall, the proposal is not in accordance with the relevant key policies in the Approved Joint Structure Plan.**

84. In terms of the East Ayrshire Local Plan, Policy SD 1 seeks to ensure that all new development contributes positively to the environmental quality of the area. In this regard, the council will ensure that all new development does not have any unacceptable adverse impact on:

- i. the character and appearance of the particular location in which it is proposed
- ii. the environment and amenity of local communities and residents of the area;
- iii. landscape character and quality.

85. For the reasons highlighted in the discussions above relating to landscape, visual amenity and communities, residential amenity and tourism, **SSfS submits that the proposal does not accord with Local Plan Policy SD1.**

86. Local plan Policy CS 12 supports the development of sympathetic renewable energy proposals where it can be demonstrated that there will be no significant, unacceptable adverse impact, including adverse cumulative impact with other existing or consented renewable energy developments:

- i. on the amenity of nearby communities or sensitive establishments, including individual or small groups of houses in the countryside that may

be adversely affected by reason of noise emission, visual dominance and other nuisance; or

- ii. on the visual amenity of the area and the natural landscape setting for the development, particularly within the Sensitive Landscape Character areas as identified on the local plan rural area map.

87. For the reasons highlighted in the discussions above relating to landscape, visual amenity and communities, residential amenity and tourism, with particular stress on the proximity to settlements and large numbers of homes that this development sits beside, **SSfS submits that the proposal does not accord with Local Plan Policy SD1.** The contravention of this Policy is further exacerbated by the Applicant's own findings with respect to the nuisance caused by flicker effects and the recommended separation distance.

88. Local plan Policy CS 14 states that the council will assess all applications for windfarm developments against the provisions of Policy ECON 7 (which is discussed above) of the structure plan and any future supplementary planning guidance to be prepared relating to cumulative impact. Accordingly, **SSfS finds this proposal contravenes Local Plan Policy CS 14.**

89. Local plan Policy ENV 3 gives priority to the protection and enhancement of the landscape in the consideration of development proposals within the Sensitive Landscape Character Areas. All development proposals in these areas should respect, in terms of their design, size, scale and location, the local landscape characteristics of the particular area within which they are proposed.

90. For the reasons highlighted in the discussions above relating to landscape and visual amenity **SSfS submits that the proposal does not accord with Local Plan Policy ENV 3.**

91. Local plan Policy ENV 15 says the council will not be supportive of development which would cause unacceptable and irreparable damage to important landscape features within rural areas. In this regard, developers will be expected to conserve and enhance features which contribute to the intrinsic landscape value and quality of the area concerned and which are likely to be adversely affected by the particular development proposed, including:

- i. existing setting of settlements and buildings within the landscape;
- ii. existing public rights of way, footpaths and bridleways; and
- iii. existing skylines, landform and contours.

Development which results in the permanent loss of landscape features which are not readily renewable and whose loss would be unacceptable in landscape terms will not be supported.

92. For the reasons highlighted in the discussions above relating to landscape, visual amenity and communities and residential amenity, **SSfS submits that the proposal does not accord with Local Plan Policy ENV 15.**

93. Local plan Policy ENV 16 states that the council will not be supportive of development which would create unacceptable visual intrusion or irreparable damage to the landscape character of rural areas. Development should be in keeping with the landscape character of the rural area in which it is located, in terms of layout, materials, design, size, scale, finish and colour.
94. For the reasons highlighted in the discussions above relating to landscape and visual amenity, **SSfS submits that the proposal does not accord with Local Plan Policy ENV 16.**
95. Local plan Policy ENV 17 states that in assessing development proposals relating to land within the rural area which has not been identified as a specific development opportunity site on the local plan maps, the council shall ensure that these have minimum impact on the rural environment. There will be a general presumption against any development which would have significant unacceptable adverse visual impact or cause irreparable damage to the landscape character and scenic quality of the area within which it is proposed.
96. For the reasons highlighted in the discussions above relating to landscape, visual amenity and communities and residential amenity, **SSfS submits that the proposal does not accord with Local Plan Policy ENV 17.**
97. Local plan Policy ENV 20 states that the council will ensure, wherever possible, that the environmental quality of the main strategic access and tourist routes throughout East Ayrshire is not compromised by inappropriate, unacceptable or insensitive development. All developers whose proposals lie adjacent to these routes will be required to demonstrate that their developments are adequately screened and landscaped so as to minimise any adverse impact they may otherwise have on their environmental setting.
98. For the reasons highlighted in the discussions above relating to landscape, visual amenity and communities and residential amenity and tourism, **SSfS submits that the proposal does not accord with Local Plan Policy ENV 15.**
99. In terms of the overall Development Plan conclusions, the proposed development is considered to be in breach of the relevant East Ayrshire Council Development Plan Policies. This conclusion arises on account of the wind farm's failure to protect and enhance the landscape and its distinctive features, the significant adverse landscape and visual impacts, including cumulative impacts, of the proposal and the loss of amenity at a considerable number of residencies. These significant adverse effects are not outweighed by the generic benefits of the scheme which are built into the supportive renewable policy environment.

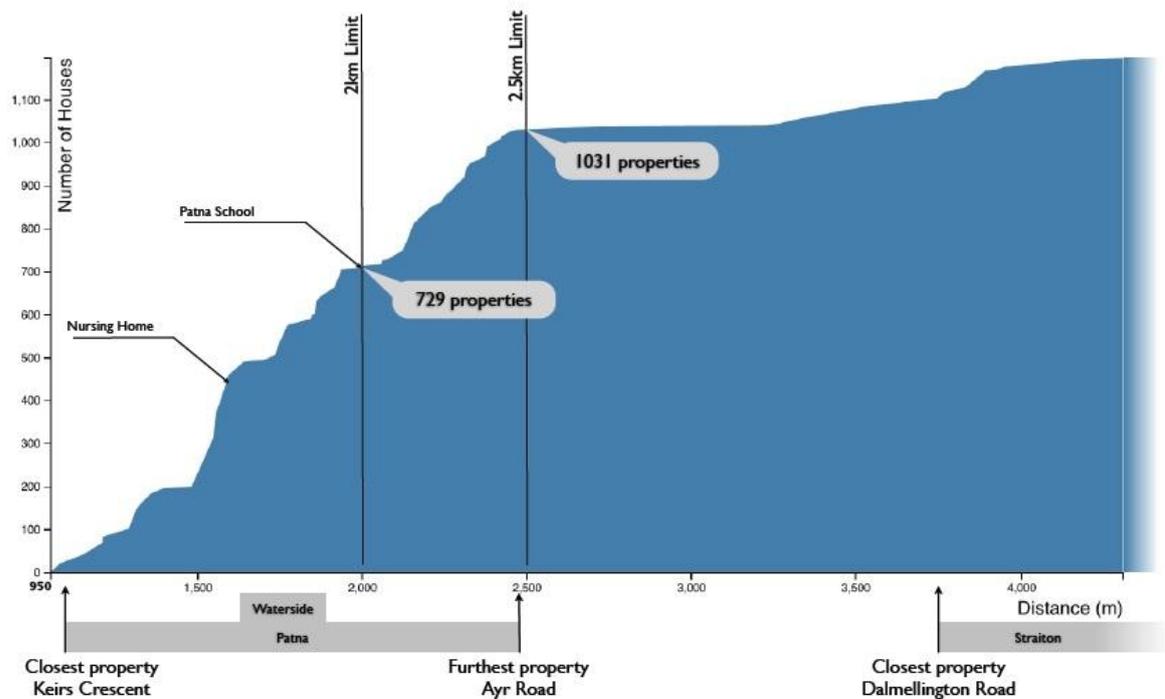
**100. It is therefore respectfully submitted that Scottish Ministers should conclude that the Keirs Hill windfarm application should be refused s.36 consent as the Electricity Act tests are not met and that, deemed planning permission should be refused on the grounds that the proposal is not in accordance with the Development Plan.**

## Appendix

Methodology to calculate the impacted properties was calculated using data from Post Office solutions, Ordnance Survey and RES. This was used to generate a list of all addresses within 5km of the Keirs Hill site. This was cross referenced to the position of the turbines (provided in the ES) in order to ascertain how close the nearest turbine was to all addresses. The raw data used for the below graphs can be found at the link below. Data and algorithms are available upon request to Save Straiton for Scotland.

<https://docs.google.com/spreadsheet/cc?key=0AoY0Fmk62VVvdDBLc29TYnBtRWI4UEcta2hmYm5JRhc&usp=sharing>

### Number of Properties by Distance to Nearest Turbine, Keirs Hill Proposal



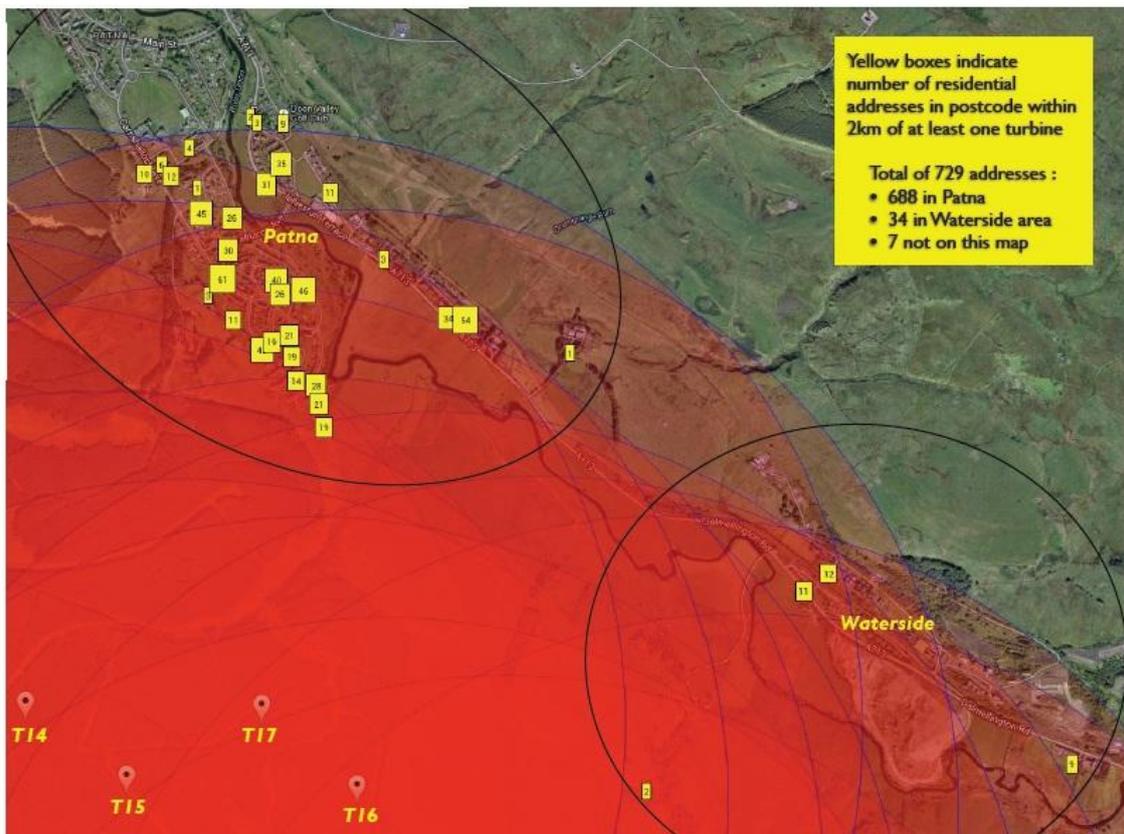
Sources: RES planning documents, Royal Mail Solutions data, Ordnance Survey Data

## Number of properties within 2km of multiple turbines, Keirs Hill Proposal



Sources: RES planning documents, Royal Mail Solutions data, Ordnance Survey Data

## Visual image of properties within 2km of multiple turbines, Keirs Hill Proposal



Sources: RES planning documents, Royal Mail Solutions data, Ordnance Survey Data, Google Maps Satellite images