

## Melrose J (Joyce)

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**From:** McGibbon, Alastair <Alastair.McGibbon@south-ayrshire.gov.uk>  
**Sent:** 28 June 2023 17:20  
**To:** Kelly A (Allan); Econsents Admin  
**Cc:** Shand, William  
**Subject:** S36 - Scienteuch Wind Farm (South Ayrshire Council Response)  
**Attachments:** 2200654DEEM - Panel Report.pdf

**ECU REFERENCE ECU00003318**

**SOUTH AYRSHIRE COUNCIL REFERENCE 22/00654/DEEM**

**APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR PERMISSION TO CONSTRUCT AND OPERATE SCLENTEUCH WIND FARM IN THE PLANNING AUTHORITY AREA OF SOUTH AYRSHIRE COUNCIL (& EAST AYRSHIRE COUNCIL)**

Dear Allan,

I write to provide you with a copy of South Ayrshire Council's consultation response to the above noted S36 application.

The proposal was considered by South Ayrshire Council's Regulatory Panel (Planning) yesterday (Tuesday 27<sup>th</sup> June 2023) .

The Regulatory Panel agreed that the attached report be returned to the ECU as the Council's consultation response. You will note that the decision is to offer **no objection** to the proposal, subject to agreement on conditions.

I can confirm that copies of the final internal/external consultation responses received by the Council's Planning Service to inform the Council's considerations as a consultee can be provided to the ECU. Should you require any/all of these, please feel free to contact me and I can send these over.

I would be most grateful if you could please confirm receipt of this South Ayrshire Council response.

Best wishes,

Alastair

**Alastair McGibbon** MRTPI | Supervisory Planner (Place Planning) | Housing, Operations and Development Directorate | [alastair.mcgibbon@south-ayrshire.gov.uk](mailto:alastair.mcgibbon@south-ayrshire.gov.uk) | Direct Line: 01292 616177 | South Ayrshire Council |

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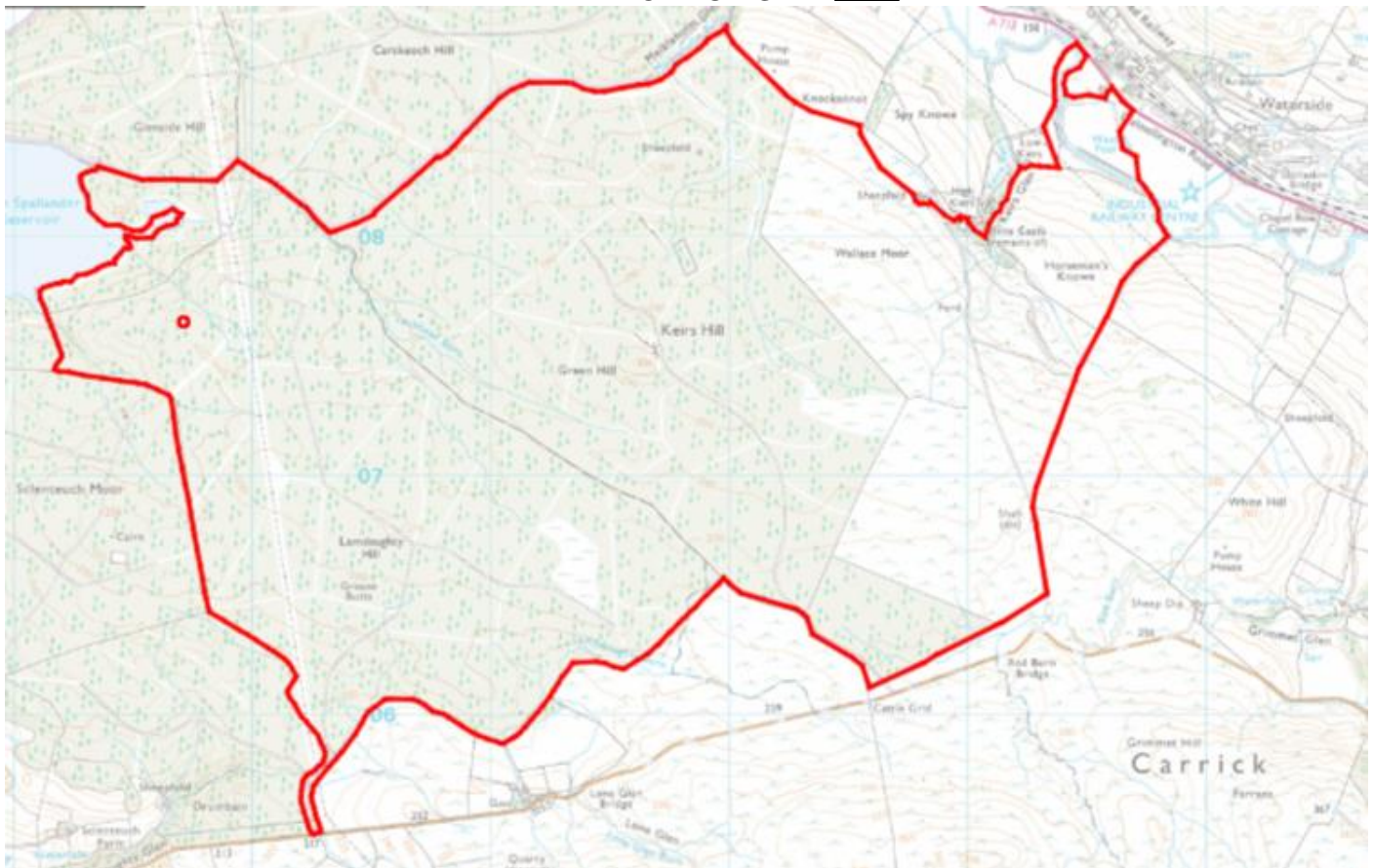
## REGULATORY PANEL: 27 JUNE 2023

### REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### SCLENTEUCH WINDFARM BY STRAITON

#### Location Plan

APPLICATION SITE 



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#### Summary

The proposed development that covers two Council areas (East and South Ayrshire) comprises of 9 wind turbines, battery storage and ancillary development. Each turbine would be a three bladed horizontal axis type machine with a generating capacity of 6MW. 5no. wind turbines would be up to 200m in height to blade tip with 4no. up to 180m in height to blade tip. The overall generating capacity of the wind farm would be up to 54MW.

While the proposed development is largely situated within East Ayrshire, 4 of the 9 turbines and associated access tracks are situated within South Ayrshire. All four turbines would have a tip height of 200m. It is the 4 turbines and access tracks that SAC has been consulted on that form the focus of considerations and conclusions as set out in this report.

The proposed wind farm and battery storage are largely situated on commercial forestry and agricultural land. The site is situated to the north east of Straiton on the boundary with East Ayrshire. The proposal is not sited within an area designated for landscape value although is close to the Water of Girvan Local Landscape Area.

The proposal would accord with the strategic and overarching policies of National Planning Framework (NPF) 4 in that it would contribute significantly to the creation of renewable energy and help to tackle the climate crisis. Based on NPF4 Policy 1, this would add significant weight towards supporting the proposal. Along with this, the proposal is considered a National Development in line with NPF4 and therefore has 'in principle' support. This in principle support is also reiterated by Policy 11 which states that renewable energy projects should be supported subject to consideration of detailed matters.

In terms of potential impacts, it has been found that impacts on residential amenity from operational noise and shadow flicker are unlikely. Planning conditions are proposed to ensure the assessments set out within the Environmental Impact Assessment (EIA) Report are adhered to. No significant effects in terms of outdoor access or existing paths are identified. The EIA Report has set out mitigation in terms of aviation and defence interests and the principle of the mitigation measures have been deemed appropriate by the aviation authorities. The final details and resolution to these mitigation measures will require agreement with the aviation authorities and this would be agreed separately. No significant effects on telecommunication and broadcasting equipment have been identified. The proposal has the potential to have some adverse effects on the road network with an increase in vehicles including HGVs during the temporary construction phase. However, even at the peak period these would not have any significant environmental effects. The traffic would largely utilise the trunk road network within South Ayrshire with some early HGV traffic movements through Straiton prior to a new access being formed near Waterside in East Ayrshire. The traffic movements through Straiton would be short term and not significant as a result. The windfarm has the potential to have some limited adverse effects on the setting of Straiton which is a historic settlement with a Conservation Area and a large number of Listed Buildings. The greatest impact would be from the wind farms elevated position which would see it sit above the settlement in views from the west. This has the potential for an adverse effect in some views where the settlement can be seen in combination with the wind farm. Overall, the historic setting of the settlement is likely to be preserved in the majority of views given the separation distance between the development and the settlement. No other significant impact on historic or cultural heritage has been identified. The proposed development would have no significant effects on hydrology or the water environment and the development would not be at any significant flood risk. Controls will be needed through a Construction Environmental Management Plan to avoid any significant pollution on the water environment during the construction process.

The proposal has met the policy criteria of NPF4 in that the proposal includes biodiversity enhancement through proposed peat habitat improvement which will also help in tackling the climate crisis. The detail of this would be provided through a Habitat Management Plan. The proposal would have no significant effects on International, National, Regional or local ecological designations and will generally have no significant effect on ecology or ornithology. Mitigation is set out to ensure pre-start surveys are undertaken along with continued monitoring by an Ecological Clerk of Works during construction to avoid any significant ecological effects.

The windfarm would see the removal of a large area of commercial woodland which, while scheduled for removal, would have been replaced with commercial forestry as part of a restocking programme. However, the proposed development includes a plan to provide 57.1Ha of compensatory planting for the lost trees, the detail of which could be secured through condition if the Scottish Government were minded to approve the development. This would mitigate for the loss of trees and create a neutral effect. There is an abundance of peaty soil on site. The windfarm layout has been designed in a way to avoid deep peat and priority habitat as much as possible. Where this could not be avoided, 'floating tracks' (a track road constructed directly on top of the peat, relying on the strength of the in-situ peat for its support) are proposed to avoid peat removal. Policy 5 sets out that development on peatland, carbon rich soils and priority peatland can be acceptable where the development is for generation of green energy and aids the reduction in greenhouse gases. This development would meet that requirement and in turn avoids impact on the peaty soils and priority habitat as much as possible.

Significant effects are likely in terms of residential visual amenity on properties within Gass as they would have views towards the wind turbines. The impact however would not be so significant as to be unacceptable particularly when weighted against the benefits of renewable energy in tackling the climate crisis. The adverse effects would not be considered so significant to be detrimental to the enjoyment of the properties given the closest turbine would be at a distance of 1.2km. The proposal is considered to accord with the Development Plan in this regard.

There is the potential for significant adverse effects on the landscape from this development given its scale and height of turbines. It is noted in the planning application previously considered for this area (Ref: ECU00003110) that the Reporter concluded that this area was suitable for wind turbine development (however, that historic scheme was overall not acceptable for other reasons). The proposed development has a lesser landscape impact than the previous application even although the turbines are higher. The previous application had a larger number of turbines and were positioned so as to create more significant landscape effects, particularly on East Ayrshire. This current development proposal would not have a significant adverse effect on the landscape character of South Ayrshire.

The proposed development would have some significant adverse effects on the Carrick Hills Local Landscape Area (LLA) given it would be viewed from that LLA. In these views however, the existing Dersalloch wind farm would already be visible and sit in front of this wind farm. The proposed development would therefore not significantly increase the existing landscape effects to the degree that it would outweigh the benefits of the proposal in terms of tackling the climate crisis. This would be subject to a planning condition requiring aviation lighting to only be required when aircraft were detected in the area. The effects of the proposed development on the Water of Girvan LLA could be significant, particularly where the LLA is closest to the development. This could however be considered to be localised in nature and not widespread across the whole LLA. With a development of this scale, NPF4 sets out that significant local effects are likely and should generally not render a development unacceptable. This is considered to be the case for this development. The effects would not be widespread with the windfarm screened from views within the LLA by topography, vegetation and distance so as to avoid any significant effects in many areas. The proposed development would not alter the overall character of the LLA and while some significant effects are likely, these would not outweigh the benefits of the proposal towards tackling the climate crisis as set out within NPF4 Policies 1 and 11. No significant visual effects have been identified outside of the LLA's which have already been assessed.

The Carrick, Craiginmoddie and Knockcronal applications are currently at Public Local Inquiry and therefore it is unclear what the likely cumulative effect with these windfarms is likely to be until those are determined. The Council is required to respond to the current consultation in a timely manner and before end of June 2023 and therefore is not in a position to consider this further; this will be a matter for the Scottish Government Energy Consent Unit. The proposal alone with all constructed and consented wind farms would have no individual or cumulative significant adverse landscape and visual effects that would render the proposal unacceptable.

On balance, the proposed development subject to this application has been assessed against the relevant policies of National Planning Framework 4 (NPF4) alongside South Ayrshire Local Development Plan 2. Based on the conclusions drawn in the policy assessment, there are no significant environmental effects that would warrant the balance to be shifted away from the significant benefit of the proposals in supporting renewable energy provision and reducing greenhouse gas emissions. This proposal aligns with the intent of primary policies of the NPF4 which seek to address the climate emergency through promoting development that minimises carbon emissions and tackle the climate and nature crises.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 27 JUNE 2023

<b>SUBJECT:</b>	<b>CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989</b>
<b>APPLICATION REF:</b>	<b>22/00654/DEEM</b>
<b>SITE ADDRESS:</b>	<b>SCLENTEUCH WIND FARM, STRAITON, SOUTH AYRSHIRE, KA19 7NJ</b>
<b>DESCRIPTION:</b>	<b>APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 FOR PERMISSION TO CONSTRUCT AND OPERATE SCLENTEUCH WIND FARM</b>
<b>RECOMMENDATION:</b>	<b>NO OBJECTION</b>

#### 1. Purpose of Report:

- 1.1. South Ayrshire Council has been consulted by The Scottish Government, under Section 36 of The Electricity Act 1989, on an application by RES for the erection of a windfarm and associated ancillary development at Scienteuch Wind Farm, Straiton, South Ayrshire
- 1.2. The Council is not the determining authority for this proposal. This report sets out the proposed response to The Scottish Government's consultation which was issued on 16 August 2022.
- 1.3. Under the Council's Scheme of Delegation relative to planning, all Section 36 consultations from the Scottish Government Energy Consents Unit require to be referred to the Council's Regulatory Panel.
- 1.4. The applicant has agreed to a time extension to **30 June 2023** for the Council to make its response. It is imperative that the Council responds within the agreed time period, or its statutory rights would be affected. Under the Electricity Act 1989, Schedule 8, Part 2, Paragraph (3), if the Planning Authority responds to the Scottish Ministers outwith the time limit that has been agreed (i.e. **30 June 2023** in this case), then the Scottish Ministers may disregard the response.
- 1.5. Under the Electricity Act 1989, Schedule 8, Part 2, Paragraph 2 (a), where the relevant Planning Authority notifies the Scottish Ministers that they object to the application and their objection is not withdrawn, the Scottish Ministers shall cause a public inquiry to be held.
- 1.6. On the basis that a Planning Authority were not to respond by the agreed date then there is no mandatory requirement for a public inquiry to be held.

#### 2. Recommendation:

##### 2.1. It is recommended that the Regulatory Panel:

- **Submits this report to The Scottish Government as no objection to the proposed wind farm.**
- **Approves delegated authority to the Director of Housing Operations and Development to conclude Planning conditions with the Energy Consents Unit, should The Scottish Government be minded to grant consent.**

### **3. Background and Procedural Matters:**

- 3.1. On 12 July 2022, RES submitted to The Scottish Government a Section 36 Application together with an application that planning permission be deemed to be granted in respect of the construction and operation of a 54MW windfarm comprising of 9 wind turbines with an anticipated maximum height at tip of 200m and potential battery storage compound of up to 45MW located at land north east of Straiton.
- 3.2. Under Section 36 of The Electricity Act 1989, the construction of a generating station with a capacity which exceeds 50 MW requires the consent of Scottish Ministers.
- 3.3. The Scottish Government formally consulted the Council on the proposed development on 16 August 2022, with the date for response being 30 June 2023.
- 3.4. The proposed development constitutes a Schedule 2 development as classified by the Electricity Works (EIA) (Scotland) Regulations 2017 and the application is supported with an Environmental Impact Assessment Report.
- 3.5. Under The Electricity Works (Environment Impact Assessment) (Scotland) Regulations 2017, Scottish Ministers are required to consider whether any proposal for a generating station is likely to have a significant effect on the environment. These Regulations stipulate that Scottish Ministers must consult the local Planning Authority, Nature Scot (formerly 'Scottish Natural Heritage), Scottish Environment Protection Agency and Historic Environment Scotland. The Regulatory Panel are asked to note that in the event that a Planning Authority objects to a Section 36 Application, and does not withdraw its objection, a public inquiry must be held, before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).
- 3.6. In reaching their decision, Scottish Ministers have to take into account the environmental information submitted with the application and supporting Environmental Impact Assessment, the representations made by statutory consultative bodies and others in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Scottish Planning Policy on Renewable Energy (now superseded by NPF 4), other relevant Policy, Planning Advice Notes, the relevant Planning Authority's Development Plans and any relevant supplementary guidance.
- 3.7. The connection of the wind farm with the local electricity distribution network may require consent under Section 37 of The Electricity Act 1989. This would be subject to a separate application. Details of this have not been provided with this application.

### **4. Development Proposal:**

#### **4.1. Proposal:**

- 4.1.1. The proposed development that covers two Council areas (East and South Ayrshire) comprises of 9 wind turbines, battery storage and ancillary development. Each turbine would be a three bladed horizontal axis type machine with a generating capacity of 6MW. 5no. wind turbines would be up to 200m in height to blade tip with 4no. up to 180m in height to blade tip. The overall generating capacity of the wind farm would be up to 54MW.
- 4.1.2. While the proposed development is largely situated within East Ayrshire, 4 of the 9 turbines and associated access tracks are situated within South Ayrshire. All four turbines would have a tip height of 200m. It is the 4 turbines and access tracks that SAC has been consulted on and that form the focus of the considerations and conclusions as set out in this report.
- 4.1.3. The full package of development proposals relative to South Ayrshire Council include:
  - 4 wind turbines
  - Wind turbine foundations
  - Permanent crane hardstanding areas
  - Low to medium voltage transformers and related switchgear located adjacent to wind turbines
  - Network of access tracks.
  - Network of buried electrical cables
  - Signage

- Felling and replanting of forestry
- Temporary construction compounds, working areas and laydown areas
- Restoration of blanket bog
- Watercrossings

- 4.1.4. New site tracks would be created between turbines 1, 3 and 4 and between turbines 4 and 8, with this track crossing into East Ayrshire Council boundary. Existing track between turbines 2 and 1 would be upgraded. The temporary construction access from the B741 is just outside the South Ayrshire Council area.
- 4.1.5. The applicant has set out that the expected operational life of the wind farm is 50 years. The applicant has also requested a micro-siting distance of 100m around the wind turbines.
- 4.1.6. The site is largely located within a rotationally felled commercial conifer plantation and therefore tree removal is frequently undertaken in the site. The proposed development will require additional tree removal beyond the current forestry plan for the area. 2.9Ha of commercial woodland would be removed around turbines 1-4 and a further 1.76Ha is required for associated infrastructure at each turbine and further tree removal is required for a 30m corridor proposed for new and upgraded access tracks. Overall, across the whole site there would be a net loss of 57.1Ha of commercial woodland relative to current tree felling plans. The applicant proposes to directly replace the removed woodland with mixed planting but the nature of this is yet to be determined.

#### 4.2. **Application Site:**

- 4.2.1. The site is roughly 1000Ha in area and located largely within an area of commercial forestry and sheep grazing. The site is located across Keirs Hill, Green Hill and Lamdougherty Hill, situated approximately 3km to the north east of Straiton. The Water of Girvan is also to the west of the site. Loch Spallander Reservoir is situated at the north west corner of the site. The River Doon runs through the valley below the proposed development and there are a number of smaller watercourses within the site. An existing forestry access is taken from the B741 which runs along the southern boundary. The A713 is situated to the north east of the site and connects Waterside and Patna, both of which are within East Ayrshire. The settlements of Straiton and Kirkmichael in South Ayrshire lie to the south west and north west of the site, respectively. The closest property to the proposed development is High Keirs Cottage in East Ayrshire which is 1.2km from the nearest turbine (T9). Gass Farmhouse (1.25km from nearest turbine) and the other properties within a group of three properties at Gass are the closest properties to the development within South Ayrshire.
- 4.2.2. Ground elevations within the area range between approximately 160 m Above Ordnance Datum (AOD) at the proposed site entrance from the A713 rising to a maximum of 306 m AOD at Green Hill, in the centre of the Proposed Development Area. The proposed turbines are located across Lamdoughty Hill (in the west), Green Hill, and Keirs Hill (in the centre) and are located at elevations of between 250 – 280 m AOD. Areas of peat and organic material are present across parts of the Proposed Development Area. Class 5 peat predominantly underlies the development area although areas of Classes 1 and 3 are also noted. The EIA Report notes that following site investigations the peat thickness has been found to vary from 0.5 m to 5.9 m. Approximately 80 % recorded peat less than 1 m thick.
- 4.2.3. There are no statutory designations within the development site which are specific to South Ayrshire. The site is located within the Doon Valley Local Landscape Area (LLA) as designated by East Ayrshire Council. Also, Keirs Glen is listed on the Ancient Woodland Inventory (AWI) and is described as of semi-natural origin. This is also situated in East Ayrshire. Provisional Wildlife Sites (PWS) are located at Wallace Moor/Keirs Hill and Loch Spallander/Cloncaird Moor. In terms of the wider area, the following designations are noted:
- Galloway Dark Sky Park (DSP), which has a core area approximately 11 km from the proposed wind turbines and a buffer zone approximately 2 km away from the proposed wind turbines;
  - Merrick Wild Land Area (WLA) approximately 12 km to the south;
  - Various Local Landscape Areas (LLA) across South Ayrshire, the closest (Water of Girvan Valley) borders the development site on the south west;



- Garden and Designed Landscape (GDL) designations at Craigengillan and Blairquhan;
- Dalmellington Moss Site of Special Scientific Interest (SSSI) and Scottish Wildlife Trust (SWT) reserve, approximately 2.6 km to the south east;
- Bogton Loch SSSI, designated for its breeding bird assemblage, lies within 3.2 km; and
- Sited within the Galloway and Southern Ayrshire Biosphere transition zone.

#### 4.3. **Surrounding Windfarms and Windfarm Proposals:**

- 4.3.1. The site is directly to the north of an operational wind farm at Dersalloch. This is a 23 turbine windfarm with a blade tip height up to 125 metres and a generating capacity of 69MW.
- 4.3.2. Within 5km of the development site is Knockkippen proposed windfarm. This has recently been submitted to the Energy Consents Unit and is situated to the north east of this site and is located wholly within East Ayrshire. It comprises of 12 wind turbines with a maximum height to blade tip of 180m, solar array, battery storage and ancillary infrastructure.
- 4.3.3. Between 5-10km of the site is Knockcronal (21/00993/DEEM) and Carrick (22/00094/DEEM) wind farm proposals, with Craiginmoddie (21/00069/DEEM) just over 10km. These are all situated to the southwest of the application site and are currently subject of a joint Public Local Inquiry with South Ayrshire Council objecting to the proposals. Knockcronal proposes 9 wind turbines at 200m in height at tip. Carrick wind farm proposes 13 wind turbines with a tip height of up to 200m. Craiginmoddie windfarm proposes 14 wind turbines with a tip height of up to 200m and battery storage (92.4MW capacity). All of these application sites are in close proximity to one another and South Ayrshire have objected on a number of grounds but the primary reason being landscape impact, including the impact on tourism and recreation resources as a consequence. Other reasons include impact on residential visual amenity and impact on aviation interests.
- 4.3.4. Within 5-10km of the site and to the north-east is Poquhairn wind farm which is at application stage and North Kyle Energy Project which has been consented. Both of these are within East Ayrshire. There are a number of other windfarm developments beyond 10km distance from the development site and these are largely within East Ayrshire and have lesser cumulative effect with this proposal. Given the proposal's position, the wind farms at around 15km distance within South Ayrshire also have less cumulative effect. Those windfarm development set out in sections 4.3.2 and 4.3.3 are considered most relevant.

## 5. **Consultations:**

- 5.1. Consultations on this application are undertaken by The Scottish Government. Comments arising from internal consultation within South Ayrshire Council (department services) including Carol Anderson Landscape Associates, The Ayrshire Roads Alliance, AECOM Ecological Advisers, ACCON operational noise consultant, South Ayrshire Council Environmental Health Service and Access Officer are incorporated into the assessment section of this report and will be forwarded to the ECU. The following consultation responses are for noting only.

#### 5.2. **Statutory Consultees:**

##### 5.2.1. **Nature Scot ('NS'): - No objection**

- 5.2.1.1. It is important to note that Nature Scot (previously Scottish Natural Heritage) typically objected to windfarm proposals in South Ayrshire that had any potentially significant landscape impacts however in this case Nature Scot have not objected. Since the adoption of NPF4 by the Scottish Government, Nature Scot have also had to re-focus their assessments given the relaxation of the weight to be afforded to localised landscape impacts and this was reflected in an updated response from Nature Scot on this application.

- 5.2.1.2. **Landscape effects:** Nature Scot provide an initial detailed response which highlights a number of potential landscape impacts from the development. Nature Scot set out that they consider the development is likely to lead to an intensification of the influence of wind farm development experienced from the lower lying interior of the north east of the Wild Land Area; weakening the sense of naturalness, remoteness and sanctuary attributed to Wild Land Qualities 1, 3 and 4. They also set out that the proposed turbine lighting could introduce night-time effects to the Wild Land Area which would significantly affect the sense of remoteness and sanctuary. Nature Scot set out a cumulative assessment which is complex and will be discussed later in this report.
- 5.2.1.3. Following the adoption of NPF4, Nature Scot submitted a further response to the Energy Consents Unit. They set out that as a consequence of NPF4 Policy 4(g) on assessing development outwith a Wild Land Area, they consider that the effects of the proposed development on the qualities of the Wild Land Area would not be a significant consideration for Scottish Ministers in making their determination. They reiterate however that this position does not change their landscape assessment of that issue.
- 5.2.1.4. **Ornithology and Ecology effects:** Nature Scot noted that the collision risk for goshawk and great backed gull was low enough to be acceptable. Similarly, they considered the collision risk for bats to be acceptable. Nature Scot have proposed conditions be imposed for these species on top of mitigation already proposed by the applicant. This includes a Breeding Bird Protection Plan and for the turbine blades to be feathered while idling in order to reduce their rotation speed. They also ask for post construction monitoring to review effectiveness of measures. They agree with the EIA Report that there would be no significant effect on other species. In terms of habitats and peat, again Nature Scot expressed no objection but requested further details of floating tracks and the construction methodology to be provided through planning condition. In addition, a Habitat Management Plan for protection and enhancement of peat has been requested along with micrositing of turbines away from areas of peat deeper than 1m.
- 5.2.2. **Historic Environment Scotland ('HES'): - No objection.** HES agree with the conclusion of the EIA Report that none of the impacts on historic assets within their remit (e.g., nationally important heritage designations) are likely to be significant.
- 5.2.3. **Scottish Water ('SW'): - No objection.** Scottish Water in their response includes a number of advisory points and other legislative references all of which relate to asset impact assessment, drinking water protection areas and surface water.
- 5.2.4. **Scottish Environment Protection Agency ('SEPA'): - No objection** –SEPA is satisfied with the detail provided through the EIA report and supplementary information in relation to private water supply, peat, access and micrositing. SEPA propose a planning condition limiting the micrositing from areas of deeper peat or brining turbines closer to watercourses. SEPA also recommend that T9 is microsited west to prevent impact on Ground Water Dependand Terrestrial Ecosystems.
- 5.2.5. **NATS Safeguarding ('NATS'): Objection.** The response includes a report which covers their technical assessment of the proposed development impacts on radar, communication and navigational equipment and features. Whilst no impact is anticipated for NATS navigational aids or their radio communication equipment, NATS Safeguarding as part of the 'En-route RADAR Technical Assessment' have determined that the terrain screening available will not adequately attenuate the signal on the Lowther RADAR and therefore this development is likely to cause false primary plots to be generated. They also set out that a reduction in the RADAR's probability of detection of real aircraft is anticipated. NATS safeguarding conclude that the proposed development has been examined by technical and operational safeguarding teams and a technical impact is anticipated and this has been deemed to be unacceptable.
- 5.2.6. **Glasgow Prestwick Airport ('GPA'): Objection:** GPA set out concerns in relation to the impact of the development on their Primary Surveillance Radar (PSR). The GPA objection remains until all technical and operational aviation safety matters are addressed to the satisfaction of GPA and a mitigation agreement put in place.

5.2.7. **Coal Authority ('CA'): - No objection.** Coal Authority require a planning condition requiring site investigations to be carried out prior to any works on new or upgraded tracks and that stabilisation works would be implemented if required.

5.3. **Internal Scottish Government Advisors:**

5.3.1. **Marine Scotland Science ('MSS'): No objection.**

5.3.2. **Ironside Farrer (Peat Slide Risk Assessment) ('IF'): No objection**

5.3.3. **Transport Scotland ('TS'): No objection.** Transport Scotland confirm that they are satisfied with the relevant chapters in the EIA Report and more broadly the acceptability of the development in terms of environmental impacts on the trunk road network. They note that some trunk road mitigation is required on the A77(T) at Sandyford Toll Roundabout where loads will over-run and over-sail the eastern side of the central island and one set of chevron signs will require to be removed and a load bearing surface will be required. In addition, vegetation clearance is required from this area. At the A77 (T) Holmston Roundabout, a lighting column will require to be removed, while a lighting column and one road sign will require to be removed at the A77(T) Bankfield Roundabout. TS have requested two planning conditions. One requiring agreement of the route of abnormal roads and any mitigation measures for this being agreed prior to any deliveries being made and the second requiring approval of any signing or temporary traffic control measures needed for the delivery period.

5.3.4. **Crown Estate ('CE'): No objection.**

5.4. **Non-Statutory Consultees:**

5.4.1. **South Ayrshire Council Biodiversity Officer ('BD'): No objection.** The EIA Report sufficiently assessed the impact of the development on ecology and sufficient mitigation has been proposed. They also confirm that the proposed enhancements would meet the requirements of NPF4.

5.4.2. **British Telecom ('BT'): No objection.**

5.4.3. **Defence Infrastructure Organisation ('MOD'): No objection.** The MOD also ask for a condition being imposed which requires details of any repositioning of turbines (through micro-siting) to be notified to them.

5.4.4. **Edinburgh Airport: No objection.**

5.4.5. **Glasgow Airport: No objection.**

5.4.6. **Scottish Rights of Way Society ('ROW'): No objection.** Set out that there is Right of Way, Heritage Path and Scottish Hill Path running through the site boundary however these are none close to the proposed wind turbines.

5.4.7. **Joint Radio Company ('JRC'): No objection.**

5.4.8. **West of Scotland Archaeology Service ('WOSAS'): No objection subject to condition.** The condition would require a scheme of archaeology to be undertaken prior to development occurring on site.

5.5. **Community Councils:**

5.5.1. **Crosshill, Strathion and Kirkmichael Community Council: No objection.** The response sets out that they consider their members may have been influenced by a RES leaflet which offered to pay the communities energy bills.

5.5.2. **Neighbouring Dalmellington Community Council (East Ayrshire): No objection.** They set out that they support the community benefit package proposed by the applicant.

**Note: Community benefit is covered elsewhere in this report.**

## **6. Applicant's Supporting Information:**

- 6.1. The application submission to Scottish Ministers is accompanied by a range of supporting documentation. This includes an Environmental Impact Assessment Report (EIA Report), a Non-Technical Summary, a Planning Statement, a Proposal of Application Notice Report alongside a suite of accompanying plans, drawings, visualisations and photomontages. The EIA Report produced in this case considers the following principal topics: landscape and visual, ecology, ornithology, noise and vibration, cultural heritage, hydrology, hydrogeology and geology, traffic and transport, socio-economics, tourism and recreation, aviation and radar, telecommunications, shadow flicker and forestry. A number of technical appendices assessing different specific matters within these broader topic areas also supplement the main EIA Report and chapters where relevant.

## **7. Planning History:**

- 7.1. The most notable planning application for this area relates to a historic application made under section 36 of the Electricity Act 1989 for a windfarm of 17 wind turbines (Keirs Hill Wind Farm (13/0002/S36)).
- 7.2. The application was subject to a Public Local Inquiry (PLI) and was refused by a Reporter on 22 November 2016. The Reporter noted that the area was suitable for wind farm development of some nature however the windfarm proposed was not acceptable. They also noted that many parties involved in the PLI also agreed on the suitability of the site for wind farms. It should also be noted that the Reporter did not consider it likely that there would be any significant effects on the Girvan Valley or settlements and historic interests in South Ayrshire. Their concern was the impact on Craigeengillan and the ironworks in East Ayrshire. On the point of impact in terms of residential amenity, the Reporter concluded that this related to properties in Doon Valley especially at Waterside and Keirs Hill Cottage in East Ayrshire.

## **8. Development Plan:**

- 8.1. The proposed development has been submitted under The Electricity Act and the statutory requirement under Section 25 of The Town and Country Planning (Scotland) Act 1997 (as amended) – i.e., decisions to be made in accordance with the development plan unless material considerations indicate otherwise – does not apply in this instance. However, the Development Plan is a significant material consideration.
- 8.2. Following the implementation of The Planning (Scotland) Act 2019 and the Adoption of the National Planning Framework 4 (NPF4) on 13 February 2023, the current Development Plan for South Ayrshire incorporates NPF4 and the South Ayrshire Local Development Plan (LDP) 2 (2022).
- 8.3. Legislation states that in the event of any incompatibility between a provision of NPF4 and a provision of an LDP, whichever of them is the later in date is to prevail (Town and Country Planning (Scotland) Act 1997 ("the 1997 Act"); Section 24(3)). NPF4 was adopted after the adoption of LDP 2, therefore NPF4 will prevail in the event of any incompatibility between the policy framework.
- 8.4. NPF4 and the policies which apply in the context of the development proposal subject to this application largely overlap with the policy considerations and requirements of LDP2. Whilst there are some differences in specific criteria requirements within certain consistent and overarching policies between NPF4 and LDP2, it is not considered that any of these would constitute an apparent material policy conflict which would require a particular policy of NPF4 to be considered in place of a policy in LDP2. Greater weighting will be given to the assessment criteria for renewable energy within NPF4 than in LDP2.
- 8.5. In terms of assessment, the primary development plan policy against which proposals for wind farm development are to be assessed is Policy 11 of NPF4. The South Ayrshire Local Development Plan Policy: Wind Energy also is of relevance; however, as NPF4 is the newer document, any incompatibility between the two policies will result in NPF4 Policy 11 being given the greatest weight. NPF4 and the LDP has a number of additional policies of relevance to the assessment of the Planning application, which relate closely to the criteria in Policy 11 of NPF4 and the Wind Energy policy of the LDP. For ease of reference, they are listed beneath the corresponding criterion of Policy 11 in the subsequent sections of this report.

- 8.6. In terms of the Wind Energy policy within the LDP, it should be noted that this was supported by Supplementary Guidance: Wind Energy which provides a spatial strategy for wind energy, in line with the requirements of Scottish Planning Policy (SPP) 2014 (and in so doing identifies areas within South Ayrshire which are afforded significant national protection) and it provides guidance on how the policy of the Local Development Plan will be applied in the consideration of proposals. However, it should be noted that following adoption of LDP2, the Supplementary Guidance has no statutory status as part of the Development Plan. The Supplementary Guidance also refers to a Spatial Strategy in line with SPP (2014). However, SPP (2014) has been replaced by NPF4 and the Spatial Strategy no longer aligns with this. With the Wind Energy guidance having been through a full consultation and approval process, it does remain as informal planning guidance, and the guidance and associated Wind Capacity Landscape Assessment 2018 are material considerations for planning applications, representing the Council's most up to date position on wind farm developments. The criteria within this document therefore will be considered along with the Development Plan in each section of the report.
- 8.7. The following policies of NPF4 are relevant in the assessment of the application.
- Policy 1 Tackling the climate and nature crises
  - Policy 2 Climate mitigation and adaptation
  - Policy 3 Biodiversity
  - Policy 4 Natural Places
  - Policy 5 Soils
  - Policy 6 Forestry Woodland and Trees
  - Policy 7 Historic assets and places
  - Policy 11 Energy
  - Policy 22 Flood Risk and Water Management
- 8.8. The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. An assessment of the proposals against the provisions of NPF4 is set out below.

## **9. Assessment:**

- 9.1. In assessing the proposal, it is important to note that South Ayrshire Council is not the determining authority and has been asked to provide comments as a Statutory Consultee.
- 9.2. As previously stated, a number of comments from consultees have already been submitted directly to The Scottish Government. Where consultee responses are especially important in South Ayrshire Council's assessment of the proposal, they are referred to in the following assessment, and where appropriate, have been incorporated into the recommendations made with regard to suggested comments proposed to be sent to The Scottish Government. The full text of the submissions made to The Scottish Government can be found at The Scottish Government [Energy Consents Unit website](#) (case reference ECU00003318).
- 9.3. With NPF4 being the most recent document, the policies within it have been used as the basis for the report and the relevant Sections of the LDP Policy Wind Energy and the relevant Planning Guidance criteria addressed with each relevant NPF4 policy:
- 9.4. Other Policies: There are primary policies within NPF4 which aim to address the climate change crisis and biodiversity crisis. These will be assessed individually in the report. As stated above, a number of policies throughout the Local Development Plan are also relevant in the assessment of the proposed development. They are listed beneath the NPF4 policy and relevant Wind Energy policy criterion.
- 9.5. **National Development**
- 9.5.1. National developments are significant developments of national importance that will help to deliver the Spatial Strategy for Scotland. NPF4 identifies 18 national developments that aid in supporting the delivery of this strategy and Scotland's commitment to net zero. These support the planning and delivery of:
- sustainable places, where we reduce emissions, restore and better connect biodiversity;
  - liveable places, where we can all live better, healthier lives; and
  - productive places, where we have a greener, fairer and more inclusive wellbeing economy.

- 9.5.2. Six of the identified national developments support the delivery of sustainable places which is of most relevance to this proposed development. National Development 3 is Strategic Renewable Electricity Generation and Transmission Infrastructure to support renewable electricity generation and associated grid infrastructure around Scotland. This sets out that any development which is on shore electricity generation from renewables exceeding 50MW capacity and would otherwise be classed as a major application, would constitute a National Development.
- 9.5.3. As this proposal exceeds 50MW and is an onshore wind farm, it would constitute a National Development and would support the overarching aims of the NPF4 and spatial strategies to achieve net zero targets and provide renewable energy. National development status does not grant planning permission for the development and all relevant consents are required. Their designation means that the principle of the development does not need to be agreed and therefore the NPF4 sets that this development is supported in principle by the Development Plan.

9.6. **Sustainable Places:**

- 9.6.1. Excerpt from Policy 1 Tackling the climate and nature crises of NPF4:

When considering all development proposals significant weight will be given to the global climate and nature crises.

- 9.6.2. Excerpt from Policy 2 Climate mitigation and adaptation of NPF4:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change:  
a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible. b) Development proposals will be sited and designed to adapt to current and future risks from climate change. c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

- 9.6.3. Related LDP Policy:

**LDP Strategic Policy 1: Sustainable Development:**  
We will support the principles of sustainable development by making sure that development meets the standards set out within the policy. The relevant standards are considered to be:

- Respects, protects and where possible, enhances natural, built and cultural heritage resources.
- Protects and safeguards the integrity of designated sites.
- Protects peat resources and carbon rich soils.
- Does not have a negative effect on air or water quality.
- Respects the character of the landscape and the setting of settlements.
- Respects, and where possible contributes to the Central Scotland Green Network.
- Makes efficient use of land and resources
- Helps mitigate and adapt to the effects of climate change
- When considering development proposals, due weight will be given to the consideration of net economic benefit.

- 9.6.4. The Scottish Government policies, commitments and targets for sustainable energy are set out in the ministerial statements, key policy documents and statute. The key ministerial statements and policies considered as part of the assessment of the current proposals are the Scottish Government's Declaration of a Climate Emergency (2019), the emissions reductions targets set out in the Climate Change (Emissions Reduction) (Scotland) Act 2019, The Scottish Energy Strategy (December 2017), and the Scottish Climate Change Plan 2018 to 2032 (2020 updated). The onshore Wind Policy Statement 2022 sets out an ambition of achieving 20GW of onshore wind capacity in Scotland by 2030.

- 9.6.5. There is a clear national and local policy emphasis towards tackling the climate crisis and a drive towards green energy and reduction of carbon. NPF4 sets out that significant weight must be given to tackling the climate and nature crises and thereby proposals which support tackling these, would have significant support. Discussion on the nature crisis will be set out later in the report with this section focussing on the climate crisis impact. NPF4 also sets out that any development should be sited and constructed in a way to minimise lifecycle greenhouse gases. These aims need also be put in the context of sustainable development which aims to ensure that development is carried out sustainability without significant detrimental impacts which would outweigh the developments positives and carbon reduction benefits. Policy 1 of the South Ayrshire Local Development Plan 2 sets out criteria in this regard. NPF4 puts forward a presumption in favour of development which will help tackle the climate and nature crises, but this must be balanced against any significant detrimental impacts of a development which may outweigh these positives.
- 9.6.6. The supporting information submitted with the application sets out that the proposal supports the transition to green energy and meeting the Government's aspirations for achieving onshore wind generation capacity and tackling the climate crisis. A carbon calculator has been carried out which calculates that the carbon payback from manufacture, construction, impact on habitat such as peat and decommissioning would be around 2.5 years if it replaced fossil fuel-mix electricity generation. The proposed lifespan of the development is around 50 years and therefore the proposal would contribute at least 47 years' worth of carbon-free energy potentially resulting in over 3.1 million tonnes of net CO2 emission savings.
- 9.6.7. On this basis, it is considered that the development would comply with Policies 1 and 2 of the NPF4 in that it would assist in tackling the climate crisis and would have a positive effect in terms of lifecycle carbon.
- 9.6.8. In terms of LDP Strategic Policy 1, it is considered that the proposal meets the criteria specified within the policy. Assessment against most of the criteria will be set out within other sections of the report. For those criteria which do not apply to other assessment criteria the following is noted. The proposal makes efficient use of land and resources with the wind farm largely being positioned on commercial forestry and agricultural land which will continue to largely operate post consent where possible. The development will require the removal of forestry; however, replanting will occur in areas where there would be no conflict with the wind turbines. Some peat may need to be removed however areas of deep peat and good quality peat would be avoided as much as possible. The proposal helps mitigate and adapt to the effects of climate change as noted in previous paragraphs. The supporting information indicates that there are economic benefits from the construction of the wind farm along with a potential £9.6 million benefit to the local economy and £30.4 million benefit to the Scottish economy, Overall, it is concluded that the proposed development would accord with the criteria set out within LDP Strategic Policy 1.

### **Conclusions**

- 9.6.9. Overall, the proposal is considered to assist with the strategic and overarching policies of tackling the climate and nature crises which are core policies of NPF4 and the sustainable development policies of the Local Development Plan. In line with NPF4, this is considered to add significant weight in the decision-making process.

## **9.7. Energy**

- 9.7.1. Policy 11 of NPF4 is the most relevant policy within NPF4 for a proposal of this nature. This policy aims to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. The policy sets out criteria for assessment for this type of development and this will be used to structure the report. The corresponding criteria from the LDP and Wind Energy Planning Policy Guidance will also be assessed under each topic. Excerpt from Policy:

- a) Development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported. These include:
- i. wind farms including repowering, extending, expanding and extending the life of existing wind farms;
  - ii. enabling works, such as grid transmission and distribution infrastructure;

- iii. energy storage, such as battery storage and pumped storage hydro;
  - iv. small scale renewable energy generation technology;
  - v. solar arrays;
  - vi. proposals associated with negative emissions technologies and carbon capture; and
  - vii. proposals including co-location of these technologies.
- b) Development proposals for wind farms in National Parks and National Scenic Areas will not be supported.
- c) Development proposals will only be supported where they maximise net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities.
- d) Development proposals that impact on international or national designations will be assessed in relation to Policy 4.
- e) In addition, project design and mitigation will demonstrate how the following impacts are addressed:
- i. impacts on communities and individual dwellings, including, residential amenity, visual impact, noise and shadow flicker;
  - ii. significant landscape and visual impacts, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable;
  - iii. public access, including impact on long distance walking and cycling routes and scenic routes;
  - iv. impacts on aviation and defence interests including seismological recording;
  - v. impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised;
  - vi. impacts on road traffic and on adjacent trunk roads, including during construction;
  - vii. impacts on historic environment;
  - viii. effects on hydrology, the water environment and flood risk;
  - ix. biodiversity including impacts on birds;
  - x. impacts on trees, woods and forests;
  - xi. proposals for the decommissioning of developments, including ancillary infrastructure, and site restoration;
  - xii. the quality of site restoration plans including the measures in place to safeguard or guarantee availability of finances to effectively implement those plans; and
  - xiii. cumulative impacts.

In considering these impacts, significant weight will be placed on the contribution of the proposal to renewable energy generation targets and on greenhouse gas emissions reduction targets.

Grid capacity should not constrain renewable energy development. It is for developers to agree connections to the grid with the relevant network operator. In the case of proposals for grid infrastructure, consideration should be given to underground connections where possible.

- f) Consents for development proposals may be time-limited. Areas identified for wind farms are, however, expected to be suitable for use in perpetuity.

9.7.2. Under criterion (a) of Policy 11, this proposed development would have support as it is one of the developments specifically mentioned. Criterion (b) states that energy development within a National Park or National Scenic Area will not be supported. The development is not in either of these designations.



- 9.7.3. Criterion (c) sets out that development will only be supported where development maximises net economic impact including local and community socio-economic benefits. The EIA Report Volume 1 Chapter 13 assesses the socio-economics of the proposal. In summary, this sets out that the development and construction value of the wind farm is around £81.4 million of which £9.6 million could benefit the local economy and £30.4million could benefit the Scottish economy. In addition, it sets out that the development could sustain up to 72 jobs and contribute £4.4 million in Gross Value Added at the local level and across Scotland £14.3million and 232 jobs. In addition, the operation and maintenance phase are also expected to generate positive economic impacts. In this respect, the local economy could benefit by £1.4 million per annum and the wider Scottish economy by £1.9 million. The application also proposes two forms of community benefit. Either by providing £5000 per MW annually to a community benefit fund which could equate to £270,000 annually or providing a fund which would result in the energy bills for local residents to be paid.
- 9.7.4. There is potential for tourists and visitors to be dissuaded from visiting the area due to the presence of this wind farm and cumulation with the others. This can be seen in the studies presented in the EIA Report which indicate that 20% would not choose a location for a holiday if windfarms were present. The weight of evidence suggests that UK holiday makers would not be dissuaded from choosing a location in this area due to the presence of the windfarm. However, the evidence in the EIA Report provides less information on the impact to those who choose this location for hill walking and outdoor leisure specifically for the views and the wilderness aspect. On balance and in line with the policy, even although there could be some impact on tourism, this is unlikely to outweigh the economic benefit of the proposals as set out. This is also reinforced by the Reporter's decision on the Keir's Hill wind farm application previously on this site. The Reporter in that application concluded that the application was unlikely to have any significant adverse effects on local tourism within South Ayrshire and this included an assessment of Straiton and wider South Ayrshire interests. There is no information to suggest that the proposal would not result in a significant net socio-economic benefit as required by this policy.
- 9.7.5. Criterion (d) requires assessment of the impact on international or national designations to be carried out as set out in Policy 4 of NPF4. This impact will be set out within each of the sections of criterion (e) where relevant.
- 9.7.6. Criterion (e) These impact criteria will be assessed in turn in the subsequent sections of the report.

9.8. **Criteria (i): impacts on communities and individual dwellings:**

- 9.8.1. Criteria (b) and (e) of LDP Policy: wind energy looks to protect Residential Amenity. Excerpt from Policy:

**All proposals will be assessed against the following criteria:**

- (b) They do not have a significant detrimental visual impact, taking into account views experience from surrounding residential properties and settlements, public roads and paths, significant public viewpoints and important recreational assets and tourist attractions.
- (e) They would have no other unacceptably detrimental effect upon the amenity of nearby residents, including from noise and shadow flicker.

- 9.8.2. Criterion (c) of communities quality of life and amenity sets out the following:

**We will support proposals if:**

- They do not have significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker.

These impact criteria will be assessed in turn in the subsequent sections of the report.

- 9.8.3. Additional LDP Policies:

- LDP Policy:** Sustainable Development  
**LDP Policy:** Air, Noise and Light Pollution  
**LDP Policy:** Land Use and Transport

**Noise:**

- 9.8.4. Volume 1, Chapter 12 of the EIA Report (alongside associated appendices) considers construction, operational, decommissioning and cumulative noise and vibration impacts associated with the proposed development. The operational noise assessment within the EIA Report considers the impact from the wind turbines and associated equipment and not the energy storage facility as following initial assessment it was identified that this was too distant from noise receptors to cause any significant effects in South Ayrshire.
- 9.8.5. The EIA Report identified the properties within Gass (1.2km from nearest turbine) and five properties (at least 1.8km from nearest turbine) to the east of Straiton to be at most significant risk of noise impact from the development when considering impacts relating to South Ayrshire. The five properties east of Straiton were only identified to be at risk as a result of cumulative effects while the properties at Gass were potentially impacted by the proposed windfarm alone. All other properties within South Ayrshire were found to be too distant from the windfarm to be adversely affected by noise.
- 9.8.6. The Council's noise consultant, ACCON UK limited, have been internally consulted to review the submitted documents relating to noise in order to inform Council considerations as to whether the noise assessments have been carried out appropriately and to advise on the acceptability or otherwise of the proposals with respect to noise impact. In their response, ACCON has advised that the methodologies used in the noise chapter represent good practice and are in line with ETSUR-97 (operational noise) and the institute of Acoustics (IOA) Good Practice Guidance for wind turbines. As part of this, they also endorse the approach to deriving cumulative noise limits and subsequent site-specific noise limits which they conclude are also in line with the same guidance reference above. In terms of cumulative effect, the main receptors of note were the properties at Gass given they would be sited between Dersalloch wind farm and the proposed wind farm. Even in a worst case, scenario which assumed that the properties would be down wind of both wind farms (which is not possible), the sound level at these properties was found to be within acceptable limits. ACCON agree with the conclusions of the EIA Report in this regard.
- 9.8.7. ACCON have set out that the development is unlikely to have any significant operational noise impact however they have proposed a number of planning conditions to ensure that the operational noise remains within acceptable limits. The planning conditions define the noise limits for the residential receptors within the area based on the assessment within the EIA Report. These planning conditions would be presented to the Energy Consents Unit for adding to any planning decision.
- 9.8.8. Both ACCON and the Council's Environmental Health Service raise no concerns in terms of the conclusions of construction noise, however the Council's Environmental Health Service have asked for planning conditions relating to blasting and control of dust on site along with the need for a Construction Management Plan.
- 9.8.9. Overall, it is not considered that either operational or construction noise from this development would cause any significant detrimental impact to residential amenity.

**Shadow Flicker:**

- 9.8.10. The term shadow flicker refers to the flickering effect caused when rotating turbine blades periodically cast shadows over nearby properties. Shadow flicker occurs inside a property and under a certain set of conditions, including bright sunshine, when the turbines are operational and when the sun is in a particular location to cast a shadow from the wind turbines across a property. The Scottish Government's 'Onshore wind turbines: Planning Advice' states that shadow flicker is unlikely to be a significant impact at distances greater than ten rotor diameters. The Council's Planning Policy Guidance for Wind Energy, however, requires that any property within 2.5km of a turbines should be assessed and both distances have been assessed as part of the EIA Report.

- 9.8.11. In terms of potential impact on properties within South Ayrshire, only Gass would be within 10 rotor diameters of the wind turbines and these receptors would be directly south of the development. By extending the study area to 2.5km there would be an additional 5 properties within South Ayrshire potentially affected and they would be to the south west of the development. This would include Scienteuch Farm, Largs Farm, Glenash Bungalow, Hazel Lodge and Glenhead. The EIA Report sets out that no significant effects are expected to any properties beyond 10 rotor diameters. For the properties within 10 rotor diameters the applicant proposes to provide mitigation where any instances of shadow flicker are reported and this would include such measures as planting trees, installing blinds or shutting down offending wind turbines when shadow flicker would likely occur. The Council's Environmental Health Service have set out a planning condition to ensure this mitigation is provided.
- 9.8.12. With the inclusion of a planning condition, there would no significant detrimental impact on residential amenity in terms of shadow flicker.

**Residential Visual Amenity Assessment:**

- 9.8.13. The SAC Planning Policy Guidance on Wind Energy states that the design process for wind farms should take into account local residential properties and the extent to which the proposal will be visible. The design process should seek to minimise significant visual effects on private properties. It states as a general rule, that a separation distance of 2km should be maintained between turbines and settlements. Individual dwellings should be sufficiently distant to minimize significant visual effects. An assessment of all residential properties within 2.5km from the proposed wind farms should be undertaken. The Residential Visual Amenity Assessment (RVAA) (Appendix 5.4 of the EIA Report) identifies 3 groups of properties within 2km of the site which are within South Ayrshire. This includes Scienteuch Farm (individual property), Glenash (individual property) and Gass Farm group (three properties). The RVAA did not carry through any detailed assessment on Scienteuch Farm as the Zone of Theoretical Visibility (ZTV) indicates a limited visibility of the windfarm with only one wind turbine blade likely to be visible. Similarly, no detailed assessment of Glenash was undertaken as an intervening tree belt to the north of the property was likely to screen views to the development and main views from the proposed development are not towards the development. The Council's Landscape Consultant has considered this assessment and agreed that effects on visual amenity would not be significant for those properties.
- 9.8.14. A detailed assessment was carried out for the group of three properties at Gass (at 1.2km distance). All three properties take access from the B741 and have windows which would directly face towards the development site and thereby views of the development are likely from within the properties. The RVAA notes that all 9 wind turbines are likely to be visible in differing views. It states that the wind farm will occupy up to approximately 80 degrees of the view north. In views directly north, turbines will be seen extending from the mature forestry below. The array will appear as a relatively even, level spread of turbines. Retained forestry will screen the proposed development infrastructure. The gardens of the properties however are situated to the south of the properties and views from these would be limited particularly given the high boundary treatment around them. There is also a vegetable garden to the east of properties on the north of the B741. There is an operational farm in the location and views to the wind farm from around the farm yard will be possible. The RVAA concludes that the magnitude of change of the visual amenity of this property group is high as there will be direct views of the turbines and aviation lighting in views north from the north-facing windows of each of the properties. Views from Glentaggan Bungalow will be effectively filtered by the adjacent mature trees. Notwithstanding the visibility, the EIA Report concludes that the turbines will occupy an open section of the views from these properties however the distances which are 1.2km to the nearest turbine and 2.5km to the furthest turbine and spread of turbines is such that the proposed development will not appear overwhelming or oppressive from the residential properties and will not breach the residential visual amenity threshold.

- 9.8.15. A matter for consideration on the impact on these properties is the existing Dersalloch wind farm which is currently visible from their properties. This is situated to the south west of their properties. In the viewpoint provided for Gass within the Landscape and Visual Assessment it is shown that, should this development be approved, wind turbines would be visible in views in most directions from these properties (where they are not screened). The extent of visibility will differ depending on screening and distance. It is noted however that views to the Dersalloch wind farm are currently screened to some extent by the topography of the upland area to which the wind farm is sited. In most views to the turbines, the turbine tower is obscured by the topography reducing the visual impact and disguising the overall scale of turbine to some degree. This lessens the visual impact of these turbines on residential amenity and leads to them not have an overbearing presence.
- 9.8.16. The Council's landscape consultant has considered the assessment and carried out a site visit to the area. They agree with the EIA Report that the magnitude of change would be high for the three properties within the Gass group however they disagree with the EIA Report conclusion that these effects would not be overwhelming due to the visibility of the operational Dersalloch wind farm to the south west as well as the closer proximity and number/vertical extent of turbines of this proposal seen to the north. The Council's landscape consultant concludes that there would be significant adverse effects on residential properties centred on Gass Farm where the addition of the proposed development to a baseline which includes the existing Dersalloch wind farm would be likely to result in an overwhelming effect.
- 9.8.17. When examining the above assessment from a planning perspective, it is noted that the rear elevation and rear gardens of two properties (Glentaggan Bungalow and Gass Farmhouse) would face in the general direction of the windfarm while the other property would front towards the windfarm. In terms of impact, the nearest turbines would be T1 and T4 (located in South Ayrshire) which would be directly viewed by windows on the rear elevation and gardens of the two nearest properties (Glentaggan Bungalow and Gass Farmhouse) and would be seen from habitable windows on the property to the south of the B741. The turbine would be at a distance of around 1.2km. T2 (located in South Ayrshire) would be positioned to the right of this view with all other turbines further to the right again and not in direct line of sight. The views to the left (west and north west) would remain open and unaffected. The majority of the windfarm thereby would not be within direct line of site of windows of the properties with only one turbine relatively close and even then, it would be over 1km from the property. It is likely that at most 1-2 of the turbines would be in direct line of sight from the windows of all three properties. All of the turbines would be visible from the gardens where possible although it is noted that some views will be obscured by existing boundary treatment. For these reasons, the planning assessment is that the magnitude of change for these properties from a residential visual perspective would be significant but not be overwhelming to the extent that would justify an objection in its own right. It is considered that the impact of the windfarm would not be so great that it would cause these properties to be places where people would not want to live which is the ultimate test on residential visual amenity. The windfarm would form part of the properties wider setting but would not have a significant detrimental impact on the outlook or views from the properties as there would still be views possible where the windfarm was not in view. When weighing the impacts the windfarm would have on these residential properties against the policy focus of NPF4 policies 1, 2 and 11, the effects on residential amenity, while significant, would not be unacceptable, especially when considered against the weighting afforded to the benefits that the proposed development would provide in terms of tackling the climate crisis.
- 9.8.18. As noted earlier in the report, the previous Keirs Hill Wind Farm (13/0002/S36)) was refused partly for reasons of impact on residential visual amenity. However, the impact identified related to the properties within East Ayrshire and not South Ayrshire. The Reporter did not conclude that there were any significant detrimental effects on properties within South Ayrshire that would warrant refusal of the application. This previous decision is a material consideration in this assessment with some weight. It is noted however that the previous proposal did not include wind turbines within South Ayrshire and therefore the wind turbines in this proposal are closer to the properties at Gass when compared to this historic application. However, importantly, the wind turbines are not considered to be significantly closer than in that historic application particularly when a larger number of turbines would have been visible in the historic application albeit at a slightly greater distance.

- 9.8.19. The EIAR sets out a 2000 candela (cd) medium intensity redlight would be added to the turbine hubs of the majority of the turbines. The EIA Report notes that CAA guidance permits 2000cd lights to be dimmed to 10% of the minimum peak intensity when horizontal meteorological visibility exceeds 5km in all directions. In addition, the EIA Report sets out that the intensity of the light to a viewer looking up at it is reduced significantly (depending on angle). Consequently, the EIAR concludes that the proposed aviation lighting would have no significant detrimental impact on residential amenity.
- 9.8.20. The Technical Appendix of the EIAR sets out the full mitigation which could be incorporated in terms of aviation lighting including that the applicant is willing to explore aircraft detection lighting systems (ADLS). This would essentially involve the lighting only being operational when an aircraft was detected in the area. This is being explored more widely by the Civil Aviation Authority. Given the potential significant adverse effects on amenity (and landscape discussed later) that the lighting could have on the properties at Gass, it is considered necessary that this mitigation is incorporated and a planning condition is suggested to secure this.

**Conclusions on Residential Amenity Assessment:**

- 9.8.21. Overall, sufficient controls through planning condition can be put in place to mitigate potential significant impacts on noise, in addition, a planning condition is proposed which would ensure mitigation is provided for any property which might experience an impact with regards shadow flicker. The impact on the properties at Gass would not be so significant as to be unacceptable particularly when weighted against the benefits of renewable energy in tackling the climate crisis. The proposal is considered to accord with the Development Plan in this regard.

**9.9. Criteria (ii): Significant landscape and visual impacts:**

- 9.9.1. Under this criterion, NPF4 sets out that significant landscape and visual impacts needs considered, recognising that such impacts are to be expected for some forms of renewable energy. Where impacts are localised and/or appropriate design mitigation has been applied, they will generally be considered to be acceptable. Policy 11 also sets out that development proposals that impact on international or national designations will be assessed in relation to Policy 4.
- 9.9.2. Policy 4 of NPF4 aims to protect, restore and enhance natural assets making best use of nature-based solutions. Excerpt from Policy:

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where: i. The objectives of designation and the overall integrity of the areas will not be compromised; or ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.
- d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified;
- or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
- e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
- g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:
- i. will support meeting renewable energy targets; or,
- ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild

land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

9.9.3. The LDP policy: wind energy sets out the following:

**All proposals will be assessed against the following criteria:**

- a. They consider and respect the main landscape features and character through careful site selection, layout and overall design. Potential impacts will be mitigated appropriately to ensure that significant effects on the landscape and the wider area are minimised;
- b. They do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions.

9.9.4. Criterion (a) and (b) of the Wind Farm Energy Planning Policy Guidance consider landscape character and visual impact. Excerpt from Policy:

**We will support proposals if:**

They are cable of being accommodated in the landscape in a manner which respects its main features and character (as identified in the South Ayrshire Landscape Wind Capacity Study or in any subsequent updates to that study), and which keeps their effect on the landscape and the wider area to a minimum (though careful choice of site, layout, and overall design;

**We will support proposals if:**

They do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints and important recreational assets and tourist attractions

9.9.5. In considering landscape and visual matters, the expertise of Carol Anderson, Landscape Architect of Carol Anderson Landscape Associates has been commissioned. Carol Anderson Landscape Associates is the author of the South Ayrshire Landscape Wind Capacity Study, the original version of which was used to inform South Ayrshire Council's Supplementary Guidance: Wind Energy.

9.9.6. Additional relevant LDP policies include:

**LDP Policy:** Sustainable Development

**LDP Policy:** Landscape Quality

**LDP Policy:** Dark skies

9.9.7. Before assessing the landscape and visual impact of the development, it is important to set out the policy hierarchy and context for assessment taking into account the introduction of NPF4 and adoption of LDP2. Prior to 2023, the main policy assessment was based on the LDP (2017) and the Supplementary Guidance: Wind Energy (now non-statutory Planning Policy Guidance (PPG)) which formed part of the Development Plan at that time. The LDP and PPG contained a spatial framework which was drafted in accordance with the criteria for wind farm capacity set out within SPP (2014). At that time, the SG and LDP formed the Development Plan considerations for wind farm assessment. Following adoption of LDP2, The Wind Energy Supplementary Guidance is no longer 'Supplementary' Guidance and does not form part of the Development Plan. It is however Planning Policy Guidance (PPG) and is a material consideration of significant weight. Following the adoption of NPF4 this now forms part of the Development Plan and SPP (2014) is now no longer relevant including the spatial framework within it. While section 25 of the Planning Act does not apply to the determination of this application, the policies within the Development Plan are significant material considerations and used as the basis for assessment. For reference, the Development Plan for assessing the visual and landscape effects of this development would be NPF4 and LDP2 with the Wind Energy Planning Policy Guidance a non-statutory material consideration of significant weight. As NPF4 is the newest document in the Development Plan, where there is any conflict in assessment weighting or criteria, NPF4 should be given the greatest weight.

- 9.9.8. NPF4 does not include the need for spatial frameworks and only sets out where windfarms should not be supported as set out in section 9.7.1 and 9.7.2 of this report. As noted in section 9.7.1 and 9.9.1 of this report, NPF4 outlines that localised impacts are to be expected of energy development and generally this should not render a proposal unacceptable. NPF4 also sets out that Policy 4 is of relevance for national and international considerations. To conclude, the assessment of landscape and visual impacts will remain consistent with previous reports identifying where significant effects may exist however the consideration of whether these impacts would result in the proposal being unacceptable will be different based on the new weighting given to each relevant policy document.
- 9.9.9. The 2018 South Ayrshire Landscape Wind Capacity Study (SALWCS) provides strategic information and guidance on wind energy development from a landscape perspective and provides a good baseline for landscape and visual assessment. The proposed development would be sited within the Foothills with Forest West of Doon Valley Landscape Character Type (LCT) identified in this study. The increased scale, simple landform and land cover and sparsely settled nature of this LCT generally reduces susceptibility to larger turbines although potential landscape and visual constraints relate to the relative narrowness of this upland landscape and its proximity to adjacent smaller-scale and more sensitive valleys, including the Girvan valley in South Ayrshire which is classified as the Middle Dale LCT. The SALWCS concludes that the Foothills with Forest West of Doon Valley LCT has a high sensitivity to turbines greater than 130m in height. The potential effects of turbine lighting on the little modified Rugged Uplands with Lochs and Forest LCT are additionally noted as a constraint to larger turbines. This high-level review would not support wind turbines of this height in this location however this is subject of detailed assessment of this particular proposal.

#### **Effects on Landscape Character**

- 9.9.10. While effects on the host landscape of the Foothills with Forest West of the Doon Valley LCT would be significant and adverse, the larger scale and generally simple landform and landcover and the lower value associated with this landscape reduces sensitivity and the severity of these effects on its character.
- 9.9.11. Within South Ayrshire, the Proposed Development would result in significant adverse effects on the eastern part of the Middle Dale LCT (the Girvan valley) where the very large turbines of the proposal would form a prominent feature seen on low skylines on the edges of Scienteuch and Cloncaird Moors. Although visibility will be restricted in places by woodland and the rolling landform in the Middle Dale LCT, where visible, the turbines would appear very large in relation to the scale of this landscape and could detract from its richly diverse and harmonious character. While there would be views of the wind farm across much of the LCT, these would be screened by topography and woodland to some degree and the most significant effects would largely be confined to the edge of the LCT where proximity to the wind farm would create greater effects. It is not considered that the development would adversely affect the landscape character of the area to the degree that it would alter the characteristics or qualities of the landscape.

#### **Effects on landscape designations and other valued landscapes**

##### South Ayrshire Local Landscape Areas

- 9.9.12. The Proposed Development does not lie in a designated landscape but would be visible from the Water of Girvan Valley, The High Carrick Hills and the Brown Carrick Hills and Coast Local Landscape Areas (LLAs) which lie in South Ayrshire. The LVIA considers effects on these LLAs in Technical Appendix 5.2 and concludes that the integrity of each of these LLAs would not be compromised by the proposal. The Council's landscape consultant has considered this assessment and agrees with the LVIA that significant adverse effects would not arise on the special qualities and key characteristics of the Brown Carrick Hills and Coast LLA due to the distance of the proposed development from these designations.

- 9.9.13. The Council's landscape consultant considers that the proposed development would have some significant adverse effects on the special qualities and character of the High Carrick Hills LLA, notably on the sense of wildness associated with this landscape and affecting views from popular hill summits. The Council's landscape consultant also notes that the proposed development would be situated behind the operational Dersalloch wind farm (and would therefore be seen in close association with this development) and that the substantially larger turbines of this proposal would exacerbate existing negative effects on character and views from this LLA. While these comments are noted, the Dersalloch windfarm has already created a significant landscape effect which now creates the baseline. While this proposed development would exacerbate this to a degree by extending the visibility of the windfarm vertically due to the higher turbines, it would not extend the landscape effects horizontally and would be seen in the extent of the current expanse of Dersalloch windfarm. The proposed development would not significantly extend the visual influence of windfarm development. The proposed development would have an awkward relationship with Dersalloch windfarm however this impact would not be considered to adversely affect the integrity of the LLA or be so significant on the landscape to outweigh the positive benefits of green energy created by the development. As set out within Policy 1 and 11 of NPF4, the benefits of development which tackle the climate crisis should be weighted towards approval and it is not considered that this adverse landscape effect would tilt the balance of acceptability towards refusal of the application as the effects are not significant.
- 9.9.14. The Council's landscape consultant raises a concern that during night-time, the proposed development would introduce new sources of light into this LLA and lit turbines could diminish the experience of wildness for some receptors walking at dusk/dawn or those who choose to stay in these uplands overnight. As set out within section 9.8.20 of the report, the applicant has set out that they would be willing to accept a condition looking at the technology which limited when the turbines were lit. This condition is necessary to ensure there would be no significant detrimental impact on the landscape from this development.
- 9.9.15. The Water of Girvan Valley LLA lies closest to the proposal. This LLA has been designated because of its outstanding assemblage of historic houses, castles, designed grounds and policy landscapes and historic villages and its scenic qualities which in part are related to the contrast that exists between the diverse pastoral and wooded valley floor and lower slopes and the backdrop of open moorland hills. This LLA is a popular area for walking and cycling and there are promoted walking routes including to the Colonel Hunter Blair Monument above Straiton which offers exceptional panoramic views. The Council's landscape consultant sets out that the turbines would be seen on a relatively low section of skyline, associated with a simple moorland and forested backdrop with no pronounced hills present. The well-wooded nature of the LLA would limit visibility of the proposal, but where open views are possible, the turbines of the proposal would significantly detract from the scenic qualities of the LLA. They set out however that the operational Dersalloch wind farm is already seen in a similar part of the LLA although the closer proximity and increased size of the proposed turbines would increase prominence and would have a greater detractive effect on the scenic composition of the eastern part of this LLA. They conclude that there would be a significant adverse effect on some of the key qualities and characteristics of this LLA including on promoted walking routes close to Straiton and on the landscape setting to Straiton.
- 9.9.16. It is agreed that the proposed development would have significant effects on the Water of Girvan LLA and views from the Girvan valley in particular. This would be based on the scale of the wind farm and its position. The eastern boundary of this LLA is relatively close to the site boundary of the proposed development and therefore views in those locations would be closer and more likely to be significant although there are less public viewpoints. It is noted by the Council's landscape consultant with regards the Water of Girvan LLA that while extensive visibility is indicated across the Girvan valley, the well-wooded character of this landscape would result in intermittent visibility of turbines with significant effects occurring on occasional open views up to approximately 6-7 km from the nearest turbine. Where views to the proposed development are possible the windfarm will be obvious and sitting prominent. The nature of the Girvan LLA however is that many of the views would be limited by topography and existing vegetation and woodland. Therefore, while the Proposed Development would have significant effects on the LLA where fully visible, this would not be across the whole LLA with many of the views not likely to result in significant effects with the windfarm likely to be seen at quite a distance and less prominent. Further assessment of the character features and historic features of this LLA are set out within section 9.14 of this report.



- 9.9.17. Policy 4 of NPF4 sets out that development will only be supported where there would not be significant adverse effects on the integrity of local landscape areas or their qualities or any of the significant effects are clearly outweighed by social, environmental or economic benefits of at least local importance. As noted, there will be some significant adverse effects on the Water of Girvan LLA but these would not be across the whole LLA with the windfarm positioned out with the LLA and in an area of different landscape character. The proposed turbines would not fundamentally change or effect the qualities and character of the LLA as a whole and the effects identified are considered to be outweighed by the environmental benefits of the scheme in terms of the contribution the windfarm can make to tackling climate change as set out within NPF policies 1, 4 and 11. It is also noted that the proposed development would only significantly adversely affect one LLA and in areas of close proximity and locality to the windfarm. The more distant parts of the LLA are unlikely to be so significantly affected given the change in landscape character and intermittent views. These impacts could be considered to be local to the windfarm and expected as set out within Policy 11 which outlines that local effects should not generally render a proposal unacceptable. The benefits of the proposal are considered to outweigh the significant effects on the LLA which are considered to not be wholesale or fundamental.
- 9.9.18. The Keirs Hill Section 36 decision is a material consideration on this point as the Reporter on that application included an assessment of the potential impact of that development on the Water of Girvan LLA. While the turbines in that development were smaller, they also were of greater number. The greatest difference between the two schemes is that wind turbines in the current proposal are further west than in the original with T1 positioned considerably more into South Ayrshire. In the Keirs Hill decision, the Reporter concluded that:
- “From the Girvan Valley, a dark band of forest trees forms the horizon and for this valley also the windfarm has been set back so that although the turbines would be visible on the skyline, the bases of the turbines would not be visible, and they are understood to be beyond the skyline. From more distant viewpoints the development is designed to appear as a coherent group with a regular array of turbines with overlapping of turbines occurring for limited viewing directions.*
- And,
- It is clear from this viewpoint that the proposal is in a recognisably different LCT with commercial forestry plantation in front. The turbines occupy a small part of a wide panoramic skyline with the landmark hills some distance to the south unaffected by the proposal.”*
- 9.9.19. There are differences between the Keirs Hill proposal and this proposal in that the turbines are taller and that four turbines are located more within South Ayrshire. However, the general impacts of the development on the LLA are similar to that assessed in Keirs Hill. The windfarm will be visible as the Reporter set out but when viewed in the overall context of the LLA, the site is in a less sensitive location and would be seen within a different context. Like Keirs Hill, the base of the wind turbines will not be visible due to topography and commercial forestry. This decision is considered a material consideration as it sets out a previous landscape assessment carried out in the decision-making process of an application under the Electricity Act (1989) to which has relatively similar considerations as this development. While that application was refused, the reasons did not include impact on this LLA. In addition, the planning policy context has since changed with NPF4 being considerably more supportive of renewable energy and development which supports the tackling of the climate crisis. This gives greater material weight towards approval of the application and the need for more significant landscape effects than the localised effects on the LLA identified in this assessment.
- 9.9.20. Overall, it is considered that the Proposed Development will have some significant landscape effects on Girvan Valley LLA, however they would not be extensive given the screening afforded by the topography and woodland within the LLA. While some of the characteristics and qualities of the LLA may be affected, this would be limited to small areas of the LLA and would not fundamentally alter the LLA. NPF4 sets out a presumption in favour of development which contributes towards tackling the climate crisis and support for green energy development is also set out within Policy 11 with this policy indicating a tilted balance. It is not considered that the effects identified on the Girvan Valley LLA would be sufficient to outweigh the presumption in favour given the overall integrity of the LLA would be retained.

### **General visibility of the proposal**

- 9.9.21. While extensive visibility is indicated across the Girvan valley lying to the west of the proposal, the well-wooded character of this landscape would result in intermittent visibility of turbines with significant effects occurring on occasional open views up to approximately 6-7 km from the nearest turbine. There are areas in this direction which are likely to have more open views such as B7023 between Maybole and Crosshill.
- 9.9.22. Views from within the settlements of Kirkmichael and Crosshill would be limited, although open views would be possible from nearby roads approaching these settlements. There would be restricted visibility from the densely built-up main street of Straiton, although Turbine 1 would be particularly prominent in views on the approach. The Council's landscape consultant disagrees with the LVIA that effects on some views from Straiton would not be significant in this respect. They also consider that significant adverse effects would occur on the promoted footpaths (some based on minor roads) which provide popular walking routes around Straiton. There would be significant adverse effects at times in and around Straiton where turbines are visible, however the visualisations evidence that only those turbines within South Ayrshire are likely to be visible due to topography and vegetation cover. The effects while significant, would not be severe and unacceptable.
- 9.9.23. There would be more distant views beyond 10km of the proposal from the Maybole area and surrounding higher ground to the south-east, including from the Brown Carrick Hills. While the Proposed Development would introduce much more noticeable larger wind turbines into these views (with the full vertical extent of turbines commonly visible) the increased distance and generally broader panoramas seen in these elevated views would result in effects not being significant.

### **Key visual effects**

- 9.9.24. The Council's landscape consultant considers that from the open northern fringes of Straiton and the eastern part of the Girvan Valley, the very large turbines of the proposal may overwhelm the scale of small buildings, enclosed farmland and woodlands. The proposed development would often be seen in conjunction with the operational Dersalloch wind farm in views from the valley although the much larger turbines of this proposal would significantly increase intrusion. As noted earlier in this report, these effects are considered to be local in nature as they are most significant closest to the proposed development given the reduction in potential views as distance increases. The significant effect is therefore limited to closer proximity and when open views are achievable, but the overall impact would not be so severe as to outweigh the positive benefits of proposal.
- 9.9.25. The Council's landscape consultant considers that significant adverse effects would arise from Craigengower Hill and Colonel Hunter Blair Monument where the size and proximity of turbines will result in them being a prominent feature and while they would be located in a less scenic part of the panoramic views which are possible from the hill, they would be a distracting presence seen on the periphery of focal views down the Water of Girvan valley to the Firth of Clyde and Ailsa Craig. The view of the proposed development would only be in one direction however and be seen in the context of that landscape. Wider views and views in other directions from this viewpoint would be unaffected. The visual effect is therefore not considered to be significantly adverse overall.
- 9.9.26. The proposed development would be seen in conjunction with the operational Dersalloch wind farm when viewed from the high Carrick Hills including routes to and from, the summit of Cornish Hill and the Corbett of Shalloch on Minnoch reducing the magnitude of change to some degree by the landscape already having a baseline presence of wind turbines. The substantially larger turbines of the proposal would appear much closer than the existing Dersalloch turbines reducing the sense of space experienced in views from these popular hills. As noted earlier in the report when considering the effects on the High Carrick LLA which this viewpoint is from, the effects from this viewpoint and area are not considered to be significant.
- 9.9.27. Overall, a large-scale wind energy development is proposed which will have some significant adverse visual effects. However, these effects would not be so severe as to be unacceptable and the proposal meets the requirements of Policy 11 of NPF4 and Wind Energy Policy of the LDP2 in this regard.

### **Wild Land and Dark Sky effects**

- 9.9.28. Nature Scot advises that the proposal would result in significant day-time and night-time effects on Wild Land Qualities (WLQs) 1, 3 and 4 of the Merrick Wild Land Area (WLA) as experienced from Cornish Hill and the lower lying north-eastern interior area around Loch Girvan Eye; on the perception of naturalness and sense of remoteness and sanctuary which underpin WLQs 1, 3 and 4. While this concern was raised, Nature Scot did not object to the proposal. These comments were made prior to the adoption of NPF4. NPF4 now sets out that renewable energy development within Wild Land Areas can be considered acceptable. As this development is not within a Wild Land Area, Nature Scot have set out that they consider this impact to be of less material weight in the assessment process.
- 9.9.29. On the point of aviation lighting and the night-time effects of the wind turbines, these concerns were reiterated by the Council's landscape consultant more generally and also by The Dark Sky Laboratory. However, mitigation is available in this regard through the use of a ADLS which would limit the duration of aviation lighting and the impact on dark skies. A planning condition in this regard is essential to ensure no significant adverse effects.

### **Effects on Tourism Attractions and Recreational Assets**

- 9.9.30. The tourism sector is important to the South Ayrshire economy with a significant potential for growth. This expansion will be dependent on the maintenance and enhancement of environmental quality whilst ensuring that the assets on which the sector is based are protected from the impacts of inappropriate development. These objectives are reflected within the policy framework of the Local Development Plan.
- 9.9.31. Assets in Ayrshire and surrounding areas particularly sensitive to inappropriate development include areas designated for their scenic or recreational potential, including the Merrick Wild Land Area, Galloway Hills, the Galloway Forest Park, the Dark Skies Park and the Galloway & Southern Ayrshire Biosphere and its associated ecosystem centred around a series of core Nature sites. The application site is located within the Transition Zone of the Galloway and Southern Ayrshire Biosphere.
- 9.9.32. The landscape and visual impacts of the proposal are the primary considerations with regard to the potential impacts on tourism and recreation for this particular application. As noted earlier in the report, the proposed development would not have any significant adverse effects on the landscape including the Local Landscape Areas, Carrick Hills and Galloway Forest Park. Mitigation is proposed in terms of aviation lighting which could affect the dark skies and Dark Sky Park. Based on the landscape and visual assessment carried out, it is not considered that the wind farm would have a significantly detrimental impact on the tourism assets with South Ayrshire or significantly alter the landscape so as to make the area unattractive for tourists to visit.

### **Cumulative Effects**

- 9.9.33. No consented wind farms would be likely result in significant adverse cumulative effects with this proposal because of their distance. The Dersaloch wind farm would not create any significant cumulative effect. However, there are many wind farm developments at application stage lying relatively close to this proposal including the Carrick, Craiginmoddie and Knockcronal applications that are currently at Public Local Inquiry and therefore it is unclear what the cumulative effect is likely to be. At this stage, it is considered that the proposal alone with all constructed wind farms would have no individual or cumulative significant adverse landscape and visual effects that would render the proposal unacceptable. The combination of these other windfarms however could lead to a significant adverse landscape effect. As South Ayrshire are required to respond to the consultation at this time, it would be for the Energy Consents Unit to make a judgement on the cumulative effects of these windfarms in their determination depending on their status at that time. The concern around these cumulative effects are raised through this report so that this can be noted in that assessment process.

### Conclusion on Landscape and Visual effects

9.9.34. **Within the 2018 South Ayrshire Landscape Wind Capacity Study (SALWCS) the site is in an area which is considered to be able to accommodate wind turbines up to around 130m in height. While these turbines would be up to 200m in height, on detailed assessment of the potential landscape and visual effects of the proposed development, it is considered that the significant adverse effects would not be so severe as to conclude that the application is unacceptable. The most significant adverse landscape effects would be on the Water of Girvan LLA where significant effects are likely in closer proximity to the development and where views are possible around Straiton. These effects would not be severe to the overall LLA as views from the LLA will be screened by topography and vegetation limiting a wholesale adverse effect across the whole designation. The greatest effects are considered to be local to the development and in line with NPF4 policy 11 would not warrant the application to be unacceptable when considered against the support given to renewable energy by policies 1 and 11 of NPF4. All other landscape and visual effects are not considered to be significant to a degree that would warrant refusal of the application. Impacts on the dark sky and landscape from aviation lighting can be mitigated through planning condition. The cumulative effects of this development with other proposed wind farms is a matter for the Energy Consents Unit as noted above.**

9.10. **Criteria (iii): public access:**

9.10.1. Under this criterion, NPF4 requires consideration of the impact on long distance walking and cycling routes and scenic routes.

9.10.2. Criterion (b) of LDP2 looks to protect visual amenity from public roads and paths. Excerpt from Policy:

**All proposals will be assessed against the following criteria:**

They do not have a significant detrimental visual impact, taking into account views experienced from surrounding residential properties and settlements, public roads and paths, significant public viewpoints, and important recreational assets and tourist attractions.

9.10.3. Additional relevant LDP policies include:

**LDP Policy:** Sustainable Development

**LDP Policy:** Land Use and Transport

9.10.4. This is an area of South Ayrshire which is very popular with locals and visitors for walking and cycling and horse riding in the countryside. The area around Straiton and the hills to the south are particularly popular. There is a core path (D6) which runs between Straiton and Patna on the north-west corner of the development site. While it runs through the site, it is more than 370m from any infrastructure or turbine. A recorded Right of Way (SKC11), Heritage Path (Old Road through Straiton (HP 13) and Scottish Hill Track (Route 82 Barr to Straiton and Patna (HT385) all follow a similar route through the site as Core Path D6. There are other Core Paths further afield however no significant effects on the enjoyment of these have been identified.

9.10.5. As part of the Proposed Development, there is the intention of creating a footpath connection between the site access and existing High Keirs access to create a recreational trail. The applicant sets out that a Path Management Plan condition should be added to agree the detail of this and future management. This path is fully within East Ayrshire but would be usable by residents of South Ayrshire given that the border is close to the site. The Council's outdoor access officer has commented on the application and sets out that they believe that greater outdoor access provision could be provided as part of this development. The planning condition on the Path Management Plan is acceptable but should be written to reflect that the developer should be encouraged to increase the provision of accessibility and outdoor paths around the windfarm. The Council's outdoor access officer also sets out that waymarkers and signage should be used to designate any paths or the designated paths that already exist. This will also be added to the Path Management Plan condition.

9.10.6. In terms of impact on the designated paths, the development would be situated far enough away to avoid any direct impact. The Proposed Development would not place any restrictions on public access to these paths or the wider area post construction. During the construction period there would likely be some restriction to the areas of construction for health and safety reasons. In terms of the visual effects on the designated paths the submitted LVIA predicts moderate and significant effects on local Core Paths within the Doon Valley and around Straiton, on short sections where there are clear views of the proposed development. The most significant visual effects would be where the paths travel near to or through the site and thereby the wind turbines are at their closest distance. Views to the turbines would be varied given the path is through commercial forestry and on varying topography. The visual effects of the wind farm on these routes would not be so significant so as to deter people from using the route. The Councils outdoor access officer has not raised any concern with regards to direct impact from the development on the Core Path.

**Conclusions on impact on public access**

9.10.7. **Based on the above assessment, it is concluded that the development would have no significant effect on public access that would warrant refusal of the application and the application is in accordance with the Development Plan in this regard.**

9.11. **Criteria (iv): impacts on aviation and defence interests:**

9.11.1. Under this criterion, NPF4 sets out that it should be set out how the project design and mitigation will address impacts on aviation and defence interests including seismological recording.

9.11.2. Criterion (h) of LDP2 looks to protect aviation, defence interests and broadcasting installations.

**All proposals will be assessed against the following criteria:**

They would not adversely affect aviation safety or defence interests, as well as telecommunications and broadcasting installations, ensuring in particular that transmission links are not compromised.

9.11.3. Additional relevant LDP policies include:

**LDP Policy:** Sustainable Development

**LDP Policy:** Spatial Strategy

**LDP Policy:** Wind Energy

9.11.4. Criterion (f) of the Wind Energy Planning Policy Guidance sets out the following:

**We will support proposals if:**

they do not adversely affect aviation, defence interests and broadcasting installations

9.11.5. The Wind Energy PPG requires developers to demonstrate agreement between the developer and airport operators that a technological or other mitigation solution is in place which demonstrates their development would not threaten the current operation of the airport or the expansion aspirations sought by the Council and Government. The LDP2 Policy on Wind Energy states that the Council will only support proposals if they do not adversely affect aviation. As mitigation has not been fully agreed with the aviation authorities and airport operators, this would suggest that the proposed development is not in accordance with the Wind Energy PPG.

9.11.6. NPF4 however does not require mitigation to be agreed with the aviation authorities or airport operators. Instead, it requires for the proposal to set out how these matters will be addressed or mitigated. EIA Report Volume 1 Chapter 15 sets out the mitigation measures for the potential impact on aviation interests. This includes agreeing the aviation and infra-red lighting for the wind turbines with the MOD and CAA and resolving the impact on aviation RADAR and telecommunication systems with GPA and NATS who currently object to the proposal. The EIA Report sets out it is considered that sufficient mitigation is available and discussions with the operators will continue to agree these mitigation measures.

- 9.11.7. NPF4 and LDP2 are considered to have priority over the Wind Energy PPG on this point and the lack of agreed mitigation is not considered a matter which should result in South Ayrshire Council objecting to this application. The applicant has successfully set out within the EIA Report how these matters could be mitigated and ensure no adverse effects in line with NPF4 and LDP2. It would be for the Energy Consents Unit to determine whether this should be resolved during the course of the application or use an appropriately worded planning condition. If mitigation was not achievable, then the application would be considered unacceptable however that would be a matter for the Energy Consents Unit to resolve.

**Conclusions on impacts on aviation and defence interests**

- 9.11.8. **The EIA Report has set out mitigation in terms of aviation and defence interests and the principle of the mitigation measures have been deemed appropriate by the aviation authorities. The final details and resolution to these mitigation measures will require agreement with the aviation authorities and this would be agreed separately. As mitigation measures have been proposed with the application which could be deemed acceptable, the application is considered to comply with the Development Plan. If the mitigation measures were found to be unachievable in the future then this would be a matter for the Energy Consents Unit to resolve or revert back to the South Ayrshire Council for further comment.**

9.12. **Criteria (v): impacts on telecommunications and broadcasting installations:**

- 9.12.1. Under this criterion, NPF4 sets out that it should be set out how the project design and mitigation will address impacts on telecommunications and broadcasting installations, particularly ensuring that transmission links are not compromised.
- 9.12.2. Criterion (h) of LDP2 looks to protect telecommunications and broadcasting installations.

**All proposals will be assessed against the following criteria:**

They would not adversely affect aviation safety or defence interests, as well as telecommunications and broadcasting installations, ensuring in particular that transmission links are not compromised.

- 9.12.3. Additional relevant LDP policies include:

**LDP Policy:** Sustainable Development  
**LDP Policy:** Spatial Strategy  
**LDP Policy:** Wind Energy

- 9.12.4. Volume 1, Chapter 15 of the EIA Report sets out a full assessment of the potential effects telecommunication and broadcasting infrastructure from the proposed development. This concludes that the proposed development does not directly affect microwave fixed links and the potential effect on microwave fixed links is not significant. In addition, the potential effect of the proposed development is considered to be not significant with respect to other television or radio communication networks.
- 9.12.5. BT and the Joint Radio Company (JRC) on behalf of the UK Fuel and Power Industry have responded to the consultation. Both have no objections to the proposal and outline that they do not consider that the Proposed Development would have any significant effect on their telecommunications equipment or signal.

**Conclusions on impacts on telecommunications and broadcasting installations**

- 9.12.6. **The EIA Report has established that there would be no significant effects in this regard and none of the consultees have raised any significant concerns. On this basis, the proposal is considered to comply with the Development Plan.**

9.13. **Criteria (vi): impacts on road traffic and trunk roads:**

9.13.1. Under this criterion, NPF4 sets out that significant impacts on road traffic and on adjacent trunk roads, including during construction needs to be assessed and the proposal should set out how this has been addressed in the project design and mitigation.

9.13.2. NPF4 policy 13 Sustainable Transport sets out the following

a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:

i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.

ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.

iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

ii. Will be accessible by public transport, ideally supporting the use of existing services;

iii. Integrate transport modes;

iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;

v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;

vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and

viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

- 9.13.3. Criterion (c) of the Wind Energy PPG aims to protect residential amenity in terms of traffic and transport routes

**We will support proposals if:**

They do not have any other significant detrimental effect on the amenity of nearby residents, including from noise and shadow flicker.

It also states that the construction of windfarms can have significant short term impacts on local road networks. During the assessment of a proposal applicants will be required to provide a transport assessment of possible impacts, and will require to show the suitability of the route for future construction traffic. In the interests of safety and amenity the Council will request that all turbines are set back a minimum of 180m (or 1.5m turbine height, whichever is the greater) from rail, road routes and active travel routes.

- 9.13.4. Additional relevant LDP policies include:

**LDP Policy:** Sustainable Development  
**LDP Policy:** Land Use and Transport

- 9.13.5. Volume 1, Chapter 11 of the EIA Report carries out assessment of traffic and transport effects of the proposed development. As set out, there are two potential options for access into the development. The primary access point would be located at Waterside within East Ayrshire and therefore is not assessed any further. The alternative access point is an existing access onto the B741 which is also in East Ayrshire although closer to the boundary with South Ayrshire. The alternative access would only be utilised for initial site preparation works until the access track and site entrance from the A713 are constructed. This will allow access to the borrow pit search areas where working of the borrow pits can commence. As this would be a temporary arrangement this is not considered likely to have any significant effects on South Ayrshire interests.

- 9.13.6. The assessment recognises that the proposed development has the potential to affect the surrounding transport network during the construction period with a temporary increase in traffic on the road network both locally and regionally. The EIA Report sets out that the construction project is expected to commence in 2025 and take up to 14 months. The peak of construction would occur in month 3 with 88 HGV movements per day (44 inbound and 44 outbound) and 35 Car/ LGV movements (18 inbounds trips and 17 outbound trips). These equate to on average approximately four HGVs arriving every hour at peak period. The Transport Assessment submitted with the application which forms Appendix 11.1 sets out that the total traffic movements for the construction period would be in the region of 24,295. This takes into account the need for construction materials, workers and turbine components to be brought to and from the site but also the need for tree felling with an estimated 5000 trips required to export the forestry materials.



- 9.13.7. The EIA Report sets out potential routes for the delivery of materials and turbine components and an Abnormal Indivisible Load Route Survey Review has been included as Technical Appendix 11.2. There are two main routes which have been explored. The turbine components are likely to be brought to KGV Dock in Glasgow and onto the site due to constraints at Port of Ayr. With exception to the turbine components, loads will come from the Port of Ayr. Both routes from KGV Dock and Port of Ayr Dock would follow the same route with loads continuing south on the A77 and at Bankfield Roundabout would turn left onto the A713 and continue to the main site entrance to the north of Waterside.
- 9.13.8. It should be noted that this route would be for when the primary access is established. The alternative access from the B741 would be used until the primary access was formed and HGVs may temporarily have to route from the West through Straiton as there is a weight restriction on Doon Bridge to the east. All other vehicles would be able to use the Doon Bridge until the primary access is formed. Thereby there will be a temporary traffic impact on Straiton while the site setup works are carried out which would include HGVs. Post construction of the primary access, the secondary access may continue to be used by staff depending on the direction they are travelling from and they would not need to travel through Straiton as they will be able to utilise the Doon Bridge. The TA estimates that this could be 10% of total staff movements.
- 9.13.9. The Ayrshire Roads Alliance (ARA) have assessed the proposals and outline that they have no objection to the proposed accesses or traffic movements as set out within the EIA Report. They did however ask that the applicant explore the potential use of the access track constructed for the Dersalloch wind farm which provides access from the B7045 at Black Ridge to the B741 to allow the village of Straiton and the constrained junction of the B7045/ B741 to be by-passed by any HGV traffic. This could be a matter for exploration through the Construction Traffic Management Plan (CTMP) which has been requested by the ARA. This would be communicated to the ECU as forming part of the CTMP condition. The use of Straiton would be for a limited short-term period and would not lead to any significant adverse effect on residential amenity.
- 9.13.10. It should be noted that SEPA have asked the applicant to explore the use of the B741 as the primary access to avoid any potential impact on peat from the primary access. The alternative being that a floating road design be used as the primary access. The use of the B741 as a primary access would not be considered acceptable as it would require the routing of HGVs and turbine components through Straiton for a long period of time. This route is considered too constrained for that purpose. A condition is proposed that states that the B741 should not be used as the primary access and can only be used by HGVs until a primary access is created.
- 9.13.11. The ARA have no objection to the proposal but have asked for planning conditions relating to a Staff Travel Plan and CTMP. They have also set out advisory notes around the need of other permits and consents such as Road Opening Permit(s) (would be for East Ayrshire) and Section 96 Agreement to allow the Council to reclaim any extraordinary maintenance costs on the road incurred by the construction traffic.
- 9.13.12. Transport Scotland also have no objection to the proposal. They note that the additional trips on the Trunk Road network would equate to an increase of 0.1% cars/ LFGVS and increase of 6% in HGV levels. Both of these they consider to be within acceptable thresholds and no further assessment necessary for environment effects. Transport Scotland have assessed the Abnormal Indivisible Load Route Survey and note that there are constraints on the network which require Trunk Road mitigation. This includes on the A77(T) at Sandyford Toll Roundabout where loads will over-run and over-sail the eastern side of the central island and one set of chevron signs will require to be removed and a load bearing surface will be required. In addition, vegetation clearance is required from this area. At the A77(T) Holmston Roundabout, a lighting column will require to be removed, while a lighting column and one road sign will require to be removed at the A77(T) Bankfield Roundabout.
- 9.13.13. These alterations would be needed on the trunk road system within South Ayrshire however Transport Scotland confirm that these mitigation measures would be acceptable subject to agreement with the Network Manager. They have requested that a planning condition be added requiring details of the changes to be agreed with them prior to any deliveries taking place.
- 9.13.14. In terms of sustainable transport methods, given the rural and remote location of the site, it will be difficult to access via sustainable transport methods. The proposed Staff Travel Plan will be able to consider how staff could share trips or utilise more sustainable methods of travel.

### Conclusions on impacts on road traffic and trunk roads

9.13.15. **The proposal has the potential to have some adverse effects on the road network with an increase in vehicles including HGVs during the construction phase. However, even at the peak period these would not have any significant environmental effects. The traffic would largely utilise the trunk road network within South Ayrshire with some early HGV traffic movements through Straiton prior to a new access being formed near Waterside in East Ayrshire. The traffic movements through Straiton would be short term and not significant as a result. Mitigation is proposed for the trunk road to allow for wind turbine component deliveries and these would be agreed with Transport Scotland. The proposal is considered to comply with Policy 11 of NPF4 and the South Ayrshire Local Development Plan in this regard.**

9.14. **Criteria (vii): impacts on historic environment:**

9.14.1. Under this criterion, NPF4 sets out that impacts on the historic environment needs considered.

9.14.2. Also, Policy 7 of NPF4 aims to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. Excerpt from Policy:

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:

- i. building is no longer of special interest;
- ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
- iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
- iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.

c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.

d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:

- i. architectural and historic character of the area;
- ii. existing density, built form and layout; and
- iii. context and siting, quality of design and suitable materials.

e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:

- i. reasonable efforts have been made to retain, repair and reuse the building;
  - ii. the building is of little townscape value;
  - iii. the structural condition of the building prevents its retention at a reasonable cost; or
  - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
  - I. direct impacts on the scheduled monument are avoided;
  - II. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
  - III. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
  - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
  - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.

- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

- 9.14.3. Criterion (g) of the Wind Energy Policy within LDP2 aims to protect the historic environment and archaeology from significant adverse effects. Excerpt from policy:

**All proposals will be assessed against the following criteria**

Taking into account the criteria in LDP policy: historic environment and LDP policy archaeology, they would not have an unacceptably detrimental effect upon the historic environment.

- 9.14.4. Additional LDP Policies:

**LDP Policy:** Sustainable Development

**LDP Policy:** Historic Environment

**LDP Policy:** Archaeology

- 9.14.5. Excerpt from Criterion (e) of Wind Energy PPG :

**We will support proposals if:**

They do not have a significant detrimental effect on the historic environment, taking into account the criteria in LDP Policy: Historic Environment and LDP Policy: Archaeology;

- 9.14.6. The EIA Report contains an assessment of Cultural Heritage (Volume 1, Chapter 6 alongside associated figures and appendices) and includes consideration of direct and indirect (including setting impacts) effects from the construction, operation, and decommissioning phases of the development alongside a consideration of any cumulative impacts from this development along with other operational, consented or proposed developments. This is in line with Policy 7 criterion (a) of NPF4. It should be noted that the previous Keirs Hill wind farm proposed in this area, was partly refused for the potential impact of that development on historic sites, notably that of the Waterside ironworks complex. It should be noted that the Waterside ironworks complex is within East Ayrshire. No cultural heritage within South Ayrshire was considered likely to be significantly adversely affected.
- 9.14.7. The EIA Report sets out that an assessment was carried out looking at the site and a 500m extent around the site and this was considered an inner zone. This looked at local and national historical features. An outer zone of up to 10km beyond the inner zone was also considered but this only considered statutory features and those of national importance. The EIA Report identifies that there is one Conservation Area, three Scheduled Monuments, one category A listed building, three Category B Listed Buildings and two Category C Listed Buildings within the inner zone. None of these are within South Ayrshire. There are around 15 non-statutory local historic features within the inner zone and within South Ayrshire. West of Scotland Archaeology Service (WOSAS) indicated to the applicant that two of the non-statutory designations within the inner zone could be considered to be worthy of being Scheduled Monuments. Both of these are not within South Ayrshire. The EIA Report concludes that these features have low significance and would not be significantly affected by the development. Given their position relative to the development and the nature of these historic features, it is agreed that the development would have no significant effect. The features would not be directly impacted and their low value would mean that the effect on their setting would also not be of any significant concern. No areas of development would be positioned directly next to these features. In line with Policy 7 and 11, the non-designated assets would be protected and retained in-situ.
- 9.14.8. In the outer zone, there are five Scheduled Monuments, four Conservation Areas, seven Category A Listed Buildings, ten Category B Listed Buildings and three Gardens and Designed Landscapes (GDL). The closest of these are a cluster of Listed Buildings and Conservation Area within Straiton at about 2.5km from the site. The majority of the designations are too distant to be adversely affected by the proposed development and therefore the assessment concentrates on those designations with potential significant effects.

- 9.14.9. The EIA Report assesses the potential impact of the development on Blairquhan House (Category A Listed Building) and associated GDL. Category B Listed Buildings are also found within the GDL. The EIA Report notes that the turbines would be visible from a limited number of windows within Blairquhan House and would be visible from areas of the GDL. The EIA Report however concludes that given the majority of windows face north and south and not in the direction of the proposed windfarm and the distance between the development and the House, there would be no significant effects. In addition, the House is set within extensive grounds with large areas of woodland which would have a screening effect. The proposed development would not adversely affect the setting or experience of the historic asset. With this, no significant effects are considered likely.
- 9.14.10. The EIA Report also considers the Colonel Hunter Blairs Monument which is a Category B Listed Building on Highgate Hill to the south of Straiton. A visualisation provided with the EIA Report shows the potential impact of the development on the Monument. The windfarm would be clearly visible from the area of the Monument; however, the EIA Report sets out that the development would not interfere with the intervisibility between Straiton and the monument which is considered its most important context. Views to the monument would not be affected however views from the monument would as set out above. The EIA Report concludes that the impact on the Monument would not be significant. The conclusions of the EIA Report are accepted. The wind farm would be visible from the monument in one direction and would appear quite substantial in the views however the actual context and setting of the Monument would not be significantly affected, particularly in views from lower lying areas around the Monument. The development therefore would comply with Policy 11 and Policy 7(c) of NPF4 and LDP Policy: Historic Environment.
- 9.14.11. The EIA Report includes visualisations of the development from Straiton and from locations to the west of Straiton which are indicative of how the setting of the settlement would be affected by the development. The windfarm would sit elevated above Straiton with commercial forestry and topography currently screening the location of the site from Straiton at present. With the development in place, it is likely that a top half of turbine 1 in the windfarm would be visible from Straiton along with potentially the blades of some of the others. From some locations around the settlement this will form the backdrop. The majority of the Listed Buildings and Conservation Area are to the south-east of the settlement and the view of wind turbines above these would not be readily possible. Views from the Listed Buildings to the wind turbines may be possible but again this will largely be screened by topography and existing forestry. On this basis, the direct impact of the development on the settlement would not be significant with views from the Listed Building and Conservation Area not significantly affected. Views of the wind farm will be possible, particularly wind turbine 1, however this will not significantly alter the historic context of the settlement given the distance between the site and the settlement.
- 9.14.12. The impact on historic assets can be more than just the direct effects on setting from a development being close to those assets. It can also include the effect of a development on the setting and character of the assets if the context or environment of the assets is adversely affected. Many of the visual effects of the development (in South Ayrshire) will be in views from the west. Straiton may be in many of these views and thereby it is important to consider how the environmental setting of the settlement will be affected by the position of the development. In long distance views from the west, the wind farm will sit elevated and set within commercial forestry. The position of Straiton will be apparent in some views but given the topography and woodland throughout the Girvan valley, direct views with Straiton and the wind farm above will be sporadic and fleeting. In views where both are seen together, there may be adverse effects on the setting of the settlement however in the visualisations provided in the EIA Report, there is distinction between the immediate setting of the settlement and the commercial forestry of the development site. The wind farm would be a distraction in these views and would have some influence over the backdrop and setting of the settlement, however it is not considered that this would be significantly adverse or the defining feature. In most views the wind farm would appear quite detached from the settlement and the immediate setting and context unaffected. Overall, it is clear that the setting of the historic settlement would not be affected to a degree that would be considered unacceptable, particularly when the benefits of the proposal and other planning policies are weighted in the assessment and the proposal is therefore considered to comply with Policy 7 (c) and (d) and policy 11 of NPF4 and LDP Policy: Historic Environment.

- 9.14.13. The EIA Report sets out the potential cumulative effects of the proposal on historic assets. This assessment largely looks at assets within East Ayrshire due to the cumulation of wind farm development relative to the assets potentially impacted by this development. This cumulative assessment is reasonable as the historic assets within South Ayrshire at most significant risk by this development have a lesser interaction with any windfarm development proposed within South Ayrshire or any cross boundary effects. Overall, there are no likely significant cumulative effects identified.
- 9.14.14. Historic Environment Scotland have been consulted on the proposal and have raised no objection. They consider that the development would have not significant impact on any historic assets of national importance.
- 9.14.15. As noted in the assessment of the inner zone, there are some undesignated assets some of which are in South Ayrshire. The site is considered to have a low archaeological potential. The evidence of recorded heritage within South Ayrshire are in areas not proposed for development or within the wider development area and therefore this is not considered a constraint of the development. WOSAS have also been consulted and request a condition which would see a scheme of archaeology prior to development taking place.

#### Conclusions on Historic Assets and Places

- 9.14.16. **The overall historic setting of the settlement is likely to be preserved in the majority of views given the separation distance between the development and the settlement. While there would be effects given the windfarms elevated position above the settlement when viewed from the west, this would not outweigh the positive benefits of the proposal and other assessment criteria set out within Policy 11 of NPF4. Less significant effects have been identified towards other historic assets in South Ayrshire of all of which would be considered to be acceptable. With this the proposed development would comply with Policy 7 of NPF4.**

#### 9.15. Criteria (viii): effects on hydrology, the water environment and flood risk

- 9.15.1. Under this criterion, NPF4 sets out that the effects on hydrology, the water environment and flood risk should be assessed.
- 9.15.2. Also, Policy 22 of NPF4 aims strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. Excerpt from Policy:

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- i. essential infrastructure where the location is required for operational reasons;
- ii. water compatible uses;
- iii. redevelopment of an existing building or site for an equal or less vulnerable use; or
- iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
  - that the proposal does not create an island of development and that safe access/egress can be achieved.
- b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.
- c) Development proposals will:
- i. not increase the risk of surface water flooding to others, or itself be at risk.
  - ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
  - iii. seek to minimise the area of impermeable surface.
- d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
- e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

9.15.3. Relevant LDP2 policies

**LDP Policy:** Sustainable Development  
**LDP Policy:** Water Environment  
**LDP Policy:** Flooding and development

9.15.4. There are a number of watercourses which run through the site or are within the vicinity of the site. None of the development is at significant risk from flooding. The focus of the EIA Report is on the impact on these watercourses and other areas of hydrology. The EIA Report does set out that SUDS will be incorporated to assist in reducing the runoff speed to local watercourses and water crossings will be designed to pass the 200year flood event. Final details of these would be agreed with the relevant Council's and SEPA.

9.15.5. The proposed development has embedded design mitigation to help protect the water environment. This includes a 50m buffer from any watercourse along with measures such as permeable access tracks and regular cross track drains to allow existing water flow paths to be maintained. A Construction Environmental Management Plan will be agreed through planning condition to protect the watercourses and water environment from construction pollution, erosion and sedimentation. Good practice measures will be required during the construction process to avoid detrimental impact on the water environment and control of this through a CEMP is essential. An Ecological Clerk of Works is also proposed and they will help manage and monitor effects on the environment. Water Quality monitoring will be undertaken during construction to identify instances of pollution or any continuing issue.

9.15.6. SEPA have been consulted and have no objection to the proposal. The Council's Environmental Health Service also offers no objection in respect of private water supplies.

**Conclusions on hydrology, the water environment and flood risk**

9.15.7. The proposed development would have no significant effects on hydrology or the water environment and the development would not be at any significant flood risk. Controls will be needed through a Construction Environmental Management Plan to avoid any significant pollution on the water environment during the construction process. The proposed development is in compliance with the Development in this regard.

**9.16. Criteria (ix): biodiversity including impact on birds:**

- 9.16.1. Under this criterion, NPF4 sets out that impacts on biodiversity needs to be assessed and considered in terms of the design and mitigation.
- 9.16.2. Also, Policy 3 of NPF4 aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. Excerpt from Policy:

a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.

b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:

i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;

ii. wherever feasible, nature-based solutions have been integrated and made best use of;

iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;

iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and

v. local community benefits of the biodiversity and/or nature networks have been considered.

c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.

d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration

- 9.16.3. Policy 4 of NPF4 aims to protect, restore and enhance natural assets making best use of nature-based solutions. Excerpt from Policy:

a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.

b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an "appropriate assessment" of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where: i. The objectives of designation and the overall integrity of the areas will not be compromised; or ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance. All Ramsar sites are also European sites and/ or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified;

or ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.



e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of any application. Part 2 – National Planning Policy National Planning Framework 4

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

- i. will support meeting renewable energy targets; or,
- ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area. All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

9.16.4. Criterion (f) Natural Heritage of LDP2 aims to protect natural heritage. Excerpt from Policy:

**All proposals will be assessed against the following criteria:**  
Taking into account the criteria in LDP policy natural heritage, they would not have an unacceptably detrimental effect upon natural heritage, including wild land, birds and carbon rich soils

9.16.5. Additional LDP Policies:

**LDP Policy:** Natural Heritage  
**LDP Policy:** Sustainable Development  
**LDP Policy:** Water Environment

9.16.6. The Wind Energy PPG criterion (d) Natural Heritage sets out relevant assessment considerations. Excerpt from Policy:

**We will support proposals if:**  
They do not have a significant detrimental effect on natural heritage features, including protected habitats and species, and taking into account the criteria in LDP Policy: Natural heritage;

### **Ecology and Habitats**

9.16.7. Volume 1, Chapter 8 of the EIA Report provides an assessment which seeks to establish the likely presence or likely absence of protected or notable ecological species, identify statutory and non-statutory designated sites for nature conservation in the vicinity of the proposed development and evaluates the overall conservation status of the land within the site boundary. Thereafter, the potential for the proposed development to have an adverse effect on designated sites and protected and notable ecological species and habitats is considered at construction, operational and decommissioning stage along with the setting out of committed mitigation measures where applicable and required. Opportunities for biodiversity enhancement are also outlined as part of this. The assessment in this chapter is informed by a desk study, and an extended Phase 1 habitat survey, NVC surveys, terrestrial mammal surveys, fish surveys and bat surveys which it considers enables the informed determination of the likely ecological effects of the proposed development to be set out and predicted.

- 9.16.8. The site is located within an upland landscape and comprises mostly of conifer plantation which is routinely felled. There are areas of existing conifer plantation, areas of felled plantation, acid, neutral and marshy grassland with collections of broadleaved trees. There are also small areas of wet heath and blanket bog. Lochhead Burn, Lamdoughty Burn and Keirs Burn are watercourses within the development site. Loch Spallander borders the development site at the north-west corner and Lochhead Burn flows into this. Within 10km of the site, there are 5 Sites of Specific Scientific Interests (SSSI). Four of these are within East Ayrshire with the only SSSI in South Ayrshire being Auchalton. This SSSI is 6.8km from the site and no direct or indirect effects have been identified from the development on this designation. The site is also within the Galloway and Southern Ayrshire Biosphere transition zone. The EIA sets out that there are one Local Wildlife Site and One Scottish Wildlife Trust reserve within 5km of the development and four provisional wildlife sites within 1km of the development. It is noted however that the site would be partly within the Loch Spallander and Cloncaird Moor Local Wildlife Site (LWS) within North Ayrshire and also border Straiton Hills Local Wildlife Site. These local habitat designations have not been assessed as part of the EIA Report.
- 9.16.9. The Loch Spallander and Cloncaird Moor LWS is a high-quality moorland area with breeding birds and includes a reservoir used by wintering wildfowl. While the designation is within the site boundary, no works are proposed within the designation and therefore direct effects are unlikely. Indirect effects from pollutants entering Lochhead Burn could lead to a detrimental impact on Loch Spallander. The EIA report includes measures to avoid impacts in this regard through a Construction Environmental Management Plan. On this basis, indirect effects of this nature are unlikely. The impact on birds will be considered later in the report, however overall, it is not considered that there would be significant impacts on this designation. This is confirmed by the fact that both Nature Scot and the South Ayrshire's ecology consultee (AECOM) have not raised any concerns on this point. The site is outwith the Straiton Hills LWS which links to the Doon Valley Wetlands Proposed Wildlife Site in East Ayrshire. The EIA notes no significant effects on the Doon Valley Wetlands and no indirect effects on the wetland habitat which forms part of the designation. Similarly, given the distance between actual development and the designation itself, it is unlikely that there would be any significant effects. On this basis, the development is considered to comply with Policy 4 and Policy 11 of NPF4 with there being no significant impact on ecological designations.
- 9.16.10. The ecology assessment considers both the direct and in-direct loss of habitats and vegetation. The EIA report notes that the majority of habitat lost would be coniferous, broadleaved and mixed plantation at around 4.51Ha or 0.75% of the total of that habitat in the area. Areas of felled forestry would make up a large proportion of land temporarily lost to the development (4.65Ha (8.8%)) however this would be replaced with additional forestry. In terms of habitats of note small areas of unimproved neutral grassland (0.03Ha), improved grassland (0.18Ha), marshy grassland (0.77ha), wet heath (0.11Ha), wet heath/acid grassland mosaic (0.07Ha), blanket bog (0.28Ha) and wet modified bog (0.14Ha) would be permanently lost. In terms of the overall total of each habitat, this would only result in small percentages of habitat loss with the maximum being 2.43% loss of wet heath from the area.
- 9.16.11. In terms of priority habitat, the peat depth probes found around 65% of the site to have peaty soils with 80% of the probes that intersected peat recording peat of less than 1m thickness. Many of the site underlain by peat soils are currently afforested with conifer plantation. Within 250m of the proposed infrastructure 56.22Ha of blanket bog was identified. The design of the development is such that these areas are largely avoided. One area of access track to Turbine 9 (within East Ayrshire) is mapped as being Class 1 nationally important carbon-rich soils. The National Vegetation Classification (NVC) surveys confirmed this area to be priority peatland habitat and the loss of this area accounts for the 0.28Ha specified above. This area however shows evidence of peat haggling and historical drainage and Nature Scot conclude that the loss of the peat in this area does not raise issues of national interest. Nevertheless, SEPA have requested that this area is avoided, or a floating road used. Nature Scot state that where access must be provided over blanket bog then floating road are acceptable but full details of specification and construction method must be provided in the Construction Environmental Management Plan.

- 9.16.12. With the minor peat loss proposed, the applicant also proposes that a Habitat Management Plan be provided with the aim of improving and restoring areas of bog within the development area. Two areas of improvement have been suggested including management to restore blanket bog in areas where deep peat is found in areas of conifer plantation to be felled and improvement of the M17 blanket bog between the proposed access track and conifer plantation. That area could be managed through ditch blocking, peat hag reprofiling and reseeded of bare peat. These measures could provide biodiversity enhancement for the overall scheme. With the Habitat Management Plan, both the Council's ecology consultee and Nature Scot raise no objections to the impacts on the peat habitat or any other habitat of interest.
- 9.16.13. The EIA Report considers the potential effects of the proposed development on a number of species. Signs of badger (including three active badger setts), pine marten and otter (potential otter couches) were found within the proposed development area. No signs of other protected mammal species were found during baseline surveys. Two records of red squirrel were reported within the proposed development area as part of the desk study and it is therefore considered likely that a small population of red squirrel is present. It is assumed that other protected mammal species (e.g., water vole) are absent from the proposed development area or are only present in very low numbers. All of the badger setts are more than 100m from any area of development and the development would be more than 30m from any otter couch. The EIA Report states that pre-construction mammal surveys included in the embedded mitigation will confirm the status of badger setts and otter couches and identify those that need to be protected during the construction phase. Signs and resting places of other protected mammals (such as pine marten and water vole) will also be recorded during pre-construction protected mammal surveys. Works will not be carried out within specific buffers of protected mammal resting places unless done so under licence from Nature Scot. Water crossings will also be built to ensure safe access for otters and water voles up and down stream of the track. The EIA Report states that no felling will be undertaken in the vicinity of the badger setts and it is considered that there will be sufficient forest habitat maintained to support badgers and other protected mammals identified. Nature Scot and the Council's Ecology consultant have confirmed that they agree with the conclusions of this assessment. They both reiterate the importance of pre-construction surveys due to the mobile nature of the species involved and mitigation may be needed should they be encountered during these surveys. The Council's Ecology Consultant has also set out that Species Protection Plans should be prepared taking into account any potential interactions.
- 9.16.14. In terms of bats, the site offers some foraging and commuting corridors along the Lochhead Burn corridor to Loch Spallander. Bats were recorded on site and the overall collision risk for bats was considered to be medium within the EIA Report. Two bat species recorded on site (Nathusius's pipistrelle and Leisler's bat) are considered to be rare in Scotland and are only found in the south west of the country. Due to the high levels of bat activity and the rarity of some of the bat species, bats were considered to be Important Ecological Features on the site, particularly as they were at risk of colliding with the turbines particularly the rotating blades. The EIA Report sets out an assessment for each bat species and concludes that the effects would be negligible to medium negative for the different species based on the turbine design and likelihood of collision. As mitigation, the development would include felling all commercial trees within 75m or 96m (depending on turbine hub height) of the wind turbines which is in compliance with the Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation: Nature Scot et al (2021). This would be through a keyhole process where possible but may require more extensive tree removal over a larger area where areas of tree removal around a turbine combine with another area. The EIA Report outlines that with this mitigation the likelihood of collision would be lower and impact on the species no more than a local level significance. Nature Scot and the Council's ecology consultant have agreed with the conclusions on the potential impact on bats and agree the necessity for tree felling to reduce potential impact. They note however that there is still some uncertainty around the potential impact on bats from wind turbines and therefore Nature Scot and the Council's ecology consultant have asked for additional mitigation by requesting that the turbine blades be feathered while idling in order to reduce their rotation speed. This has the potential to reduce bat fatalities by 50% if bats were at risk.

- 9.16.15. As noted, the development includes water crossings, one of which would be within South Ayrshire. The EIA Report sets out that watercourse crossings will be designed so as to not impede otters, water voles, fish or their food sources. In addition, a Construction Environmental Management Plan (CEMP) will be created which include a Pollution Prevention Plan and measures to protect the watercourses during construction. All turbines and other infrastructure would be more than 50m from any watercourse. The EIA Report includes an assessment on potential impact on fish, freshwater pearl mussel and Great Crested Newt. There was no evidence of Great Crested Newt on site. Suitable freshwater pearl mussel habitat was found in River Doon which runs adjacent to Waterside and Burnfoot in East Ayrshire. None of the tributaries in South Ayrshire which are within the application boundary interact with this river. In terms of fish, sub-optimal habitat for fish spawning, nursery and feeding areas were found within Lochhead Burn within South Ayrshire. The EIA Report sets out that the mitigation for fish would include pollution prevention and designing the water crossings to allow continued access. In addition, a Water Quality and Fish Monitoring Plan (WQFMP) would be produced to ensure that water quality in the watercourse is not adversely affected and the fish populations are adequately protected. This would also help ensure that the water quality within Loch Spallander Reservoir is not adversely affected.
- 9.16.16. Marine Scotland Science has requested that fish surveys be carried out at this stage of assessment to help inform the EIA assessment of potential impacts on fishes. There has been some correspondence in response to this from the applicant. The Council's ecological consultant has set out that in terms of South Ayrshire's interest, this is not a significant consideration as the water courses in the South Ayrshire boundary are sub-optimal for fish. On this basis, the additional information request is not considered to be a significant material consideration for this consultation response to the Scottish Government. Overall, it is concluded that the impact on water habitat and relevant water species would not be significant.
- 9.16.17. The applicant has requested that micro-siting of the wind turbines be allowed up to a distance of 100m from where they are shown on the submission. The Council's ecology consultant has assessed the potential impact of this and considered it to be acceptable subject to the micro-siting not resulting on additional impacts of areas of higher quality habitat such as bog. They note that an Ecology Clerk of Works will be present during the construction process and consider that they should be consulted on any micro-siting of wind turbines to avoid any impacts. They also request that pre-start surveys are carried out in areas of micro-siting.

### **Ornithology**

- 9.16.18. Volume 1 Chapter 8 of the EIA Report provides a detailed assessment of the potential impacts of the development on ornithology with this undertaken through combination of consultation feedback and dialogue with ornithological organisations, desktop studies (informed by comprehensive baseline data), and targeted ornithological field surveys.
- 9.16.19. The surveys identified a number of birds flying over the site and present during the bird breeding season. The assessment only considered further any species of conservation concern and protected species and these are termed as Target Species. Of the Target Species present during the surveys only goshawk and great black-backed gull were considered to be at risk from the development in terms of direct collision with the turbines. Collision risk modelling was completed for these species. The predicted annual collision risk for goshawk was 0.18 birds per year or one every 5.5 years. The EIA Report states that the effect of collision risk on goshawk conservation status would be of low negative magnitude and not significant and Nature Scot have agreed with this assessment. The predicted risk of collision for great black-backed gull was low at 0.07 collisions annually and therefore not significant.
- 9.16.20. Embedded mitigation for birds would include pre-construction bird breeding surveys to ensure that no birds are breeding in the areas of development. The Ecological Clerk of Works would carry these out and be on site to ensure that birds are not affected by the construction works. Nature Scot has also requested that a Breeding Bird Protection Plan (BBPP) be created alongside the CEMP. This would be requested a planning condition of approval. The Council's ecology consultant had no additional comments to make. On this basis, it is concluded that subject to the proposed conditions and mitigation, there would be no significant effects on ornithology.

### Cumulative Effects

9.16.21. Both the Ecology and Ornithology chapters of the EIA Report consider potential cumulative effects with other wind farms constructed, consented and proposed and find no significant effects. This has been accepted by the consultees and raises no significant issues.

### Conclusions of Biodiversity

9.16.22. **The proposal has met the policy criteria of NPF4 in that the proposal includes biodiversity enhancement through proposed habitat improvement and as this includes the improvement of peat/ bog habitat this would also meet other criteria within this policy. The detail of this would be provided through a Habitat Management Plan. The proposal includes access enhancements which would also provide community benefit of biodiversity. The proposal would have no significant effects on International, National, Regional or local designations and will generally have no significant effect on ecology or ornithology. The development also would have no significant effects on ecological designations. On balance, and reflecting the positions submitted by Nature Scot and the Council's ecology consultant it can be concluded that the development is in accordance with NPF4 Policies 3, 4 and 11 and LDP Policy Sustainable Development, LDP Policy Water Environment and LDP Policy Natural Heritage along with the relevant criteria within the LDP Policy Wind Farms and SG. This is subject to the mitigation measures outlined in the EIA Report being implemented and the planning conditions proposed by the consultees.**

### 9.17. Criteria (x): impacts on trees, woods and forests

9.17.1. Under this criterion, NPF4 sets out that impacts on trees, woods and forests need assessed in terms of the design of the development and any proposed mitigation.

9.17.2. Policy 6 of NPF4 aims to protect and expand forests, woodland and trees. Excerpt from Policy:

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| <ul style="list-style-type: none"><li>a) Development proposals that enhance, expand and improve woodland and tree cover will be supported.</li><li>b) Development proposals will not be supported where they will result in: i. Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition; ii. Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy; iii. Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy; iv. Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.</li><li>c) Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.</li><li>d) Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.</li></ul> |
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9.17.3. Relevant LDP2 Policies:

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| <ul style="list-style-type: none"><li><b>LDP Policy:</b> Natural Heritage</li><li><b>LDP Policy:</b> Sustainable Development</li><li><b>LDP Policy:</b> Woodland and Forestry</li></ul> |
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- 9.17.4. The Control of Woodland Removal Policy 2019 is directly referenced in the NPF4 policy and LDP2 Woodland and Forestry policy and is a material consideration. The guiding principles behind the policy include a strong presumption in favour of protecting Scotland's woodland resources and only allowing woodland removal where it can achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. The Policy states that Woodland removal, with compensatory planting, is most likely to be appropriate where it would contribute significantly to:
- helping Scotland mitigate and adapt to climate change;
  - enhancing sustainable economic growth or rural/community development;
  - supporting Scotland as a tourist destination;
  - encouraging recreational activities and public enjoyment of the outdoor environment;
  - reducing natural threats to forests or other land; or
  - increasing the social, economic or environmental quality of Scotland's woodland cover.
- 9.17.5. Volume 1, Chapter 10 of the EIA Report provides an assessment of the impact of the development on forestry. This chapter carries out a comparison of proposed tree and woodland removal as a consequence of the development relative to the current woodland removal plan of the area. The EIA Report sets out that there are two areas of commercial forestry within the study area owned by two different landowners. These are High Keirs Forest and Scienteuch and Lamerty Forest.
- 9.17.6. In terms of tree removal, the EIA Report considers the impact of the development on the overall area of forestry and it is difficult to extract the potential impact on South Ayrshire alone and so this assessment considers the overall impact of tree and woodland removal. As a matter of note however 2.9Ha of woodland would be removed around turbines 1-4 which all fall within South Ayrshire. A further 1.76Ha is required for associated infrastructure at each turbine and a 30m corridor proposed for new and upgraded access tracks.
- 9.17.7. The EIA Report sets out the proposed baseline felling plans for the site along with the proposed baseline restocking plans. This is from the period 2019-2033 and would be the forest plan if the development did not take place. The EIA Report sets out how much of this can be achieved with the development in place and concludes that the development would:
- Advance forestry removal by 113.5Ha with there being significantly more trees removed between 2024-2028 compared with the current forest plan;
  - There would be a net reduction in the area of conifer woodland of 52Ha.
  - Broadleaf woodland would decrease by 0.6Ha
  - Open ground as part of the forest design would increase by 3.6Ha;
  - Long term wind farm permanent open ground would total 53.5Ha; and
  - The net reduction in stocked woodland area would be 57.1Ha
- 9.17.8. With this, there would be an overall loss of 57.1Ha of woodland once the development is complete. The EIA Report sets out that compensation planting will be provided as mitigation for this tree removal. The EIA Report sets out that the extent and location of compensatory planting will be agreed with Scottish Forestry. It should be noted that the ecological sensitivity of the woodland has already been considered in the earlier sections of this report. None of the trees for removal as part of this development are within the ancient woodland inventory but is part of the native woodland network which Forestry Scotland would consider as part of their scoring matrix when considering removal of trees. Given that this area is already part of an established forest management plan which includes tree removal, this is not considered a constraint and the woodland is considered to be of low value in terms of conservation.

9.17.9. In assessing the development against Policy 6 of NPF4, it is noted that the development would not result in the loss of trees which are ecologically sensitive or part of the ancient woodland inventory. The trees are considered to be part of a native woodland habitat network however their removal and replacement is already planned and the proposed development would not adversely affect the ability for a habitat network to be retained with the keyholing technique proposed allowing the continuation of woodland corridors. The proposal would have some impact on restocking of the area with the turbines sites and development areas reducing the ability for areas to be restocked. The development however includes a commitment to provide 57.1Ha of compensatory planting as mitigation for those areas which cannot be restocked. This would be in line with criterion (c) of Policy 6 and the Control of Woodland Removal Policy 2019. In terms of public benefits under criterion (c) of Policy 6 of NPF4, the Control of Woodland Removal Policy 2019 sets out that this would include social, economic and environmental benefits including carbon considerations. As this proposal is for green energy generation which would help Scotland mitigate and adapt to climate change, it is considered to comply with the Control of Woodland Removal Policy 2019 and Policy 6 criterion (c) as a development where tree removal would be acceptable subject to compensatory planting.

#### **Conclusions on trees, woods and forests**

9.17.10. **The windfarm would see the removal of a large area of woodland which, while scheduled for removal, would have been replaced as part of forestry restocking. The proposed development also advances the tree removal relative to the current forestry plans. The proposed development however includes a plan to provide 57.1Ha of compensatory planting for the lost trees. The trees are of little conservation value and were scheduled for removal. While the proposed development would impact on the restocking plans for the forestry area, there would be no overall loss of trees as a result of the development subject to insurance that the compensatory planting is provided. With this the proposed development would comply with Policy 6 of NPF4 and the Control of Woodland Removal Policy 2019.**

#### 9.18. **Criteria (xi): proposals for the decommissioning of developments and site restoration**

9.18.1. Under this criterion, NPF4 sets out that information on proposals for decommissioning of developments, including ancillary infrastructure and site restoration should be provided.

9.18.2. The Wind Energy Planning Policy Guidance sets out that restoration and decommissioning statements are often brief, vague lack adequate environmental or ecological appraisal of preferred methods and evidence to inform decommissioning options. The Council wish to introduce best practice in this area. The Planning Policy Guidance sets out what is considered good practice in this regard.

9.18.3. The EIA Report sets out detail on restoration of the site following the construction phase including the removal of the temporary construction compounds and lay down areas. Where a re-turfing method is appropriate, such as along access track verges, the surface layer of soil and vegetation will be stripped and stored separately from the lower soil layers and replaced as intact as possible once construction is complete. Local restoration will be carried out to retain the structure and composition of the original plant communities, as well as forming a stable area over reformed ground. Bare soil areas will be allowed to re-vegetate naturally in combination with reseedling using a low density seed mix which mirrors local vegetation to help bind the soil more quickly. The temporary compounds will be reinstated into the surrounding landscape and restored to its original condition. Where practicable, vegetation over the width of the cable trenches would be lifted as turves and replaced after trenching operations to reduce disturbance.

9.18.4. The proposed reinstatement plans are considered acceptable although further detail of these works would be incorporated into a Construction Environmental Management Plan required through planning condition.

- 9.18.5. The EIA has limited information on the final site restoration plans. The windfarm is proposed to have an operational lifetime of 50 years and therefore any site restoration plans agreed at this stage are likely to be out of date by the time the site comes to the end of its operation. The EIA states that in the event of decommissioning, or replacement of the wind turbines, it is anticipated that the likelihood of effects is similar to, or less than, that expected during construction. Decommissioning would be undertaken in line with best practice processes and methods at that time and will be managed through an agreed CEMP. Decommissioning will involve the dismantling and removal of wind turbines and electrical equipment; restoration of the wind turbine areas, hardstands and access tracks; and dismantling and removal of the substation and battery storage compounds. Wind turbine components and electrical equipment will be dismantled and removed in a similar manner to their delivery and erection. The wind turbines will be split into sections which will then be transported from the proposed development by HGVs unless the components are sold on, in which case, they will be removed as AILs. Wind turbine components will be cut up offsite in controlled environments ready for reuse, recycling or appropriate disposal. The removal of the top of the turbine base will be undertaken requiring an excavated trench around the upstand to provide a working area. Breakout of the top part of the upstand will be undertaken using an excavator mounted jack hammer. The cables will be cut level with the remaining concrete. Once the broken-out concrete has been removed, the area will be reinstated by backfilling with topsoil /peat. The cables will be left in place to avoid unnecessary ground disturbance.
- 9.18.6. While no details on the restoration of the site have been provided, the final restoration plan can be agreed through planning condition. Given the length of time the development could be in place, the restoration plan needs to be fit for purpose and therefore be iterative to changes to the site and environment over time. This is best controlled and addressed through planning condition. This will also be the subject of a restoration guarantee to be agreed with the ECU.

**Conclusions on proposals for decommissioning**

- 9.18.7. **The EIA Report has set out some information on restoration of the site following construction and some minimal information on decommissioning following the end of life of the development. The impacts identified are considered to be minor. The actual restoration plans are best controlled through planning condition as this will ensure they are relevant and up to date for when restoration is needed. The proposal is considered to comply with the Development Plan in this regard.**

9.19. **Criteria (xi): Quality of site restoration plans**

- 9.19.1. Under this criterion, NPF4 looks to ensure that the site restoration plans are of high quality and include any measures or guarantees of the financial viability of the restoration proposals.
- 9.19.2. As noted above, details of the restoration plans have not yet been agreed but can be agreed through planning condition. South Ayrshire Council should be involved in the agreement of these restoration plans for the areas of site within the Council boundary. This will ensure the restoration plans are of high quality.

9.20. **Criteria (xiii) Cumulative effects**

- 9.20.1. Under this criterion, NPF4 sets out that cumulative effects of the proposals should be a matter of design and mitigation.
- 9.20.2. Criterion (i) of the Wind Energy Policy within LDP2 sets out the following:

**All proposals will be assessed against the following criteria**

Their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted is acceptable.

- 9.20.3. Additional relevant LDP policies include:

**LDP Policy:** Sustainable Development  
**LDP Policy:** Landscape Quality



- 9.20.4. The Wind Energy PPG criterion (G) Cumulative Impact sets out relevant assessment considerations. Excerpt from Policy:

**We will support proposals if:**

Their cumulative impact in combination with other existing and approved wind energy developments, and those for which applications for approval have already been submitted, is acceptable

- 9.20.5. The cumulative effects of the proposal have been set out and assessed within each topic area however it is worth reiterating the potential significant cumulative effects on landscape and visual impacts in relation to this proposal and the three windfarm applications currently at Public Local Inquiry (PLI). The cumulative effects with these proposed windfarms are complex as all applications are currently at determination stage with this application at the Energy Consents Unit and the three at PLI with the Reporters. It is therefore difficult to take a full and proper cumulative assessment of this windfarm proposal with those, as it is unknown as to what the outcome of the PLI will be. It will be for the Energy Consents Unit to determine this, taking account of the assessment in this report and particularly the character of the Water of Girvan Valley LLA covering the upper Girvan where this proposal would be seen sequentially from roads and promoted footpaths with the proposed Carrick, Craiginmoddie and Knockcronal wind farm.
- 9.20.6. The Merrick WLA, the High Carrick Hills LLA and the Rugged Uplands, Lochs and Forest LCT where this proposal would be seen with the operational Dersalloch wind farm and the proposed Knockcronal, Carrick, Craiginmoddie and Clauchrie wind farms from key hill walking routes. The combined effects of turbine lighting associated with this proposal and the Knockcronal and Craiginmoddie wind farms (noting the proposed mitigation) From roads within the Girvan valley west of the proposal and from the popular walking route to the Colonel Hunter Blair Monument where the Proposed Development would tend to be seen in conjunction with the Dersalloch wind farm and/or seen sequentially with the application-stage Craiginmoddie, Carrick and Knockcronal wind farms.

**Conclusions on cumulative effects**

- 9.20.7. **The proposed development has no significant cumulative effects with consented and constructed windfarms. The current situation with cumulative effect is complex with three windfarms currently at PLI This is not a matter which would result in an objection to the proposal as the outcome of the PLI is not yet known, but the concern is flagged as a significant material consideration for the assessment of this application by the Energy Consents Unit.**

9.21. **Soils**

- 9.21.1. Policy 5 of NPF4 aims to protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development. Excerpt from Policy:

a) Development proposals will only be supported if they are designed and constructed: i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.

b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for: i. Essential infrastructure and there is a specific locational need and no other suitable site; ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite; iii. The development of production and processing facilities associated with the land produce where no other local site is suitable; iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for: i. Essential infrastructure and there is a specific locational need and no other suitable site; ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets; iii. Small-scale development directly

linked to a rural business, farm or croft; iv. Supporting a fragile community in a rural or island area; or v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify: i. the baseline depth, habitat condition, quality and stability of carbon rich soils; ii. the likely effects of the development on peatland, including on soil disturbance; and iii. the likely net effects of the development on climate emissions and loss of carbon

- 9.21.2. Criterion (f) Natural Heritage of LDP2 aims to protect natural heritage. Excerpt from Policy:

**All proposals will be assessed against the following criteria:**

Taking into account the criteria in LDP policy natural heritage, they would not have an unacceptably detrimental effect upon natural heritage, including wild land, birds and carbon rich soils

- 9.21.3. Chapter 9 of the EIA Report sets out that the principal soil types underlying the Proposed Development Area are peaty gleys across the higher ground and the forested area within which the turbines would be located. Lower lying land in the east and south-east are described as mineral gleys. None of the site is considered to be Prime Agricultural Land. Where practically possible, areas of deep peat have been avoided by the proposed development design and a site-specific peat landslide and hazard risk assessment has been prepared to inform the proposed development design. As noted in section 9.16 of the report, there are small areas of bog and priority peatland on site which may be impacted by the development. The impact however is considered low and mitigation is proposed in the form of floating roads on the areas of priority habitat. It should also be noted that the Class 1 peatland (priority habitat) that would be potentially affected by the development is not within South Ayrshire. There is some class 1 peatland within the development site and within South Ayrshire however this would not be impacted based on current turbine locations. This may alter if the turbines were micro-sited however the EIA Report sets out that these areas would be avoided.
- 9.21.4. Areas of potential Ground Water Dependent Terrestrial Ecosystems were identified on site. Following further assessment as to the hydrological connection to these areas, it was concluded that areas of potential GWDTE are not sustained by groundwater but by surface water. Buffers around those areas are therefore not required as consequence. Even with this, safeguards will need to be included in the proposed development design to maintain existing surface water flow paths so that existing habitats are sustained. Measures, such as permeable access tracks and regular cross track drains, have been proposed to safeguard existing water flow paths and maintain existing water quality. It is considered therefore that the water dependent habitats identified by the NVC mapping can therefore be sustained. This would be confirmed, in accordance with good practice, by the Ecological Clerk of Works (ECoW) at the time of the construction of the proposed development who would ensure existing surface water flow paths and water flushes are maintained.
- 9.21.5. A Peat Management Plan has been submitted with the application which states that around 32,650m<sup>3</sup> of peaty soils would be excavated during the works. As noted, this would avoid areas of deep peat and priority peatland habitat. Floating roads would be used in the area of deep peat identified at risk. The Peat Management Plan states that all of the peaty soils can be reused on site. A finalised Peat Management Plan would be created once the final siting of the wind turbines are identified.
- 9.21.6. A Peat Landslide Hazard and Risk Assessment has been submitted by the applicant and assessed by Ironside Farrar consultants on behalf of the ECU. In their assessment they requested minor revisions and information to be submitted. This has been provided and no further assessment was required necessary.

### Conclusions on Soils

9.21.7. **The windfarm layout has been designed in a way to avoid deep peat and priority habitat as much as possible. Where this could not be avoided, floating roads are proposed to avoid peat removal. Policy 5 sets out that development on peatland, carbon rich soils and priority peatland can be acceptable where the development is for generation of green energy and aids the reduction in greenhouse gases. This development would meet that requirement and in turn avoids impact on the peaty soils and priority habitat as much as possible. The EIA Report has also carried out the assessment required within part (d) of Policy 5 of NPF4 and shown that there would be no significant effect on these soils. On this basis, it is considered that the development is in compliance with NPF4 and LDP2 in this regard.**

### 9.22. Other Significant Policy Considerations:

#### **National Climate Change Policy, Energy Policy, and Planning Policy:**

9.22.1. The Scottish Government policies, commitments and targets for sustainable energy are set out in the ministerial statements, key policy documents and statute. The key ministerial statements and policies considered as part of the assessment of the current proposals are The Scottish Government's Declaration of a Climate Emergency (2019), the emissions reductions targets set out in the Climate Change (Emissions Reduction) (Scotland) Act 2019, The Scottish Energy Strategy (Position Statement 2021), Consultative Draft Onshore Wind Energy Statement Refresh 2021, and the Scottish Climate Change Plan 2018 to 2032 (2020 updated).

#### **Conclusion on National Policy:**

9.22.2. **Along with NPF4, National Policy has a significant drive towards supporting development which aims to reduce carbon and tackle the climate crisis. These are material considerations which favour approval of the application and should be weighted against any significant effects of the proposal.**

### 9.23. Benefits of Proposed Scheme:

9.23.1. The EIA Report and the Planning Statement set out that the proposed development would deliver and contribute towards the following key benefits:

- The proposed development would contribute to the attainment of the UK and Government policies of encouraging renewable energy developments; and in turn contribute to the achievement of UK and Scottish Government targets for renewable electricity generation. The proposed development, with an installed capacity of approximately 54 MW along with storage capacity of 45MW would make a valuable contribution to meeting such targets.
- The proposed development would help advance the Governments policy objective in terms of its long-term commitment to the decarbonisation of electricity generation. More specifically, the proposed development is expected to save approximately 33,000 tons of carbon dioxide per year, resulting in a total saving of 3.1 million tonnes over the 50-year lifetime, through displacing carbon-emitting generation.
- The proposed development will increase indigenous production of renewable energy in Scotland while contributing towards reducing the country's reliance on foreign fossil fuels, generating wealth from natural resources, and improving the country's energy security.
- The proposed development comes a time when the country requires to meet the demand for the transition to heat homes and the demand for electricity to increase with the move to electric vehicles. The proposed development will contribute towards providing additional generation capacity to meet the demands from new renewable sources.
- The proposed development will deliver approximately £270,000 per annum in Community Benefit Funding, equating to £13.5million in total over its 50-year operating life.

- During the operation and maintenance stage the input to the economy would be in the region of £2.8 million. Of this, £1.4 million could benefit the local economy and £1.9 million could benefit the Scottish economy on an annual basis. At the Scottish level, the proposed development could sustain 15 jobs and contribute £806k GVA per annum. At the local level, the operation and maintenance phase of the Proposed Development is expected to sustain 11 jobs, contributing £584k in GVA per annum.
- In terms of development and construction impact, of the £81.4 million wind farm development and construction value, there is potential for £9.6 million to benefit the local economy and £30.4 million to benefit the Scottish economy. Applying industry assumption provides an estimate on the level of development and construction employment at the Scottish level for the wind farm development as 232 jobs contributing £14.3 million in GVA. At the local level, the development and construction phase of the proposed development could sustain up to 72 jobs and contribute £4.4 million in GVA.
- The proposed development will be capable of meeting targets set by the Scottish Government for the onshore wind industry in Scotland to start building wind farms without public subsidy.

## **10. Conclusions:**

- 10.1. In conclusion, having considered the applicant's EIA Report and supporting documentation and notwithstanding the identified benefits of the scheme, together with the responses received and having balanced the developers' interest against the wider community interest it is recommended that no objection be submitted to the Scottish Government

## **11. Recommendation:**

- 11.1. It is recommend that South Ayrshire Council confirm no objection to the Scottish Government subject to planning conditions to be agreed with the Scottish Government including, but not limited to, the following matters:
- All conditions proposed by statutory consultees.
  - All mitigation proposed within the EIA Report.
  - Standard noise condition for wind turbines
  - Requirement for shadow flicker mitigation should complaint be received
  - Dust management plan
  - Construction Environmental Management Plan
  - A monitoring scheme for blasting
  - No blasting to take place outwith specified hours (10:00 -12:00 and 14:00 -16:00 Mondays to Fridays and 10:00– 12:00 Saturdays)
  - Path Management Plan to incorporate additional access enhancements and waymarkers for the Core Path and ensuring the Core Path is not obstructed during construction.
  - Scheme of archaeology
  - Staff Travel Plan
  - Construction Traffic Management Plan
  - Access from the B741 shall not be used as the primary access or for turbine deliveries.
  - Pre-start ecological assessments
  - Micro-siting to be agreed with Ecological Clerk of Works and South Ayrshire Council.
  - Species Protection Plans
  - Pre-start surveys for any areas of micro-siting.
  - Restoration Plan and Restoration Guarantee
  - Incorporation of Aviation Detection Lighting System
  - Details of compensatory tree planting

**Regulatory Panel (Planning): 27 June 2023**

Report by Housing, Operations and Development Directorate (Ref: 22/01029/DEEM)

**12. Background Papers:**

1. Application form plans and supporting documentation including the Planning Statement and the Environmental Impact Assessment Report and supplementary appendices and figures.
2. Consultation responses to the ECU
3. Representations to the ECU
4. National Planning Policy 4
5. Historic Environment Scotland Policy Statement
6. Planning Advice Note 2/2011 ' Planning and Archaeology'
7. Adopted South Ayrshire Council Local Development Plan 2
8. South Ayrshire Council Planning Policy Guidance: Wind Energy
9. South Ayrshire Landscape Wind Capacity Study 2018
10. South Ayrshire Local Landscape Designations Review (2018)
11. South Ayrshire Planning Policy Guidance: Dark Sky Lighting
12. SNH Guidance – Siting and Design of Windfarms 2017
13. Residential Visual Amenity Assessment Technical Guidance Note 2/19 (Landscape Institute)
14. Bats and Onshore Wind Turbines: Survey, Assessment and Mitigation: Nature Scot Et al (2021).
15. The Control of Woodland Removal Policy 2019

**13. Person to Contact:**

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