

# **The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011**

## **Scoping Opinion of South Ayrshire Council for the proposed development at Kirk Hill, Kirkoswald**

### **1. Introduction**

South Ayrshire Council received a request under Regulation 14(1) of The Town and Country Planning (Environmental Impacts Assessment) (Scotland) Regulations 2011 ('The Regulations') for a scoping opinion in respect of a proposed development at Kirk Hill, Kirkoswald. The purpose of this scoping opinion is to provide the applicant with details of what information the Council consider should be contained within the environmental statement.

As part of the process of preparing this scoping opinion the Council has consulted with a wide range of agencies (both statutory and non-statutory). Each of the consultees has provided a response relating to their own particular remit and they are attached to the scoping opinion for your information. Please note that the responses submitted by the consultation authorities form part of the scoping opinion and should therefore be read in full.

As is evidenced by the wide range of consultees, there are a number of issues associated with this proposal which require to be addressed within the environmental statement. This cover note summarises what the Council consider to be the main issues, and therefore on which the environmental statement should focus.

### **2. Description of the development**

The proposed development is located on an area of land to the southeast of Kirkoswald. The site is currently used for agricultural purposes and consists of a north west facing slope, peaking at Kirk Hill (259m AOD).

The proposed development consists of 10 turbines, with a total estimated generating capacity of 25MW. The red line site for the proposal covers an area of approximately 318 hectares and there are several natural and built heritage designations within the site and surrounding area.

### **3. Planning policy context**

In developing the proposal and preparing the environmental statement, particular regard should be afforded to the relevant provisions of Scottish Planning Policy (SPP), PAN 45: Renewable Energy Technologies, the EIA Regulations, as well as other relevant national policy guidance; the provisions of the development plan, comprising the approved Ayrshire Joint Structure Plan (AJSP) and the adopted South Ayrshire Local Plan (SALP); Addendum to the Ayrshire Joint Structure Plan Technical Report TR03/ 2006: Guidance on the Location of Windfarms within Ayrshire, the South Ayrshire Proposed Local Development Plan; and other material planning policy considerations.

Within the proposed development site there is a section of a wildlife site, several archaeological trigger zones, part of the locally designated scenic area and the Scottish Gas high pressure pipeline. Within the surrounding area there is a scheduled monument, several listed buildings (most of which are within Kirkoswald), a conservation area and the Culzean historic designed landscape (also containing an A-listed building).

The wide variety of natural and built heritage designations within and around the site means that there are several relevant planning policies within the development plan which would be used in the assessment of this proposal at the planning application stage. The following policies will be particularly relevant to an evaluation of the environmental impacts of the proposed development (this list is not exhaustive):

## Ayrshire Joint Structure Plan

### **STRAT2**

The three Ayrshire Councils, working in conjunction with public and private sector agencies, will seek to increase the attraction of Ayrshire as a place to live, work, visit and invest by (inter-alia):

E) Supporting Rural Areas through measures that seek to diversify the rural economy and facilities appropriate new rural business and industry.

### **ECON6**

Proposals for the generation and utilisation of renewable energy should be promoted and will conform to the plan in standalone locations and as integral parts of new and existing developments where it can be demonstrated there will be no significant adverse impact, including adverse cumulative impact or infrastructure constraints, and where the design of the development is sensitive to landscape character, biodiversity and cultural heritage.

### **ECON7**

“A) In the Areas of Search proposals for large and small scale wind farm development will be supported subject to specific proposals satisfactorily addressing all other material considerations.

B) Areas designated for their national or international natural heritage value, and green belts, will be afforded significant protection from large scale wind farms;

C) The integrity of national and international designations should not be compromised.

D) Cumulative impact will be assessed in all relevant cases, taking into account existing wind farms, those which have permission and those that are the subject of valid but undetermined applications. The weight to be accorded to undetermined applications will reflect their position in the application process. Where the limit of acceptable cumulative impact has been reached the area will be afforded significant protection.

E) Outside the Areas of Search: all wind farm proposals will be assessed against the following constraints, any positive or adverse effects on them and how the latter can be overcome or minimised:

- 1) Historic environment;
- 2) Areas designated for their regional and local natural heritage value;
- 3) Tourism and recreational interests;
- 4) Communities;
- 5) Buffer zones;
- 6) Aviation and defence interests;
- 7) Broadcasting installations.

F) Proposals affecting Sensitive Landscape Character Areas shall satisfactorily address any impacts on the particular interest that the designation is intended to protect but the designation shall not unreasonably restrict the overall ability of the plan area to contribute to national targets.

G) In all cases, applications for windfarms should be assessed in relation to criteria including, as appropriate, grid capacity, impacts on the landscape and historic environment, ecology (including birds), biodiversity and nature conservation, the water environment, communities, aviation, telecommunications, noise and , shadow flicker.

### **ENV2**

In the National Scenic Area and the Sensitive Landscape Character Areas, the protection and enhancement of the landscape shall be given prime consideration in the preparation of local plans and the determination of development proposals.

## **ENV6**

Development proposals considered to have an adverse effect on the following heritage resources shall not confirm to the structure plan.

- A) listed buildings of architectural and historic interest;
- B) designated conservation areas;
- C) historic gardens and designated landscapes; and
- D) archaeological locations and landscapes.

Local Plans shall prepare policies to protect and enhance built heritage resources.

### South Ayrshire Local Plan (SALP)

## **STRAT4**

Development within the Rural Diversification Area will require to be justified, to the satisfaction of the Council, in terms of being (inter-alia):

- a) A non-residential use requiring a rural location due to its inappropriateness within a settlement; or
- b) A non-residential development with long term economic benefit.

## **ENV2**

The Council will presume in favour of safeguarding the integrity of the following sites of local natural heritage value:

- a) Local nature reserves; and
- b) Sites containing species protected by the Habitats Directive, Wildlife and Countryside Act 1981 or the Badgers Act 1992; and
- c) Wildlife sites and provisional wildlife sites; and
- d) Ornithological sites.

## **ENV3**

The Council will require development proposals to have regard to safeguarding features of nature conservation value including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors in accordance with the Wildlife Strategy.

## **ENV8**

The acceptability of proposal located within, or having an impact on, scenic area will be considered using the following criteria:

- a) the significance of impacts and cumulative impacts on the environment, particularly landscape and visual impacts; and, where relevant
- b) the extent of any economic benefit; or
- c) specific, justified requirement for a rural location.

## **BE2**

The Council will presume in favour of protecting listed buildings and their settings, especially from inappropriate development and will actively encourage the sensitive maintenance, restoration and re-use of all such properties.

### **BE3**

All development within, or affecting the setting of, a conservation area shall be required to preserve or enhance its character and appearance.

### **BE6**

The Council will seek to protect scheduled ancient monuments including their setting and archaeological sites and encourage sympathetic proposals for their promotion for educational or recreational purposes.

### **BE7**

Where the Council is convinced that the benefits of proposed development outweigh the benefits of preserving archaeology resources where known or considered likely to be present, the Council will ensure that provision is made by the developer for the proper excavation and recording of possible remains.

### **SERV3**

The Council will presume in favour of proposals for renewable energy production developments where it is demonstrated, through the provision of an environmental impact assessment, to be acceptable in terms of environmental, infrastructure and community impacts.

### **SERV8**

The Council will seek the provision, improvement and protection from loss of detriment of pedestrian routes, footpaths, cycleways and cycle parking facilities throughout South Ayrshire and will seek their inclusion in new or redevelopment sites, especially in town centre and at community facilities.

### **SERV9**

The Council will protect disused railway lines, riverside walks, and recognised rights of way which are currently of recreational value, or which contribute to an established footpath or cycleway network, and will seek to protect others for potential future footpath/ cycleway provision.

### **IMP1**

The Council will expect planning application for the development of sites to include within them provision for the infrastructure consequences. Such provision may include:

- a) on-site facilities directly related to the proposed use in the interests of comprehensive planning; and
- b) off-site facilities necessary as a result of the development in order to avoid placing an additional burden on the existing community.

Where appropriate, it may be necessary to view individual applications collectively in assessing off-site infrastructure requirements.

### **South Ayrshire Proposed Local Development Plan**

This document is a material planning consideration at present, however, in assessing current planning applications, the majority of the weight lies with the existing development plan. The relevant policies are considered to be:

- Spatial Strategy
- Sustainable Development
- Landscape Quality
- Protecting the Landscape

- Preserving Trees
- Central Scotland Green Network
- Water Environment
- Flooding and Development
- Air, Noise and Light Pollution
- Renewable Energy
- Wind Energy
- Historic Environment
- Archaeology
- Natural Heritage
- Outdoor Public Access and Core Paths

The PSALDP can be viewed on the Council's website via [www.south-ayrshire.gov.uk](http://www.south-ayrshire.gov.uk).

#### **4. Consideration of alternatives**

Schedule 4, paragraph 2 of the Town and Country Planning Environmental Impact Assessment (Scotland) Regulations 2011 require that all Environmental Statements should include information on the main alternatives studied and indicate the main reasons for choosing the selected option, with reference to the environmental effects. Consideration of alternatives will therefore be required in relation to turbine specification, site layout and other design considerations.

#### **5. Landscape implications**

Wind farms can be highly prominent features within the landscape. The environmental statement should include a full assessment of the visual implications of the proposed development. The assessment methodology should be consistent with the approach promoted by the Landscape Institute and Institute of Environmental Management and Assessment ('Guidelines for Landscape and Visual Impact Assessment', second edition, Spon, 2002).

In terms of the portrayal of visual and landscape impacts within environmental statements, guidance has also been developed, jointly by SNH and the Scottish Renewables Forum, on 'Visual Representation of Wind Farms – Good Practice Guidance' (SNH, 2007). Published at: <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/>.

The viewpoints from which photographs are taken and wireframe images generated should be agreed with the Council and SNH prior to the submission of the environmental statement.

The environmental statement should include a detailed description of the landscape as it currently exists, including reference to the special features of the landscape and how it will be affected by the proposed development. In this regard, particular cognisance should be given towards impacts upon the locally designated scenic area.

The proposed development site is located within the Maybole Foothills landscape character type. The hills in this location are important as they form a highly visible backdrop and skyline to the coast, including Culzean Castle. A recent study undertaken on behalf of the Council indicates that there would be high sensitivity to large turbines within this area. Given that the scoping report indicates that the turbines would have a maximum blade tip height of 126.5m there are clear and fundamental concerns relating to the landscape implications of the proposed development. It therefore translates that this should form one of the main focuses of the environmental statement.

#### **6. Cumulative effects**

The environmental statement should include an assessment of the cumulative effects of the proposed development. Of particular concern in this regard are the cumulative visual effects of the proposed development, in conjunction with other wind farm developments. Cumulative ecological impacts should also be given thorough consideration within the environmental statement.

SPP introduces new requirements in relation to considering cumulative impacts through the development plan process. Where relevant, proposals should identify how they comply with the development plan. Cognisance should also be given of the SNH guidance note 'Cumulative Effect of Wind Farms' (version 2 revised 13/04/05). A cumulative assessment should include other existing wind farms in the vicinity of the proposal, any wind farms which have been consented but have still to be constructed, and any which are the subject of undetermined consent applications.

Guidance can be found at [www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/](http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/).

It should be noted that the Council has recently received a request for a scoping opinion in respect of a proposed wind farm at a site immediately adjacent to the Kirk Hill proposal. The proposed development is referred to as Crostonhill Moor Wind Farm and is for 7 turbines. Given proximity to the Kirk Hill site, this would essentially appear as a single wind farm within the landscape, thus increasing the extent of visual impacts within the immediate and surrounding area. Careful consideration must be given as to how the Kirk Hill proposal will interact with the Crostonhill Moor proposal and the cumulative implications of these proposals.

## **7. Aviation**

Wind turbine developments are of significant concern to the aviation industry for two main reasons; they can be physical obstructions and they can interfere with radar systems. The Council regularly consult with the Ministry of Defence, Civil Aviation Authority, National Air Traffic Services and Glasgow Prestwick Airport on aviation issues relating to wind turbine developments in order to establish any potential impacts and to agree suitable mitigation measures. The responses of each of the consultation authorities with aviation remits are set out below.

**NATS EN Route Plc ("NERL")** is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. To undertake this responsibility NERL has a comprehensive infrastructure of radars, communication systems and navigational aids throughout the UK, all of which could be affected by wind turbines. In this respect, NERL is responsible for safeguarding this infrastructure to ensure its integrity to provide the required services to Air Traffic Control. In order to discharge this responsibility NERL assess the potential impact of every wind farm development in the UK which have applied for planning approval.

At the scoping stage there are two options for developers; utilise the free self assessment maps to determine whether there is likely to be an impact upon NATS infrastructure; or go through their pre-planning assessment protocol (for which there is a charge). NATS advise that the self assessment maps are used in the first instance in order to determine if there would be any impacts upon their infrastructure. Where this is the case, applicants should engage in the pre-planning assessment. Further details of these services can be obtained by visiting [www.bwea.com/aviation/nats.html](http://www.bwea.com/aviation/nats.html).

**The Defence Infrastructure Organisation (DIO), which forms part of the Ministry of Defence (MOD)** have two main concerns relating to wind turbine developments; they create physical obstacles which generates safety concerns, particularly in low-flying area; and they can cause radar interference. The MOD seek early engagement in the planning process so that they can advise prospective developers early on in the development process, ensuring any issues are highlighted and addressed at an early stage. Their pre-planning consultation form can be found at [www.bwea.com/aviation/proforma.html](http://www.bwea.com/aviation/proforma.html). This should be completed and returned to [DIO-safeguarding-wind@mod.uk](mailto:DIO-safeguarding-wind@mod.uk).

**The Civil Aviation Authority** wish to be consulted as early as possible in the process in order to identify any relevant issues. The best means by which to initiate the aviation related consultation process is via the completion and submission of an associated aviation pre-planning proforma in line with the process described within the DTI/BERR guidance document 'Wind Energy and Aviation Interests – Interim Guidelines'. Generic CAA policy and guidance on wind turbines is set out within Civil Air Publication 764, available at [www.caa.co.uk/docs/33/Cap764.pdf](http://www.caa.co.uk/docs/33/Cap764.pdf).

Furthermore, applicants should demonstrate that a solution to potential aviation issues is either agreed or well advanced, prior to submission of the planning application.

**Glasgow Prestwick Airport** has advised that it will have to object to the proposal on the basis that 6 of the proposed turbines would be in full line of sight to their primary radar and 4 turbines are showing extremely marginal terrain shielding. The location of the turbines is therefore considered to generate aviation safety concerns. Clearly this is a critical issue for the progress of this proposal and it is advised that the applicant liaise with GPA in order to determine if a solution can be found to this issue. The environmental statement should fully address this issue and include any relevant correspondence with GPA.

## **8. Designing Principles**

The layout of the site should be designed so as to minimise the impact of the development upon key environmental features, significant views and sites designated for their ecological, historical, cultural or scenic qualities. The principles to be adopted in the design process should be made explicit, and could take the form of a Design Statement as advocated in PAN 68.

## **9. Nature Conservation Designations**

A small section of the site encompasses a provisional wildlife site known as Craigdow Loch. The site is designated for being a species-rich upland loch of ornithological and botanical value, with adjoining mire and wet heath. It is noted that none of the proposed turbines are to be located within this area. However, given the nature of the proposal and the wildlife site, the environmental statement should contain details of survey work undertaken and the potential impacts upon this site and its associated interests.

## **10. Soils**

The red line site encompasses an area of land where there are known peat resources. Peat is a valuable natural resource for its carbon storage capabilities. The ES should include information on the exact location of peat resources within the proposed development site, how the proposal will impact upon these resources and what mitigation measures will be applied.

## **11. Short-term Impacts**

The consequence of construction works should be assessed and addressed by means of a method statement, environmental management plan, mitigation programme, reinstatement measures and monitoring regime. These techniques should deal with the timing of works in relation to ornithological interests and site restoration proposals following decommissioning. There will be a need to protect all watercourses, tributaries and river catchments. The advice of the Scottish Environmental Protection Agency will be of particular importance in this respect.

The effects of construction activities on water quality should be assessed, to avoid in particular, sedimentation and accidental spillages. This will apply to turbine base formation, access road construction and borrow pit extraction operations. Consideration should be given to the need for silt traps and possibly a settlement lagoon and, dependent on effluent quality, discharge consent from SEPA may be required. Any private water supplies should be protected during and after construction. The development should maximise the use of secondary aggregates or recycled materials and the production of waste materials should be minimised.

## **12. Built and cultural heritage resources**

The ES should assess the direct and indirect impacts of the proposed development (individually and in association with other existing and proposed windfarms) upon heritage resources and their settings within the zone of visual influence of the development, including scheduled monuments, unscheduled archaeological sites, listed buildings, conservation areas and gardens and designated landscapes.

The proposed development site contains 3 archaeological trigger zones and therefore the views of West of Scotland Archaeology Service as the Council's archaeology consultant, will be relevant. The settlement of Kirkoswald is located within 3km of the proposed development site. Kirkoswald contains several listed buildings (two of which are A-listed) and a conservation area. The Historic Designed Landscape of Culzean (containing an A-listed building) is also located within 5km of the site. The environmental statement should provide detailed information in terms of how the proposal will impact upon the setting of these features. Consideration may be given to the inclusion of wireframes within the ES, showing views from particularly sensitive locations, including Culzean.

Additionally, Maybole is located approximately 4.5km to the northeast of the site. This settlement contains several cultural heritage designations including a conservation area and several listed buildings, some of which are listed at category A. The environmental statement should address impacts upon this settlement and the designated cultural heritage features within it.

### **13. Tourism/ Recreation and Public Access Resources**

The ES should address the consequences of the development for users of the countryside and its direct and indirect impacts on tourism and recreational interests and resources in the vicinity.

Culzean is one of the most important tourism attractions within South Ayrshire and it is therefore important to maintain and protect the setting of the Estate and the Category A-listed Culzean Castle, situated within the Estate. It is noted from Figure 7 of the scoping report that there are no viewpoints from within the Estate. It is unclear from the ZTV within Figure 6 whether the turbines would be visible from the Estate. It is therefore advised that an additional viewpoint is included within the Estate to ensure that this issue is fully addressed. It may also be worthwhile to consider views from the Firth of Clyde, particularly where the turbines could provide a backdrop to Culzean when viewed from the west.

The proposed red line site encompasses a section of core path SA34. The ES should contain details of this route, identify how the route will be accommodated within the proposed development and the extent of any impacts upon this route.

Turnberry Golf Course is located approximately 5.5km to the west of the proposed development site. This is an internationally recognised course which is one of the venues for The Open Championship. It makes a considerable contribution to the local economy through attracting visitors from all over the world and is therefore a highly valued local resource. The ES should assess the visual impacts upon this location.

### **14. Access issues**

In deciding upon the most appropriate access route, the applicant should provide details of all routes considered and the methods used in selecting the preferred access route. The applicant should provide details of what the route will be used for i.e. for transportation of turbine components, delivery of construction materials, use for maintenance purposes etc. The applicant should submit details of which access routes are temporary and which will be required for the duration of the development.

The applicant should be aware of useful guidance on, inter alia, minimising the environmental impacts of constructing access tracks associated with wind farm developments. Such guidance can be found in "Forests and Water Guidelines" Fifth Edition (2011) which can be obtained from the forestry commission via [www.forestry.gov.uk/forestry/infd-8bvgx9](http://www.forestry.gov.uk/forestry/infd-8bvgx9) and "Control of water pollution from linear construction projects" (CIRIA C648, 2006) which can be obtained from CIRIA. Additional guidance is also available in 'Constructed tracks in the Scottish Uplands' (2006) published by SNH and available at [www.snh.org.uk/pdfs/publications/heritagemanagement/constructedtracks.pdf](http://www.snh.org.uk/pdfs/publications/heritagemanagement/constructedtracks.pdf).

### **15. Traffic and transportation**

The ES should assess the impact of the construction and operational phases of the proposed development on the public road network in terms of the effects of the additional vehicular traffic generated, particularly heavy good vehicles and abnormal loads comprising turbine components, on traffic management, road safety, road layout and road condition.

The ES should contain details of the routes considered for the delivery of the turbine components and impacts upon the road network. The ES should address access issues, particularly those impacting upon the trunk road network, in particular, potential stress points at junctions, approach roads, borrow pits, bridges, site compound and batching areas etc.

## **16. Telecommunications**

The impact of the proposed development on domestic television reception in the area and on any civil or military broadcast linkages traversing the site should be assessed and any necessary mitigation measures identified.

## **17. Consultation responses**

An extensive consultation process has been conducted with all of the consultees considered to be relevant. All of the responses received are included as an appendix to this document. The issues raised within each of these responses should be carefully considered and addressed within the Environmental Statement. Please find attached the responses from the following organisations and services:

- West of Scotland Archaeological Service
- Scottish Environmental Protection Agency
- Civil Aviation Authority
- Glasgow Prestwick Airport
- South Ayrshire Council Environmental Health
- South Ayrshire Council Traffic and Transportation
- Scottish Natural Heritage
- Scottish Water
- Royal Society for the Protection of Birds
- National Air Traffic Services
- Historic Scotland
- Ministry of Defence
- Health and Safety Executive
- Ayrshire Rivers Trust
- Forestry Commission Scotland

## **18. Conclusions**

The proposed development clearly presents a number of issues which must be addressed within the ES. It is apparent that two of the issues identified are critical to the progression of the proposal; the aviation issues and the visual impact issues and associated concerns. The ES should include details of how these issues will be addressed and the outcome of any discussions that have taken place with relevant consultees.