

# REGULATORY PANEL: 6 DECEMBER 2023

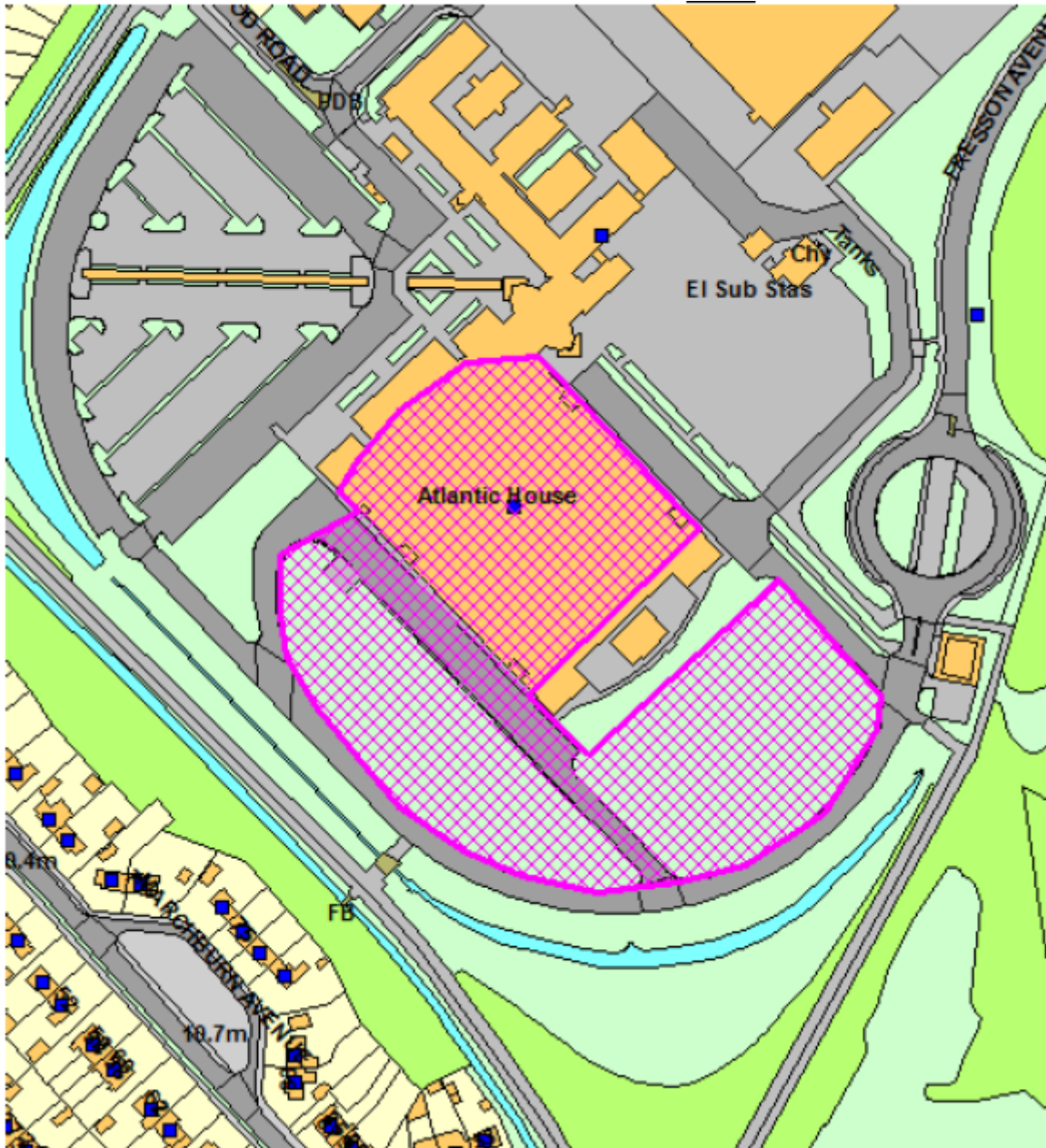
REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

23/00674/APPM

NATIONAL AIR TRAFFIC SERVICES (NATS) AIR TRAFFIC CONTROL CENTRE, FRESSON AVENUE, PRESTWICK, SOUTH AYRSHIRE, KA9 2NR

## Location Plan

APPLICATION SITE 



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## **Summary**

This application seeks detailed planning permission for the installation of ground and roof mounted solar photovoltaic panels and associated development, infrastructure and landscaping within the National Air Traffic Services (hereafter referred to as 'NATS') facility/campus situated in Prestwick. 10 consultation responses have been received which raise no objection in respect of the development, with no representations/objections received from members of the public or interested parties in response to this application. The proposed development has been assessed against the terms of relevant policies within the Development Plan (National Planning Framework 4 and South Ayrshire Local Development Plan 2) and it is considered that this renewable energy related development proposal can be considered positively against the terms of the aforementioned documents with it constituting sustainable development which will help to tackle the climate crisis through generating clean, renewable energy and reducing an existing businesses carbon footprint. It is recommended that this application for planning permission be approved subject to planning conditions.

## REPORT BY HOUSING, OPERATIONS AND DEVELOPMENT DIRECTORATE

### REGULATORY PANEL: 6 DECEMBER 2023

<b>SUBJECT:</b>	<b>PLANNING APPLICATION REPORT</b>
<b>APPLICATION REF:</b>	<b>23/00674/APPM</b>
<b>SITE ADDRESS:</b>	<b>NATIONAL AIR TRAFFIC SERVICES (NATS) AIR TRAFFIC CONTROL CENTRE, FRESSON AVENUE, PRESTWICK, SOUTH AYRSHIRE, KA9 2NR.</b>
<b>DESCRIPTION:</b>	<b>INSTALLATION OF GROUND MOUNTED (CAPACITY UP TO 431 KWP) AND ROOF MOUNTED (CAPACITY UP TO 701 KWP) SOLAR PHOTOVOLTAIC PANEL ARRAYS AND ASSOCIATED DEVELOPMENT, INFRASTRUCTURE AND LANDSCAPING.</b>
<b>RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

#### APPLICATION REPORT

This report fulfils the requirements of Regulation 16, Schedule 2, paragraphs 3 (c) and 4 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. The application is considered in accordance with the Council's Scheme of Delegation as well as the Procedures for the Handling of Planning Applications.

#### Key Information:

- The application was received on the 6<sup>th</sup> of September 2023.
- The application was validated on the 4<sup>th</sup> of October 2023.
- A Site Visit has been carried out by the Planning Authority on the 7<sup>th</sup> of November 2023.
- Neighbour Notification, under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was carried out by the Planning Authority on the 5<sup>th</sup> of October 2023.
- A Public Notice in the Local Press, under Regulation 20 (and Schedule 3) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, was published in the Ayr Advertiser on the 10<sup>th</sup> of October 2023.
- No Site Notice was required to be erected by the Planning Authority.

**1. Proposal:**

**1.1 Site Description**

The application site (defined by the red site boundary on the Location Plan provided as part of the planning application) is located within the auspices of the NATS Prestwick Campus/facility. For context, NATS are a UK wide provider of air traffic control services, with the Prestwick facility representing one of their two air traffic control centres in the UK. On a typical year, NATS handle over 2.5 million flights and 250 million passengers, with much of the operations associated from this being undertaken from the Prestwick campus. The NATS Prestwick campus is continuously operational, 24 hours a day, 7 days a week, 365 days a year with this centre responsible for constant control of 2.84 million square kilometres of airspace from this facility.

The NATS facility at Prestwick is a secure and self-contained private site owned and operated by NATS which is bounded on all sides by security enclosures and mature landscaping, with access restricting gates. The site comprises of several irregular shaped, parcels of land which host offices, ancillary buildings and modular structures, staff parking and amenity spaces. The primary operational building on the site constitutes a large grey dome shaped building which includes offices alongside NATS main control area (known as the 'Prestwick Centre') and to the north of this and outwith the application site is another building known as 'Atlantic House'. The total site area of the NATS campus is approximately 10.97 hectares with the application site subject to this planning application covering approximately 1.91 hectares including the roof plane space associated with the development.

The NATS site is located to the east of Prestwick itself and is accessed from Fresson Avenue to the North. The site sits within a mainly industrial area, comprising Glenburn Industrial Estate. Given the site's position on the southern portion of Glenburn Industrial Estate, the immediate surrounding area primarily constitutes a series of separate and sub-divided business and industrial premises, with a cluster of similar business buildings and structures. Directly to the north lies a number of warehouses and factories, including Scottish Water's Prestwick Area Office, beyond which is Glasgow Prestwick International Airport.

To the immediate east of the site boundary sits an area comprising a mixture of open green space and mature landscaping, with the secondary runway of Glasgow Prestwick International Airport positioned beyond this. To the south and west of the site boundary and beyond landscape buffers and intersecting road networks are residential areas, with the streets of Outdale Avenue, Marchburn Avenue and Indale Avenue being the closest to the application site on this side. These properties are separated from the application site by way of a high security fence and intersecting landscaping strip of circa 25 metres plus in width, with this area largely comprising of mature trees and shrubs.

**1.2 Development Proposals**

The proposed development comprises of the installation of ground and roof mounted solar photovoltaic panels and associated development, infrastructure and landscaping. The solar panels would be located on the roof plane of the Prestwick Centre (main dome shaped building within the NATS campus) and on existing managed grassed areas to the immediate south and southwest of the Prestwick Centre building.

Up to 2,200 solar panels (either 500W or 540W power) are proposed to be installed in the chosen locations. This is split between two areas; 1,402 panels on the roof of the Prestwick Centre and 798 ground mounted panels located on the managed grassed areas. The proposed arrays will have a peak capacity of up to circa. 1,131 KWP and be capable of delivering up to approximately 21% of the electricity requirements to support operations at the NATS Prestwick site. The solar panels have been positioned to maximise the required sunlight exposure needed to generate the maximum electric output from the panels whilst at the same time sited so that they take into account the residential properties situated along the southwest boundary and avoid the areas of more notable ecological value within the wider facility. The solar panels comprise of black cells with supporting black frames/mounts which aim to minimise their visual impact and ensure a muted and consistent palette across the arrays.

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The roof panels will be installed using a combination of a crane and scaffolding access, with the panels themselves mounted flush or rail mounted to the roof plane of the main building within the Prestwick Centre using clamps and angled as appropriate on the arched roof to maximise sunlight exposure and capture. The proposed ground mounted panels feature solar panel arrays secured on screw piles which leave sufficient space between the ground and underside of the panels (0.2 or 0.6 metres depending on positioning) to maximise the retention of grassed areas with as little disturbance as possible, whilst also ensuring a stable foundation for the panels to operate and function. The ground mount installation will be placed on the existing site levels and therefore no remodelling of the existing surface levels will be required. To install the cable ducts associated with the ground mounted panels, isolated excavation to around 800mm depth will be required, with this then backfilled to original levels and made good.

The development proposals also include some modest ancillary infrastructure (e.g., inverters, cabling and utilities) to support the operation panels as well as the delivery of additional landscaping to both provide additional visual screening and ensure the promotion of biodiversity and habitat enhancement. This includes the introduction of native mixed flowering grass capable of thriving under the shadow cast of the ground mounted panels, two new sections of native mixed species perimeter screen hedgerows across the ground mounted panels (170 metres and 52 metres in length respectively) and the installation of nest and bat boxes, with all of these considered in more detail in the 'Assessment' section below.

### **1.3 Planning Procedural Matters**

The application proposal is 'Major' development under the Hierarchy of Development (as the proposed gross floor space/area exceeds 5000 square metres) and as such, the Council's Scheme of Delegation requires that it be presented to the Regulatory Panel for determination.

Prior to the submission of this planning application, the applicant and their appointed agent proactively engaged with the Planning Authority through the submission of a detailed Pre-application enquiry (Council Reference: 22/00756/PREAPP) which was lodged on the 13<sup>th</sup> of December 2022. This provided an opportunity for the Planning Authority to initially assess the proposals and identify any constraints, obtain feedback from statutory consultees alongside other internal council services and provide clarification in terms of planning procedural requirements for the proposed development. The Planning Authority provided a comprehensive response to the Pre-application enquiry on the 2<sup>nd</sup> of March 2023.

It was advised at the Pre-application stage that as the proposed development would constitute 'Major' under the Hierarchy Regulations, a Proposal of Application Notice (PAN) would be required. The PAN was submitted on the 17<sup>th</sup> of May 2023 and subject to agreeing that additional consultation activity would be undertaken, the Planning Authority issued a response on the 31<sup>st</sup> of May 2023 (Council Reference: 23/00383/PAN) accepting the consultation proposals. Following review, it is considered that the nature of the scheme subject to this application is such that it is clearly and recognisably linked to the proposal described in the PAN. It is also considered that the subsequent Pre-application Consultation (PAC) Report which accompanies this planning application, demonstrates that the consultation and engagement activities originally proposed and requested in addition to this by the Council as part of the PAN, have been undertaken and fulfilled in full by the applicant/agent. The Pre-application Consultation Report also clearly demonstrates the engagement levels and feedback for the process, with data and figures provided alongside responses to the limited feedback received.

In terms of Environmental Impact Assessment (EIA) Regulations, the Planning Authority at Pre-application stage advised that the proposed development fell within the auspices of one of the criteria of Schedule 2 of the EIA Regulations, namely, Category 3 Energy Industry 'industrial installations for the production of electricity, steam and hot water (unless included in Schedule 1)' with an 'area of development which exceeds 0.5 hectares' and established that an EIA Screening Opinion request would need to be made to the Council. In response to this, the applicant submitted an EIA Screening Opinion on the 7<sup>th</sup> of August 2023 which was in advance of the submission of this planning application (Council Reference: 23/00528/EIASCOR). The Planning Service considered the proposed development against the criteria of Schedule 3 of the EIA Regulations and the conclusion reached was that the development subject to this planning application was not an EIA development and in turn this confirmed that this planning application did not require to be accompanied by an EIA Report. The Planning Authority's response was provided on the 15<sup>th</sup> of August 2023 and a copy of the EIA Screening Opinion assessment and decision is available on the Council's planning portal via the case referenced above.

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Finally, due to the proposed development constituting 'Major' under the Hierarchy Regulations, the Planning Authority also established and advised at Pre-application stage that a 'Design and Access Statement' required to accompany this planning application. This has been provided and following review, the Planning Authority consider that this statement supplied complies with all the requirements of the relevant Development Management Regulations.

## **2. Consultations:**

- **Ayrshire Roads Alliance (ARA) Roads Authority** – No objections subject to conditions.
- **Ayrshire Roads Alliance (ARA) Flooding Authority** – No objections.
- **Scottish Environmental Protection Agency (SEPA)** – No objections subject to advisory notes.
- **South Ayrshire Council Environmental Health Service** – No objections.
- **South Ayrshire Council Sustainable Development (Landscape and Parks)** – No objections subject to conditions.
- **South Ayrshire Council Sustainable Development (Biodiversity and Ranger Services)** – No objections subject to conditions and advisory notes.
- **AECOM (External Ecology Consultants/Advisors)** - No objections subject to conditions.
- **Glasgow Prestwick Airport (GPA)** – No objections subject to advisory notes.
- **National Air Traffic Services (NATS) Safeguarding** – No objections subject to advisory notes.
- **Health and Safety Executive (HSE)** – No objections or comments (the application site does not fall within the Consultation Zones or Triggers where HSE would respond as a statutory consultee).
- **Scottish Fire and Rescue** – No response at the time of writing this report.

In line with Section 23 of the Planning (Scotland) Act 2019 and given this application relates to a 'Major' scale development, consultations/notifications have also been issued to Councillors, MPs and MSPs alongside the stakeholders and consultees scheduled above.

## **3. Submitted Assessments/Reports:**

In assessing and reporting on a planning application, the Council is required to provide details of any report or assessment submitted as set out in Regulation 16, Schedule 2, para. 4 (c) (i) to (iv) of the Development Management Regulations.

In support of this planning application, the following has been provided; a Location Plan, an Existing Site Layout Plan and Proposed Layout Site Plan, an Existing Roof Plan and a Proposed Roof Plan, Elevational Plans, a Topographical Survey, Technical Brochures/Specifications of the Solar Panels, a Cover Letter, a Design and Access Statement, a Supporting Planning Statement, a Glint and Glare Assessment, a Pre-application Consultation (PAC) Report, and a Preliminary Ecological Appraisal Report (PEAR). Where applicable, these are assessed in more detail in the Assessment sub-section below.

Following input from certain consultees to the process, further landscape, ecological and biodiversity related information has been submitted by the applicant through their consultants and this includes a detailed Landscape Design and Management Plan and an Ecological Impact Assessment Report (EIAR) which builds on the Preliminary Ecological Impact Assessment (PEAR) and provides further details and clarification including a Preliminary Bat Roost Assessment, a Badger Survey, an Otter Survey and a further Bird Survey. Whilst it was agreed with consultees who requested this further information that these matters could have been covered through appropriately worded pre-commencement planning conditions, the applicant committed to supplying these upfront and before the determination of this planning application and so the responses received from consultees includes a review of the additional information submitted.

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### **4. S75 Obligations:**

In assessing and reporting on a Planning application the Council is required to provide a summary of the terms of any Planning obligation entered into under Section 75 of The Town and Country Planning (Scotland) Act in relation to the grant of Planning permission for the proposed development.

None.

### **5. Scottish Ministers Directions:**

In determining a Planning application, the Council is required to provide details of any Direction made by Scottish Ministers under Regulation 30 (Directions requiring consultation), Regulation 31 (Directions requiring information), Regulation 32 (Directions restricting the grant of Planning permission) and Regulation 33 (Directions requiring consideration of condition) of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, or under Regulation 50 (that development is EIA development) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017.

None.

### **6. Representations:**

No representations have been received in response to this planning application at the time of writing this report.

### **7 Assessment:**

The material considerations in the assessment of this planning application are the provisions of the development plan as formed by the combined provisions of National Planning Framework 4 (2023) and the Adopted South Ayrshire Local Development Plan (2022), other policy considerations (including government guidance), the planning history of the site, the representations received and the impact of the proposal on the amenity of the locality.

#### **7.1 Statutory Development Plan Framework**

##### **7.1.1 National Planning Framework 4 (NPF4)**

On 13 February 2023, Scottish Ministers published and adopted National Planning Framework 4 (NPF4). NPF4 sets out the Scottish Ministers position in relation to land use planning matters and now forms part of the statutory development plan, along with the South Ayrshire Local Development Plan 2 (LDP2) (adopted August 2022).

Sections 25(1) and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) indicates that in making any determination under the Planning Acts, regard is to be had to the development plan. The determination shall be made in accordance with the plan unless material considerations indicate otherwise. The application is determined on this basis.

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.

NPF4 confirms that the purpose of planning is to manage the development and use of land in the long-term public interest. NPF4 also maintains a plan-led system and provides a long-term spatial strategy to 2045 based around enabling the transition to net zero emissions and environmental sustainability; driving inclusive economic growth; and building resilient and sustainable places, which adapt to the impacts of climate change, whilst protecting, recovering and restoring our environment. The provisions of NPF4 must, however, be read and applied as a whole, and as such, no policies should be read in isolation. The application has been considered in this context. An assessment of the proposals against the provisions of NPF4 is set out below.

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The following policies of NPF4 are considered relevant in the assessment of the application and can be viewed in full online at <https://www.gov.scot/publications/national-planning-framework-4/>.

- Policy 1 Tackling the Climate and Nature Crisis
- 
- Policy 2 Climate Mitigation and Adaption
- 
- Policy 3 Biodiversity
- 
- Policy 4 Natural Places
- 
- Policy 11 Energy
- 
- Policy 14 Design, Quality and Place
- 
- Policy 22 Flood Risk and Water Management

### NPF4 Aims

The primary policies of relevancy to the principle of development in this case generally seek to encourage all forms of renewable energy whilst ensuring that the ecology, character, landscape, amenity, natural setting and identity of the area are protected and enhanced. Whilst it noted that this proposal does not relate to an independent generating station which seeks to offer wider contributions to the national grid, it is still important to recognise that it is a form of renewable energy development which is recognised, supported, and encouraged in principle by NPF4. A summary of each of the relevant NPF4 policies is set out below followed by an assessment of the proposed solar panel development against the policy consideration.

### Policy 1 Tackling the Climate and Nature Crises

The purpose of this policy is to encourage, promote and facilitate development that addresses the global climate emergency and nature crisis and in particular developments which promote zero carbon, nature positive places, nature recovery and nature restoration. Scotland's Climate Change (Emission Reduction Targets) (Scotland) Act 2019 targets a date of 2045 to reach net zero, with interim targets of at least 75% by 2030 with solar energy recognised as a form of renewable development by NPF4 which can contribute to this.

The Planning Statement provided as part of this application sets out that NATS are actively seeking to improve the sustainability of their facilities and that they are working towards minimising their direct environmental impact by seeking to become carbon negative across their estates by 2040. Their facility at Prestwick has been identified as a site which presents the ideal opportunity to utilise solar panels, the clean power and energy from which can be used to minimise the sites reliance on traditional energy uses and replace these with renewable electricity to support the NATS Prestwick operation. From review of the proposals and considering the intentions, nature, and merits/role of the proposed development, it will contribute positively to tackling the climate emergency and therefore is in compliance with the spirit and aims of this policy.

Weight is also given to the fact that the development proposals make measured and commensurate contributions towards addressing the nature crisis which are achieved through the careful siting/position of the development and the inclusion of biodiversity and landscape features (both of which are considered in detail in response to relevant natural environment policies below). On this basis, it is considered that the proposed solar panel development is consistent with this policy, with recognition to the responsibilities of nature recovery and restoration evident as part of the development proposals.

### Policy 2 Climate Mitigation and Adaptation

The overarching aim of this policy is to encourage, promote and facilitate development that minimises emissions and adapts to current and future impacts on climate change. This policy requires development proposals to be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and to adapt to current and future risks from climate change. For the reasons set out in response to Policy 1 above, it has been demonstrated that the proposals support a tangible and targeted move towards improved sustainability by using renewable energy which contribute towards mitigating against any present and future climate change considerations.

Considering the above, the proposed development is considered to accord with this policy.



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### Policy 3 Biodiversity

The purpose of this policy is to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. This policy is relevant to this proposal as it sets a specific requirement for development proposals subject to 'major' applications to enhance biodiversity, not just protect it and/or avoid detrimental impacts. As part of this, the test of the policy requires it to be demonstrated that the proposal will conserve, restore, and enhance biodiversity including through nature networks and nature-based solutions so they are in a demonstrably better state than without intervention. Such proposals will need to demonstrate that the development has been based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, that where feasible, nature-based solutions have been integrated, that significant biodiversity enhancements (in addition to any proposed mitigation) have been provided and that an assessment of potential negative effects will be appropriately mitigated before identifying enhancements. Finally, the policy requires for any potential adverse impacts of development proposals on biodiversity and the natural environment will be minimised through careful planning and design and that this will consider how to safeguard the ecosystem services that the natural environment provides.

The planning application has been supported by a Preliminary Ecology Appraisal Report (PEAR) and supplemented by a more detailed Ecological Impact Assessment Report (EIAR) which were both prepared to identify any ecological constraints within the NATS campus site and subsequently inform and direct the solar panel development to the most appropriate areas within the campus. Notably, the initial PEAR and supplementary EIAR did not identify the presence of any protected species in any part of the site, and it confirmed that the areas which are proposed to accommodate the ground-mounted panels are mown amenity grassland areas within the immediate curtilage of the main building, resulting in them constituting areas of low conservation value. The position reached in the EIAR was informed by both Otter and Badger Survey's which did not identify the presence of either species or any risks of potential impact due to the location of the ground mounted solar panels. The installation of panels on the roof plane on the main building within the NATS campus was equally assessed as posing no issue to ecology, including in terms of both bats and birds with a Preliminary Bat Roost Assessment and Bird Survey undertaken as part of the EIAR submission informing and validating this position. On this basis, it is considered that the appropriate siting of the panels to areas of low ecological value (as informed by the PEAR and EIAR) means that the proposed development will enable the ongoing maintenance of biodiversity of the wider NATS site through the retention of all grass and woodland areas which the PEAR and EIAR identifies as being of higher conservation value, species rich and capable for local species inhabitation.

Further to this, as part of the development proposals, it is also noted that additional landscaping and biodiversity gain features are proposed as part of the development design and recommended through the PEAR and EIAR. This includes the introduction of species rich native flowering grass mix which is tolerant to low levels of light (caused by the shade under the solar panels) to ensure the retention of the grassland areas post construction in the locations where the ground mounted solar panels will occupy, two sections of new native screen hedgerows around the ground mounted solar areas (170 metre long and 52 metres long respectively) are to be introduced and other ecology measures set out in the PEAR and EIAR such as nest and bat boxes and un-mowing of certain areas within the campus to make them more appealing as habitats. Although generally modest in scale, the inclusion of these biodiversity enhancements and landscape features as part of the proposals will encourage and promote further biodiversity on the site and these arrangements are proportionate biodiversity gain features for this development and align with the overall vision of NPF4 and Policy 3. Following the supplementation of the initial PEAR with a EIAR and further survey work, neither AECOM (as the Council's External Ecology Advisor) or the Council's Sustainable Development (Biodiversity and Ranger Services) have raised any objections to the proposed development, and this further reinforces the acceptability of the application in ecology and biodiversity terms. Glasgow Prestwick Airport (GPA) Wildlife Control Team have also reviewed the proposed landscape scheme and biodiversity measures and have confirmed that they have no issues with the arrangements proposed from an airport operation perspective. The additional landscaping and biodiversity features and recommendations are subject to conditions which secure their implementation, and these are all set out in Section 9 of this report below.

Considering the above, the proposed development is considered to accord with this policy.

### Policy 4 Natural Places

This policy seeks similar goals as Policy 3 and generally aims to protect, restore, and enhance natural assets and make best use of nature-based solutions but with the added expectation that natural assets are managed in a sustainable way that maintains and grows their essential benefits and services. Development proposals which by virtue of their type, location or scale that would have an unacceptable impact on the natural environment, will not be supported.

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As set out above in response to Policy 3, the siting of the proposed development has been informed by the accompanying PEAR and EIAR and this assessment (which includes species specific surveys) alongside the supporting information and site layout plans demonstrate that the site selection for the ground mounted solar panels will not compromise ecology or biodiversity significantly or adversely. Specifically, Section 5 of the PEAR confirms that 'The grassy mounds are currently mown amenity grassland and are of low conservation value and that as a result, there would be no significant loss of biodiversity or significant habitat if the solar panels are sited in these locations.'

By virtue of the appropriate siting and positioning of the ground mounted solar panels within the NATS campus/facility to isolated and self-contained areas of managed amenity grass located within the immediate curtilage of the Atlantic House building, this retains the existing planting, trees and foliage within the wider site and ensures that areas which are characterised by the PEAR and EIAR as being of more ecological value and which are species rich and more capable to support and host different species, will not be impacted or compromised. The installation methods will ensure that any physical impact of the installation is localised (minimising any risk to areas of higher ecological value in the wider site) and the additional landscaping and planting which is also proposed as part of the development will offer a biodiversity gain that represents proportionate nature enhancement measures in the context of the development and site. In light of the above, the proposed development is considered to accord with this policy.

Section 5 'Discussion' of the PEAR and Section 5 'Mitigation and Residual Effects' of the EIAR makes several good practice recommendations to ensure that the development does not compromise ecology/biodiversity within the wider NATS campus and to secure biodiversity gain opportunities within the site. As previously set out, planning conditions are proposed in Section 9 below which requires the development to be implemented in strict accordance with these recommendations and measures, with the biodiversity gain opportunities and additional landscape proposals to be implemented prior to the solar panels becoming operational.

Considering the above, the proposed development is considered to accord with this policy.

### Policy 11 Renewable Energy

The aim of this policy is to encourage, promote and facilitate all forms of renewable energy development onshore and offshore. This includes energy generation, storage, new and replacement transmission and distribution infrastructure and emerging low-carbon and zero emissions technologies. The policy states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, and this includes solar energy which applies to these proposals specifically. Supporting documentation has been submitted with the application and it is not considered that the proposed solar panel development would have an adverse impact on traffic, visual amenity, residential amenity, hydrology, or biodiversity/ecology so far as they apply to the site and surrounding environment. As such, the development proposal is in alignment with the spirit and principles of the policy and in accordance with the specific assessment criteria of the policy as well.

### Policy 14 Design, Quality and Place

This policy seeks to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach and applying the 'Place Principle', that is, a design led approach which demonstrates the six qualities of a successful place; distinctiveness, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. It sets a standard for development proposals centred around 'quality', with an expectation for proposals to be well designed to improve the quality of an area whether in urban or rural locations and regardless of scale. Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places would not be supported by the policy.

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The location of the solar panels which are proposed on the roof plane of the 'Prestwick Centre' and within the ground curtilage of the 'Prestwick Centre' building within NATS facility whilst primarily led by requirements to maximise sunlight exposure are still considered to be well-sited and self-contained within the wider site. Due weight is given to the fact that the site is well contained and situated within a wider industrial estate which comprises of a mix of buildings and structures, which offers flexibility and scope and ensures that the solar panel would not in themselves represent discordant or incongruous features to the area by virtue of their scale, massing and appearance. Looking specifically at the actual design of the solar panels (single tone black cells with matching black mounts with a limited projection above ground and roof plane) and their siting and positioning within the site (clustered in groups and aided by features such as the screen hedge for the ground mounted panels), this ensures that proposed development has been well designed and considered to lessen its overall visual impact. As part of this, it is also noted that the solar panels are positioned a sufficient distance from neighbouring properties out with the application site on the south-eastern side to ensure compatibility and that their visual reach will be limited with them not be visible from any notable or sensitive viewpoints in the wider area due to the method of installation and how they will be erected within the site (flush or pitch mounted with minimal projection). On this basis, the proposed development is considered to accord with this policy.

### Policy 22 Flood Risk and Water Management

The purpose of this policy is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding. It sets criteria and circumstances where development proposals at risk of flooding or in a flood risk area will be supported and this includes essential infrastructure, water compatible uses and redevelopment of existing buildings or sites for an equal or less vulnerable use.

According to the SEPA flood maps and the Council's GIS mapping system, parts of the wider NATS site are located within an area of flood risk resulting from the Ladykirk Burn which runs along the southern and western boundary of the site. Notwithstanding this and whilst the potential for flooding does represent a relevant constraint which requires consideration, due to the construction and make-up of the solar panels (which are either affixed to the roof plane or suspended above the ground with minimal ground works required to install them), that they are located within an existing operational site largely outwith any identified areas at risk of flooding, flood risk it is not considered to represent a significant barrier for this development in this instance. As part of this, it is noted that no objection has been received from the Ayrshire Roads Alliance (as the Council's Flood Authority) or SEPA as consultees to the planning application who both (by virtue of the nature and characteristics of the development) categorise this development as a low-risk land use which can be designed to remain operational if the land floods, and which is unlikely to increase flood risk to other people under the relevant SEPA 'Flood Risk and Land Use Vulnerability Guidance'. Considering the above, the proposal is compliant with this policy.

### Summary of Assessment against NPF4

Following review, it has been established that NPF4 as a whole is supportive of the proposed solar panel development which will offer a form of renewable, clean energy to support the operation of an existing business. In assessing these matters, due weight has also been proportionately given to the fact that this development is a renewable project which contributes towards climate change, environment and sustainability targets set by NPF4. Subject to specific conditions relating to certain technical and procedural matters, set out in Section 9 below, it is considered that the proposal complies with the provisions of the NPF4.

#### **7.1.2 Local Development Plan 2 (LDP2)**

The following policies of LDP2 are considered relevant in the assessment of the application and can be viewed in full online at <http://www.south-ayrshire.gov.uk/planning/local-development-plans/local-development-plan.aspx>

- LDP Spatial Strategy
- Core Principle B1
- Core Principle C1
- Strategic Policy 1: Sustainable Development
- Strategic Policy 2: Development Management

## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

- LDP Policy: Water Environment
- LDP Policy: Flood and Development
- LDP Policy: Air, Noise and Light Pollution
- LDP Policy: Renewable Energy
- LDP Policy: Natural Heritage
- LDP Policy: Land Use and Transport

However, the provisions of the Adopted South Ayrshire Local Development Plan 2 must be read and applied as a whole, and as such, no single policy should be read in isolation. The application has been considered in this context and alongside NPF4 above. An assessment of the proposals against the provisions of Local Development Plan 2 is set out below.

### LDP Spatial Strategy

The Spatial Strategy sets out the general approach of the Council to development planning matters. It sets the scene for the type of development approaches South Ayrshire seeks to promote and defines 'Core Principles' that form the foundation of the plan. The Strategy also contains two 'Strategic Policies' that all development proposals require to confirm to and be justified against. Specific consideration of these is set out in the sections below.

- Core Principle B1

This states that the Council will support the principles of sustainable economic development and will: prioritise sustainable travel and development, direct development to settlements in preference to countryside areas and recognise the importance of existing business and industrial locations. The proposed development relates to a form of renewable development (which promotes sustainability, contribution to climate change targets and environmental improvements) to support an existing commercial business located within an established and existing industrial estate (as opposed to a countryside location). On this basis, the proposed development is therefore considered to represent sustainable economic development in a form which is supported by the Spatial Strategy and encouraged by Core Principle B1.

- Core Principle C1

This promotes the sustainable use of natural, built and cultural heritage resources and states that the Council will, among other things, ensure that development proposals safeguard protected natural heritage resources. The application is accompanied by a PEAR and EIAR which demonstrates that the proposed development by virtue of its siting within the NATS campus is unlikely to have any negative impacts on natural heritage resources. The PEAR and EIAR also recommends mitigation measures and biodiversity enhancement opportunities, and these matters will be secured through appropriately worded planning conditions as set out in Section 9 below. AECOM (as the Council's External Ecology Advisor) and the Council's Sustainable Development (Biodiversity and Ranger Services) were consulted on the application on ecology or biodiversity grounds. As such, the proposed development is considered to accord with this core principle in so far as it applies to this development.

## **Regulatory Panel (Planning):**

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### Strategic Policy 1: Sustainable Development

This policy provides the overarching policy for the LDP subject specific policies, and it requires to be used in the consideration of all planning applications. Certain criteria of this policy are therefore pertinent to this proposal and include (inter alia):

- Respects, protects and where possible, enhances natural, built and cultural heritage resources.
- Respects the character of the landscape and the setting of settlements.
- Incorporates sustainable urban drainage and avoids increasing (and where possible reduces) risks of, or from all forms of flooding.
- Ensures appropriate provision for waste-water treatment, avoids the proliferation of private treatment systems and connects foul drainage to the public sewerage system wherever feasible.
- Makes efficient use of land and resources.
- Embraces the principles of 'place-making' and the '6 qualities of place'.
- Does not have a negative effect on air or water quality.
- Wherever possible is in an accessible location with opportunities for the use of public transport and other sustainable means of transport.
- When considering development proposals, due weight will be given to the consideration of net economic benefit.
- Respects the Scottish Government's Zero Waste Objectives.

The proposed solar panel development is considered to comply with the criteria of this overarching policy noting its layout, design, scale and massing. In the first instance, weight is given to the application site being located within the auspices of the established NATS facility which is self-contained within the wider Glenburn Industrial Estate. Looking at the roof and ground mounted solar panels specifically, it is considered that these will be of a scale which are generally smaller in size to the majority of structures within both the NATS campus and the wider industrial estate and so there is no concerns regarding their massing and their visual integration to the locality as a result. In addition to this, it is noted that the ground and rooftop solar system are made up of black cell with matching black frame supports and this will help to decrease the visual impact of the system by ensuring all components of the development are consistent in colour and tone.

The level and extent of suspension and protrusion of the panels at both ground and roof level have also been reviewed and in the case of the roof panels it is noted that these are largely to be flush mounted to the roof plane with only some panels on the central section of the roof to be rail mounted to provide the required angle for sunlight capture. In the case of the ground floor panels, these are only to be marginally elevated off the ground using screws (suspended 0.2 metres off the existing ground), with no changes to ground levels required to accommodate their installation. This is viewed positively and will ensure that none of the panels would reach an extent which would make them highly visible from any notable viewpoints or sensitive landscapes within the wider locality, particularly given the existing boundary treatments and vegetation which are in place and screen the site. Weight is also given to the landscape planting provided where assessed to be necessary to provide additional visual screening to the ground mounted solar panels which are intermittently visible from surrounding road networks. It is considered that the 170 metre and 52 metre long stretches of native screen hedgerows proposed around both sections of ground mounted panels will contribute to self-contain and lessen the visual presence of the ground mounted panels, particularly from within the site. Beyond this, consideration of each of the criteria above which relate to visual impacts, impacts on natural resources, flooding and drainage, residential amenity and transport are assessed below in more detail in relation to the subject specific policies which focus on these topics.

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In relation to the requirement of the policy to consider the 'net economic benefit' of the development and apply due weight accordingly, the supporting Planning Statement successfully articulates the role and contribution of this development to the wider aims of the NATS facility and positions these proposals in the context of the targets to minimise their direct environmental impact and become carbon negative at the site by 2040. Whilst the benefits relate primarily to the operational model of NATS, as previously outlined, there are wider benefits that this scheme has in terms of its climate change and environmental contributions and due weight is given to these as part of the assessment of this application.

### Strategic Policy 2: Development Management

This represents the overarching policy for the LDP subject specific policies for the Development Management process. As part of this, it schedules out expectations to ensure that development meets a range of criteria. Certain criteria of this policy are considered to be relevant to this development proposal, as outlined below:

- Promotes and facilitates the ability of LDP2 to deliver and achieve its aim to "make the most of sustainable economic growth that is supported by sound social and environmental objectives". It is considered that by being sited next to an existing electricity substation facility and having been designed to avoid any negative impacts on surrounding uses or the natural environment (as illustrated in supporting documentation), that the proposal accords with this aim.
- In accordance with the site's land use, as defined on the 'Proposals Maps'.
- Is appropriate in terms of layout, scale, massing, design and materials in relation to their surroundings and surrounding land uses.
- Does not have an unacceptable impact on the amenity of nearby land uses or committed development proposals (i.e. sites with Planning Permission or allocated LDP2 development sites).
- Is appropriate to the local area in terms of road safety, parking provision and effects on the transport network.
- Makes appropriate provision for all infrastructure implications of the development.
- Includes open space and landscaping that is appropriate for the location and the use of the proposed development.

Similar to Strategic Policy 1: Sustainable Development above, it is considered that the proposed development complies with the criteria and expectations of the overarching policy noting its appropriate layout, design, scale and massing. Consideration of each of the criteria above which relate to the land use (both existing and proposed), its visual impacts, its compatibility, road safety and infrastructure and landscaping are assessed below in more detail in relation to the subject specific policies which focus on these topics.

### LDP Policy: Water Environment

This policy states that the Council will support the objectives of the Water Framework Directive (WFD), with the WFD seeking to protect inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters and groundwater. The policy outlines that development should not harm the biodiversity of the water environment, should not pose an unacceptable risk to the quality of controlled waters and that it should provide an appropriately sized buffer strip between the development and a water course.

## **Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

Whilst the Ladykirk Burn neighbours the wider NATS campus on part of its western and southern boundary (and this means this policy is of relevance to the assessment of this application), sufficient intersecting land (which includes enclosed fencing and areas of landscaping) exists between the water course and the actual application site subject to the proposed development within the NATS facility to minimise any risk to the water environment. Given the sizeable distance and buffer of land between the development and the watercourse combined with the construction arrangements and the physical makeup of the solar panels (most of which are to be roof mounted or ground mounted with limited groundworks and no level changes required), it is not considered that the development poses any notable risk to Ladykirk Burn in terms of the contamination, pollutants or with regards to any biodiversity it supports. In terms of protected species which use the watercourse specifically, the PEAR and EIA demonstrate that surveys have been carried out to appropriate distances for otter and water vole habitat (e.g. the Ladykirk Burn) with no signs of these species identified. Weight is also given to Ayrshire Roads Alliance (as Flooding Authority), SEPA, the Council's Sustainable Development (Biodiversity and Ranger Services) and AECOM (Council's External Ecology Advisor) offering no objection to the proposed development. The development proposal is therefore deemed to be in accordance with this policy.

### LDP Policy: Flood and Development

This policy states that development should avoid areas which are likely to be affected by flooding or if the development would increase the likelihood of flooding elsewhere and that the Council will assess development proposals against Scottish Environmental protection Agency's (SEPA) publication 'Flood Risk and Land Use Vulnerability Guidance', or subsequent updates.

As set out in response to Policy 22 of NPF4 above, according to the SEPA flood maps and the Council's GIS mapping system, parts of the wider NATS site are located within an area of flood risk resulting from the Ladykirk Burn which runs along the southern and western boundary of the site. Notwithstanding this and whilst the potential for flooding does represent a relevant constraint which requires consideration, due to the construction and make-up of the solar panels (which are either affixed to the roof plane or suspended above the ground with minimal ground works) combined with the fact that they are located within an existing operational site and are largely to be sited outwith any identified areas at risk of flooding, flood risk, it is not considered to represent a significant barrier for this development in this instance. As part of this and as previously outlined, it is noted that no objection has been received from the Ayrshire Roads Alliance (as the Council's Flood Authority) or SEPA as consultees to the planning application who both (by virtue of the nature and characteristics of the development) categorise this development as a low-risk land use (which can be designed to remain operational if the land floods, and which is unlikely to increase flood risk to other people) under the relevant SEPA 'Flood Risk and Land Use Vulnerability Guidance'. Considering the above, the proposal is compliant with this policy.

### LDP Policy: Air, Noise and Light Pollution

This policy outlines that the Council will not allow development which would expose people to unacceptable levels of air, noise or light pollution. As part of this, the policy outlines that advice requires to be taken from the Council's Environmental Health Service (as local pollution regulator) and that due weight should be given to their position as to whether the development would be likely to generate unacceptable levels of pollution.

The Council's Environmental Health Service have been consulted on this planning application and they have advised in their response that they have no objections to the proposed development. Similar to their input at pre-application stage, no concerns have been raised by the Council's Environmental Health Service regarding noise and it is noted that the solar panel development or the associated invertors do not in themselves actually generate any notable or audible noise output that would have required the submission of a Noise Impact Assessment (NIA). Additional comfort is given to the fact the development is not to be supported by any substations or generators which could represent a source of noise that could have more of an impact upon residential amenity. Beyond this, the closest ground mounted solar panels to the nearest residential properties to the south and southwest are considered to be a sufficient distance apart, with intersecting land including within the curtilage of the NATS site and outwith the site which includes a landscaping and woodland strip, the Ladykirk Burn and surrounding road networks all of which contribute to ensure compatibility and minimise any conflict.

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In addition to the above, a Glint and Glare Assessment has been submitted in support of the application. The Glint and Glare Assessment has been modelled on the basis of the approach paths of Glasgow Prestwick Airport (GPA) and the positioning of adjacent residential dwellings and intervening buildings and land uses. The assessment advises that the proposed development poses an acceptable impact towards GPA's approach paths and that the impact upon the nearest residential properties would be 'no to low impact'. On this basis, the assessment concludes that the proposed development does not pose a risk towards the assessed receptors and would be acceptable given a combination of factors including the appropriate siting and position of the solar panels within the NATS campus, the sufficient distance between the solar panels and potential receptors and the presence of intersecting and intervening land in between the two (subject to the ongoing retention and maintenance of existing vegetation outwith the wider NATS campus site). The Council's Environmental Health Service have confirmed to the Planning Service that they have reviewed the Glint and Glare Assessment and that they have no issues from a 'light nuisance' perspective to the nearest residential properties to the site. Glasgow Prestwick Airport (GPA) offer no objection to the proposed development on the grounds of glint or glare and have not raised any concerns that the development would unduly compromise airport operations. The proposal is therefore considered to comply with this policy.

### LDP Policy: Renewable Energy

This policy states that the Council will support proposals for generating and using renewable energy in stand-alone locations, and as part of new and existing developments, if they will not have a significant harmful effect on residential amenity, the appearance of the area and its landscape character, biodiversity, historic environment and cultural heritage associations. The proposed solar panel development would be sited within the auspices of the NATS facility/campus in Prestwick with a purpose and function to provide clean, renewable energy to support the operation and functioning of the facility and so in the first instance it fits the category of development which is supported in principle by this policy. Noting the nature and function of the solar panels combined with their appropriate siting well within an existing facility which is located within an established industrial estate, it is not considered that they will have adverse impact on landscape character, visual amenity, residential amenity, flooding or ecology/biodiversity in so far as they apply to the site/development. On this basis, it is considered that the solar panel development represents an acceptable form of renewable energy in this locale and that it is therefore in full accordance with this policy.

### LDP Policy: Natural Heritage

This policy affords protections for natural heritage sites, protected species and other features of nature conservation value – including woodlands, hedgerows, lochs, ponds, watercourses, wetlands and wildlife corridors, with development proposals which affect such sites or species only being permitted if certain criteria are met. As already set out in response to Policy 1 and 3 of NPF4, the application is supported by a Preliminary Ecological Appraisal (PEAR) and a subsequent Ecological Impact Assessment Report (EIAR) which in the first instance confirms that adverse impacts on international, national or local designations due to the proposed development are not expected given none are within range of the site. The PEAR and EIAR also confirms that no protected species were identified within the site and demonstrates that the development proposals are to be located in areas which are of little ecological or conservation value, with the more notable habitat areas capable of hosting wildlife within the NATS campus completely avoided by the development. The EIAR includes a Preliminary Bat Roost Assessment and Bird Survey, both of which also confirm that the roof and ground panels will not unduly impact upon either species types by virtue of their locations and positioning with the NATS campus.

Suitable measures are set out within the PEAR and EIAR for biodiversity gain and these combined with the additional landscape measures (native hedgerows and native grassland mix) proposed as part of the development ensures that the development will offset its impacts and contribute towards encouraging biodiversity and the creation of further habitat within the site. Neither AECOM (as the Council's External Ecology Advisor) or the Council's Sustainable Development (Biodiversity and Ranger Services) have raised any issues with the proposals from a natural heritage perspective and have confirmed that the mitigation is sufficient in the context of the development. Glasgow Prestwick Airport (GPA) Wildlife Control Team have also reviewed the proposed landscape scheme and have confirmed that they have no issues with the arrangements proposed.

The implementation and fulfilment of the recommendations of the PEAR and EIAR (in terms of protecting ecology and securing biodiversity gain) and the separate proposals set out in the Planning Statement and shown on the Detailed Landscape Design and Management Plan for additional landscape features are secured through appropriately worded planning conditions in Section 9 below. Based on the aforementioned, the proposal is therefore compliant with this policy.



## **Regulatory Panel (Planning):**

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### LDP Policy: Land Use and Transport

This policy sets out a number of criteria for development proposals to meet, the most relevant in respect of this application states that the development should take appropriate measures to keep any negative effects of road traffic to a minimum. The Design and Access Statement submitted as part of this application provides general details on the access and construction arrangements for the development and confirms that the construction traffic will use the existing Fresson Avenue route which serves the site in order to construct the development. It confirms that as this is a well-established route which regularly accommodates HGV traffic and additional vehicles, and so it would be capable of being used for this development, including the mobile cranes needed to install the roof panels. Once operational, little to no vehicle movements are anticipated as part of the development (with the exception of ad-hoc journeys for the maintenance of the solar panels) and given the parking within the NATS campus is not being affected or compromised, it is not considered that the development will increase or change vehicular traffic patterns to and from the site. Ayrshire Roads Alliance as the Council's Roads Authority offer no objection to the proposed development subject to the inclusion of a condition requiring the submission and agreement of a Construction Traffic Management Plan (CTMP) before construction work commences. This is set out in Section 9 below. Considering all of the above, this proposal can be supported by this policy.

### Summary of Assessment against LDP2

The proposals bring forward a form of development which as set out above, is promoted and endorsed in principle by LDP2. This renewable related development supports the aims of tackling the climate crisis, represents sustainable development and is of a layout, scale, massing, and design which respects its surroundings and adjacent land uses. Following careful review and consideration, it has been established that the proposed development would not have an adverse impact on the character of the urban landscape, the natural environment, the residential amenity of nearby residential areas or local transport network and that due weight should be afforded to its positive impact environmentally. Overall, and for the reasons noted in the assessment above, it is considered that the proposal accords with the provisions of LDP2.

## **7.2 Material Considerations**

### **7.2.1 Planning History**

The NATS campus site has little planning history of note, with the most recent application for planning permission submitted before this one being planning application Ref. 12/00588/APP. This application approved alterations to the existing building including the formation of a link bridge and associated landscaping. Beyond this, the only planning history of relevance relate to the planning procedural matters associated with this specific planning application. This includes the Proposal of Application Notice (Ref. 23/00383/PAN), the EIA Screening Opinion and the (23/00528/EIASCER) and the Pre-application (Ref. 22/01038/PREAPP), with these demonstrating that the due planning process has been followed prior to the submission of this 'Major' scale planning application.

### **7.2.2 Representations**

As set out earlier in the report, no representations have been lodged in response to this planning application at the time of writing this report.

### **7.2.3 Consultation Responses**

It is noted that all consultees either do not object to the development proposal or do not object subject to the imposition of conditions and advisory notes which are all included in the recommendation below.

### **7.2.4 Impact on the Locality**

The application has been the subject of various assessments as summarised elsewhere in this report and each of these has considered the impact of the development on the locality. The application has also been subject to wide ranging consultation and the responses have been summarised in the 'Consultations' section of this report, and appropriate recommendations for conditions are included within the 'Recommendation' section. Subject to the conditions, as set out below, it is considered that the proposal will deliver a sustainable renewable energy development that accords with the Development Plan and framework of planning policy, and which does not adversely impact upon the locality of the area for the reasons set out in the assessment section above.

## **8. Conclusion:**

The proposed development comprises the installation of ground and roof mounted solar photovoltaic panels and associated development, infrastructure, and landscaping within the NATS facility/premises in Prestwick. The application has been assessed against the Statutory Development Plan (which includes NPF4 and LDP2) and various material planning considerations which include consultation responses, representations received (none) and the impact of the proposed development on the locality. The assessment concludes that the proposed solar panel system and development complies with the provisions of NPF4 and LDP2 and will deliver a sustainable development which will help to tackle the climate crisis through generating clean, renewable energy and reducing an existing and established corporate businesses carbon footprint. Specifically, the development will positively contribute towards NATS Carbon Neutral Strategy 2040 by reducing NATS reliance on the national grid and increase the production of localised renewable energy which in turn will positively contribute to the overall sustainability of the site in line with planning objectives of the Plan.

The supporting information accompanying the planning application has demonstrated that the solar panels, by virtue of their careful siting to appropriate locations with the NATS campus, will not have an adverse impact on the amenity of the closest residential properties to the site or other land uses, including the operational activities of Glasgow Prestwick Airport. The siting and design of the solar panels also ensure that they will not detract from the overall character and amenity of the industrial environment to which they relate. Finally, weight in the overall assessment is also given to the fact no objections to the proposal have been received from consultees and no representations have been received from any interested parties to the planning application.

Given the above assessment of the proposal and having balanced the applicant's rights against the general interest, it is recommended that the application be approved subject to conditions.

## **9. Recommendation:**

It is recommended that the application is approved with conditions(s).

### **Conditions**

1. That the development hereby permitted must be begun within three years of the date of this permission.
2. That the development hereby granted shall be implemented in accordance with the approved plan(s) as listed below and as forming part of this permission unless a variation required by a condition of the permission, or a non-material variation has been agreed in writing by the Planning Authority.
3. The development hereby approved shall be constructed and thereafter be implemented and operate at all times in strict accordance with all of the recommendations, ecological mitigation and biodiversity gain measures outlined within 'Section 5.0 Discussion' of the approved 'Prestwick NATS Preliminary Ecological Appraisal' (Starling Learning, Dated 2<sup>nd</sup> September 2022) and 'Section 5 Mitigation and Residual Effects' of the approved 'Ecological Impact Assessment' (Starling Learning, Dated 7<sup>th</sup> November 2023). This includes all of the biodiversity gain measures scheduled in sub-section 5.5 of the approved 'Prestwick NATS Preliminary Ecological Appraisal' (Starling Learning, Dated September 2022), sub-section 5.1.7 of the approved 'Ecological Impact Assessment' (Starling Learning, Dated 7<sup>th</sup> November 2023) and shown on approved plan 'Detailed Landscape Design and Management Plan (Rev. A)' which shall all be installed and in place and effective before any of the solar panels forming part of this development become operational on the site. This is with the exception of the proposed nest and bat boxes which shall be erected in their approved locations prior to the commencement of development and before pre-work inspections of the roof take place as shown and annotated on approved plan 'Detailed Landscape Design and Management Plan (Rev. B)'. Thereafter and once all measures are installed and in place, all of the ecological mitigation and biodiversity gain measures shall be maintained and remain in effect for the operational lifespan of the development, unless otherwise agreed in writing by the Planning Authority.

## **Regulatory Panel (Planning):**

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4. Further to Condition 3 above and all of the biodiversity measures and ecological mitigation set out in the approved 'Prestwick NATS Preliminary Ecological Appraisal' (Starling Learning, Dated 2<sup>nd</sup> September 2022) and the approved 'Ecological Impact Assessment' (Starling Learning, Dated 7<sup>th</sup> November 2023) and shown on 'Detailed Landscape Design and Management Plan (Rev. B)', the following additional measures shall be implemented as part of the construction phase of the development:
  - All holes and excavations greater than 0.5m deep shall be covered whilst unattended to prevent animals falling in, or ramps should be used in order to provide a means of trapped species to escape. Where this is not possible these areas should be fenced off to prevent accidental entry.
  - The ends of any pipeline shall be capped when unattended, or at the end of each working day to prevent animal access.
  - All excavations and pipes shall be checked at the start of each working day.
  - Any temporary lights used during construction should be fitted with shades to prevent light spillage outside the working area. As part of this, any temporary lights shall not illuminate any tree lines or hedgerows due to lighting potentially affecting wildlife commuting and foraging.

These measures shall be effective and in place from the commencement of development on site and shall remain in place until the full construction of the development on the site is completed in its entirety, unless otherwise agreed in writing by the Planning Authority.

5. Unless otherwise agreed in writing by the Planning Authority, prior to any of the solar panels approved as part of this development becoming operational, the approved landscape scheme shown on approved plan 'Detailed Landscape Design and Management Plan (Rev. B)' including the species rich flowering grassland and the new sections of native mixed species hedgerows shall be implemented and planted in full within the site. Once in place, the approved landscape scheme (including all of the additional landscape and biodiversity gain features) shall be maintained on site in strict accordance with the management and maintenance regime set out on the 'Detailed Landscape Design and Management Plan (Rev. B)' for the operational lifespan of the development, unless otherwise agreed in writing by the Planning Authority.
6. Prior to the commencement of development on site, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Planning Authority (in consultation with the Council as Roads Authority). The CTMP shall describe the methodology for the movement of construction traffic to and from the site and shall include agreement on suitable routes to and from the site to serve construction traffic associated with the development. Thereafter and unless otherwise agreed in writing by the Planning Authority (in consultation with the Council as Roads Authority), the approved CTMP shall be implemented prior to any movement of construction traffic associated with the development and will be adhered to and maintained for the duration of construction until full construction activity associated with the development is complete on site in its entirety.

## **Reasons**

1. *To be in compliance with Section 58 of The Town and Country Planning (Scotland) Act 1997 as amended by Section 32 of The Planning (Scotland) Act 2019.*
2. *To ensure that the development is carried out in accordance with the approved plans unless otherwise agreed.*
3. *To ensure ecology features are safeguarded through appropriate mitigation and in the interests of securing and achieving biodiversity gain and enhancement as part of the development.*
4. *To ensure wildlife is safeguarded through appropriate mitigation through the full construction phase of the development.*
5. *To ensure that the approved landscape scheme is implemented in a timely manner as part of the development and thereafter maintained appropriately to ensure it offer a biodiversity enhancement and gain as part of the development.*

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6. *In the interest of road safety during the construction phase of development.*

### **Advisory Notes:**

#### South Ayrshire Council Ranger Services

Further to Conditions 3, 4, and 5 above, the Council's Rangers Services recommend the following best practice measures are followed in the interests of biodiversity protection and enhancement:

- It appears that no additional permanent lighting is proposed as part of this development. If any permanent lighting is required on site in the future and comes forward through a separate planning application, it should follow sensitive lighting design to avoid light spill or artificial light at night that may affect foraging or commuting bats. The proposed lighting scheme should be designed by a suitably qualified lighting engineer.
- It appears that there is to be no tree or vegetation removal required for this proposal, however if this is a requirement any vegetation removal should be undertaken in line with the measures set out within the PEAR and EIAR, e.g. outwith the breeding bird's season, specifically March to August, inclusive. If this is not possible, and works are due to take place between March and August, then nesting bird checks should be undertaken by a suitably qualified ecologist, immediately prior to any tree or vegetation removal works commencing.
- Best practice construction measures shall be followed to prevent pollution, including sediment, reaching the drainage and water courses. Ladykirk Burn is a tributary to the Pow Burn which is recognized as an important birding area with records of otter.
- Increasing the width of the unmown margin adjacent to the drainage ditch would increase biodiversity value for the overall site and so the applicant should consider this.
- The new screening hedgerows proposed around the arrays are welcomed, however, for these to have any biodiversity value the cutting should be on rotation so that only ½ or 1/3 of hedges are cut in any one year as this improves the health of the hedge, allows for thickening of the hedge and increases flower and berry abundance for biodiversity. In addition to this, it is advised that the cutting of hedge should be left to late winter wherever possible, ideally January or February and that the hedges shall never be cut in the bird breeding season which extends from 1st March to 31st August.

#### Glasgow Prestwick Airport (GPA)

##### Cranes:

- Guidance shall be considered relevant to users of all cranes exceeding a height of 10 metres (18.5km) above ground level (AGL) or that of the surrounding structures or trees (if higher).
- For guidance to crane users of the crane notification process and obstacle lighting and marking please refer to CAA Cap Document 1096 which is available at <http://www.caa.co.uk>.
- Please be aware that any crane erected without notification may be considered a hazard to air navigation and such a crane operates at the crane user's risk of endangering the safety of an aircraft.

##### Bird Activity:

- Whilst GPA Wildlife Control Unit have no issue with the proposed landscape scheme, it is relevant to note that any disturbance of the land will have the potential to increase the attraction of birds to the area along with the type of landscaping used. Measures to minimise the attractiveness to birds during the construction and operation of the site should be considered and this may include netting being applied to the roofs of the buildings and the management of solar PV installations as potential bird habitats alongside any other reasonable measures which aim to discourage the increase in the number of birds in the vicinity.

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

**National Air Traffic Services (NATS) Safeguarding:**

- The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria, however, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission, or any consent being granted.

**SEPA:**

- In relation to flooding, SEPA consider energy generation developments of this type to be a relatively low risk land use in that they can be designed to remain operational if the land floods, and they are unlikely to increase flood risk to other people. SEPA refer the applicant/agent/contractor to their [flood risk standing advice](#) for the development, particularly Section 5 on essential infrastructure and water compatible uses. All the advice in that section should be followed.

**List of Determined Plans:**

- Location Plan (Drawing No. DS10230AA019ADDT)
- Drawing - Roof Mounted Solar Panels (Rev. 1)
- Drawing - Ground Mounted Solar Panels (Rev. B)
- Drawing - Existing Northeast and Southwest Elevations (Rev. A)
- Drawing - Existing Northwest and Southeast Elevations (Rev. A)
- Drawing - Existing Roof Plan (Rev. A)
- Drawing - Proposed Northeast and Southwest Elevations (Rev. C)
- Drawing - Proposed Northwest and Southeast Elevations (Rev. A)
- Drawing - Proposed Roof Plan (Rev B)
- Drawing - Existing Site Layout Plan (Rev. B)
- Drawing - Proposed Site Layout Plan (Rev. Q)
- Drawing - Topographical Survey
- Drawing – Detailed Landscape Design and Management Plan (Rev. B)
- Document - Solar Panels Technical Brochure (1 of 5)
- Document - Solar Panels Technical Brochure (2 of 5)
- Document - Solar Panels Technical Brochure (3 of 5)
- Document - Solar Panels Technical Brochure (4 of 5)
- Document - Solar Panels Technical Brochure (5 of 5)
- Document - Preliminary Ecological Appraisal (Starling Learning, Dated 2<sup>nd</sup> September 2022)
- Document - Design and Access Statement (Custom Solar, Dated 2<sup>nd</sup> October 2023)
- Document - Glint and Glare Assessment Version 2.0 (Mabbett, Dated 29<sup>th</sup> September 2023)

**Regulatory Panel (Planning):**

Report by Housing, Operations and Development Directorate (Ref: 23/00674/APPM)

- Document - Pre-Application Consultation (PAC) Report (Avison Young, Dated July 2023)
- Document - Supporting Planning Statement (Avison Young, Dated October 2023)
- Document – Ecological Impact Assessment Report (Starling Learning, Dated 7<sup>th</sup> November 2023)

**Reason for Decision (where approved):**

The siting and design of the solar panel development hereby approved is considered to accord with the provisions of the development plan and there is no significant adverse impact on the amenity of neighbouring land and buildings.

**Background Papers:**

- Application form plans and submitted documents.
- National Planning Framework 4 (NPF4).
- South Ayrshire Local Development Plan 2 (LDP2).
- Representations received.
- Consultation responses received.
- Planning History.

**Equalities Impact Assessment:**

An Equalities Impact Assessment is not required because the proposed development is not considered to give rise to any differential impacts on those with protected characteristics.

**Person to Contact:**

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