



REPORT BY PLACE DIRECTORATE
REGULATORY PANEL: 3 February 2022

SUBJECT:	CONSULTATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989 APPLICATION UNDER S36 OF THE ELECTRICITY ACT 1989 (AS AMENDED) FOR THE CONSTRUCTION AND OPERATION OF CRAIGMODDIE WINDFARM COMPRISING 14 WIND TURBINES (GENERATING CAPACITY >50 MW) AND PROPOSED ENERGY STORAGE FACILITY AND ASSOCIATED INFRASTRUCTURE REF 21/00069/DEEM
-----------------	---

1. Purpose

- 1.1 South Ayrshire Council has been consulted by the Scottish Government, under section 36 of the Electricity Act 1989, on an application by "EnergieKontor" for the erection of a windfarm and associated ancillary development at Craiginmoddie 4km South West of Barr, South Ayrshire.
- 1.2 The Council is not the determining authority for this proposal. This report sets out the proposed response to the Scottish Government's consultation which was issued on the 21st January 2021.
- 1.3 The Planning Service currently has delegated authority to respond to these consultations, but typically chooses not to do so without first referring the matter to Regulatory Panel due to the large scale of the proposals and the community interest.
- 1.4 The applicant has agreed to a time extension to 5 February 2022 for the Council to make its response. It is imperative that the Council responds within the agreed time period or its statutory rights would be affected.
- 1.5 Under the Electricity Act 1989, Schedule 8, part 2, paragraph 2 (a), where the relevant Planning Authority notifies the Scottish Ministers that they object to the application and their objection is not withdrawn, the Scottish Ministers shall cause a public inquiry to be held.

- 1.6 Under the Electricity Act 1989 schedule 8, part 2, paragraph (3) if the Planning Authority notifies the Scottish Ministers outwith the time limit that has been agreed (i.e. 5 February 2022 in this case), then the Scottish Ministers may disregard the notification to object.
- 1.7 On the basis that a Planning Authority were not to respond by the agreed date then there is no mandatory requirement for a public inquiry to be held.

2. Recommendation

It is recommended that the Regulatory Panel

- **submits this report to the Scottish Government as an objection to the proposed wind farm**
- **approves delegated authority to the Director of Place to conclude planning conditions with the Energy Consents Unit should the Scottish Government be minded to grant consent.**

3. Background & Procedural Matters

- 3.1 On 12 January 2021, Energiekontor UK Limited submitted to the Scottish Government a Section 36 application together with an application that planning permission be deemed to be granted in respect of the construction and operation of a windfarm comprising of 14 turbines with an anticipated height at tip of 200m located 4 km South of Dailly. Under Section 36 of the Electricity Act 1989, the construction of a generating station with a capacity which exceeds 50 MW requires the consent of Scottish Ministers.
- 3.2 The Scottish Government formally consulted the Council on the proposed development in January 2021, with an original deadline for response on the application of 21 May 2021. The Planning Service made an initial request for the time period to respond to be extended to 8 October 2021. This was followed by a further request for an extension to 5 February 2022.
- 3.3 The application is supported with an Environmental Impact Assessment. Additional Environmental Information was submitted on 5 November 2021 relating to landscape and visual impact, noise and private water supplies. The additional information required to be advertised and consulted upon and the closing date for receipt of public representations was 13 December 2021.
- 3.4 Under the Electricity Works (Environment Impact Assessment) (Scotland) Regulations 2017, Scottish Ministers are required to consider whether any proposal for a generating station is likely to have a significant effect on the environment. These Regulations stipulate that Scottish Ministers must consult the planning authority, Scottish Natural Heritage, Scottish Environment Protection Agency and Historic Environment Scotland. The Regulatory Panel are asked to note that in the event that a planning authority objects to a Section 36 application, and does not withdraw its objection, a public inquiry must be held, before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).
- 3.5 In reaching their decision, Scottish Ministers have to take into account the environmental information submitted with the application and supporting Environmental Impact Assessment, the representations made by statutory consultative bodies and others in accordance with the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, Scottish Planning Policy on Renewable Energy, other relevant Policy, Planning Advice Notes, the relevant planning authority's Development Plans and any relevant supplementary guidance.

3.6 The connection of the wind farm with the local electricity distribution network would require consent under Section 37 of the Electricity Act 1989. This would be subject to a separate application.

4. Development Proposal

4.1 Proposal

4.1.1 Approval under Section 36 of Electricity Act 1989 and deemed planning permission are sought for the development of windfarm. Permission is sought for a period of 35 years of the operational phase of the wind farm after which the development will be dismantled and the land reinstated. The proposal comprises of the following principal components:

- 14 wind turbines up to a height of 200m to the tip;
- Turbine foundations (typically 20 in diameter) ;
- Crane hardstandings measuring approximately 60m X 30m;
- Associated Turbine transformers;
- Construction of new access track from Dailly;
- Construction of new permanent site tracks and upgrading of sections of existing forest tracks connecting each turbine;
- Off-site road improvements to facilitate delivery of abnormal loads;
- Underground electrical cabling linking turbines to substation (typically 0.5m deep) routed alongside access tracks;
- New water crossings
- Substation (single storey building within associated 60m X 40m compound);
- Search areas for two borrow pits;
- Temporary construction compound area secured by fencing (measuring 100m X 50m containing hardstanding area and temporary, portacabin type, welfare facilities); and
- 7MW Battery storage facility to be located within part of the construction compound following completion of construction (batteries housed within shipping containers)

4.1.2 A 100-meter micro-siting allowance is sought for the wind turbines and wind farm infrastructure.

4.1.3 The installed capacity of the wind farm is 92MW. The applicant predicts that the wind farm will generate power for 35% of the year which would generate sufficient electricity to supply the equivalent of 78,302 homes per annum.

4.1.4 All construction traffic will approach the site from Girvan via the B734. HGVs will then access the site from the U25 (Delamford) road via the B741 north of Dailly (route 1) or from the U27 (Deil's Elbow) road via the B741 south of Crosshill (route 2). Abnormal loads (nacelles, blades, towers, etc) will access the site from a new access track formed from the B7035 at Eldinton Terrace. The track will comprise a section of new track from the B7035, part of the existing Craig farm access track (to be widened) and a further section of new track that will link the Craig Farm track to the U25 (Delamford) road.

- 4.1.5 As part of the initial enabling works commercial forestry felling will be required in order to create clear areas within the existing coniferous plantation around each turbine ('keyholing') and for the construction of access tracks, substation, construction compound and borrow pits. The total area of felling proposed for these purposes is 53.1 ha and compensatory planting of an equivalent area will be undertaken (location not yet confirmed). An additional 142 ha of conifers is proposed to be felled and restocked to avoid significant areas of wind blow. The application notes that these areas are either currently being felled or are planned to be felled in the short term. These areas of felling will be incorporated into the forest owner's normal forest management operations.
- 4.1.6 The construction phase is expected to require 12 months to complete and the decommissioning phase is expected to require 6 months to complete. It is proposed that the hours of construction work be Monday to Friday 07:00 to 18:00 and 07:00 to 13:00 on Saturday and no working on Sunday. However, turbine erection works and delivery of turbine blades, nacelles and towers may place outside these hours depending upon weather conditions and other factors.

4.2. **Application Site**

- 4.2.1 The site consists predominantly of areas of plantation forestry and open moorland. The site forms part of a ridge of lower lying foothills that lie between the Stinchar Valley to the east and the Girvan Valley to the west, extending from Colmonel in the south to Straiton in the north. The nearest settlements are (approximately) Barr (4km south / west), Dailly (4km north), Crosshill (6.5km north), Straiton (7.5km north / east) and Maybole (9km north). The nearest town is Girvan, located 10.5km to the west.
- 4.2.2 The landscape character is categorised as "Foothills with Forest and Wind Farms" (category 17C) in the Landscape Wind Capacity Study 2018 update. This upland landscape is broader in extent to the east where it forms a more expansive undulating plateau. However, to the west, where the application site is located, it forms a narrower band of hills between the Water of Girvan and Stinchar Valleys. More pronounced hills on the outer fringes of this landscape form highly visible 'landmark hills' seen from the middle part of the Girvan Valley and the Stinchar Valley and the Upper Girvan Water.
- 4.2.3 There are a number of individual isolated dwellings located within the vicinity of the proposed wind farm, the closest of which are Dobbington, Knockrochar and Delamford to the west and Doughty to the east. The existing operational Hadyard Hill wind farm lies immediately to the south of the application site.

4.3 **Surrounding Wind Farms and Proposals**

- 4.3.1 The locations of the surrounding, operational and proposed wind farms are illustrated in Annex 1 to this report. The application site is located immediately adjacent to the operational Hadyard Hill wind farm which comprises 52 turbines with blade tip heights between 100m and 110m. The nearest turbines within the proposed wind farm are less than 1 km from the nearest turbines within the Hadyard Hill development. The operational Assel Valley wind farm (10 turbines, 110m to blade tip) and Tralorg (8 turbines, 100m to blade tip) are located to the south and west, respectively, of the Hadyard Hill wind farm, within the same ridge of foothills. A Scoping Opinion has been issued by the Energy Consents Unit for the Carrick wind farm proposal located immediately to the north and east of the current application site, within the forestry plantation at Garleffan and Eldrick Hill. It should be noted that the Council are currently considering a Section 36 consultation for a wind farm development on part of the previous Linfairn site (known as Knockronal), located to the north of the current application site.

- 4.3.2 There has been a previous Section 36 application for an extension to Hadyard Hill comprising 22 turbines with a blade tip height of 126.5m which included the current application site and land to the north. The Council objected to the proposal primarily on landscape grounds however the application was withdrawn prior to the commencement of a Public Local Inquiry.
- 4.3.3 Further to the south, there have been unsuccessful applications at Millenderdale (5 turbines, 110m to blade tip, refused on appeal), Breaker Hill (9 turbines, 86.5m to blade tip, refused on appeal) and Straid (14 turbines, 99.5m to blade tip, refused on appeal). Further to the north of the current application site, planning permission was refused for a wind farm comprising 11 turbines with a blade tip height of 126.5m at Knocksae and a Section 36 application was withdrawn (at appeal stage) at Linfairn following an objection from the Council.

5. Consultations

- 5.1 Consultations on this application are undertaken by the Scottish Government. Comments arising from consultation within South Ayrshire Council (department services) are incorporated into the assessment section of this report and will be forwarded to the ECU. The following consultation responses are for noting only.

5.2 Statutory Consultees

- 5.2.1 **Historic Environment Scotland** (8 March 2021 & 7 December 2021) do not object.
- 5.2.2 **Scottish Natural Heritage** (18 June 2021) **object** on the grounds that the development will have an adverse impact on the Merrick Wild Land Area including the effect of night time lighting required in connection with aviation safety.
- 5.2.3 **Scottish Water** (29 January 2021) Do not object but note that the site is partly within a drinking water catchment (Penwhapple) which is designated as a Drinking Water Protected Area. It is essential that measures are taken to protect water quality and quantity.
- 5.2.4 **SEPA** (28 June 2021 and 3 December 2021) Initially objected to the proposals due to insufficient information on private water supplies. Following consideration of the Additional Information submitted in October 2021, SEPA have removed their holding objection and do not advise against granting consent, subject to conditions relating to protection of PWS, micro-siting, peat management and forest waste management.

5.3 Internal Scottish Government advisers

- 5.3.1 **Scottish Forestry** (7 April 2021 & 17 November 2021) note that wholesale removal of woodlands to enable windfarm developments is not permitted and keyholing is the only permitted option. Compensatory planting is required for the construction corridor and all associated infrastructure. All other felling that is proposed due to example concerns around the wind profile or concern around windblown onto infrastructure is subject to Felling Permission Application or a Long Term Forest Plan Amendment.

- 5.3.2 **Ironside Farrar** (Peat Landslide Risk Assessment on behalf of ECU) (May 2021 and September 2021) advise that the risk assessment requires minor revisions. A number of concerns and queries are made, significantly, additional probing at infrastructure locations would be anticipated and clarification is required relative to the consequence assessment regarding proximity to watercourses. Following receipt of additional information from the applicant, Ironside Farrar advise that additional peat probing is still required at infrastructure locations and at a number of turbine locations and sections of access track.
- 5.3.3 **Transport Scotland** (March 2021 and November 2021) do not object subject to conditions
- 5.3.4 **Crown Estate Scotland** (7 December 2021) have no comments to make.
- 5.4 Non-Statutory Consultees
- 5.4.1 **NATS Safeguarding** (3 February 2021 & 9 November 2021) **object** to the proposal as the terrain screening available will not adequately screen 12 out of the 14 proposed turbines. The 12 visible turbines are likely to cause false primary plots to be generated. A reduction in the RADAR's probability of detection for real aircraft is also anticipated and the proposed development is deemed to be unacceptable.
- 5.4.2 **British Telecom** (5 February 2021 & 24 November 2021) No objections
- 5.4.3 **Defence Infrastructure Organisation** (22 February 2021 & 2 December 2021) have no objection subject to conditions. The site is within a Tactical Training Area and the turbines have the potential to introduce physical obstruction to low flying aircraft. The MOD require that the development is fitted with aviation safety lighting.
- 5.4.4 **Glasgow Prestwick Airport** (5 March 2021 & 13 December 2021) **Object**, noting that all 14 turbines will be visible to GPA's primary radars and will generate unacceptable radar clutter that will require to be mitigated for the life of the wind farm with an appropriate radar mitigation scheme. GPA also require further assessment of the effect on the Instrument Flight Procedures and aviation obstruction lighting. Following receipt of the Additional Information, GPA have advised that they do not object to the aviation warning obstruction lighting scheme aspect of the proposals but would wish to be re-consulted if an Aircraft Detection System is proposed. GPA have also raised additional concerns regarding adverse impact on the Secondary Surveillance Radar and the cumulative impact resulting from the proliferation of windfarms proposals in the vicinity of Craiginmoddie.
- 5.4.5 **Royal Society for Protection of Birds** (8 March 2021) have no comments to make.
- 5.4.6 **Scottish Rights of Way Society** (10 March 2021) have offered no comments
- 5.4.7 **Ayrshire Rivers Trust** (15 March 2021) do not object subject to conditions to safeguard the water environment.
- 5.4.8 **Joint Radio Company** (10 March 2021 & 8 November 2021) have no objection

5.4.9 **Environmental Health** (22 December 2021) **object** to the siting of Turbines 2 and 3, the construction compound, substation and part of access route due to their location within the private water supply catchment and water feed for Dobbington Farm and the potential for adverse impact on water quality and quantity as a consequence of the construction activities. Insufficient evidence has been submitted to demonstrate that there will be no adverse effect on the flow path and quality of the groundwater which partly replenishes the Dobbington supply and the mitigation proposed by the applicant in the Additional Information is insufficient to mitigate the risk posed to the private water supply in a location where alternative connection to the public water supply is not feasible.

5.4.10 **West of Scotland Archaeology Service** (08 October 2021) Do not object.

5.4.11 **South Ayrshire Council Sustainable Development** (Biodiversity) Do not object

5.5 Community Councils

5.5.1 **Dailly Community Council** (19 May 2021) **object** to the proposal. Their points of objection include damage to the public roads from heavy construction traffic; proximity of the main construction route to Eldinton Terrace in Dailly resulting in noise and disturbance (including noise caused by delivery of abnormal loads early in the morning); lack of information on the grid connections; adverse effects on land, water run-off, compaction of soil, pollution/sediment/contamination of tributaries and private water supplies resulting from extensive forestry work; adverse landscape impact; adverse impact on amenity of nearest residential properties. The Community Council further request that, in relation to micro-siting the new positions be assessed for visual, noise and shadow flicker prior to construction. The Community Council also express their concern that the borrow pits will not be worked in strict accordance with any planning conditions imposed.

5.5.2 **Crosshill, Straiton & Kirkmichael Community Council** (24 May 2021) **object** to the proposal. The proposal is contrary to the adopted local development plan by reason of adverse landscape impact, noting that the turbines at 200m high will be visible from the Girvan and Stinchar valleys and the local road network and NCR 7 cycle route. Adverse visual impacts would be experienced from Dailly, Crosshill (including the conservation area) and Barr and from the Barr and Straiton footpath networks, NCR7, Nic o' the Balloch, Turnberry Golf Course and Craigengower Hill. Shadow Flicker and noise will adversely affect many properties. It is noted that a number of turbines are switched off within the Hadyard Hill wind farm at certain times due to noise issues and the current proposal will be closer to residences. It is undesirable to approve a wind farm in a location which requires turbines to be switched off regularly. The proposal will have an adverse impact on the designed landscapes at Barganny, Kilkerran and Blairquhan and on the settings of the Old and New Dalquhairn Castles and Maxwellton Hill Fort. The proposal will result in cumulative impacts with the existing and proposed wind farms within the surrounding area. The proposal will adversely affect the Merrick Wild Land Area and the Galloway Dark Skies Par and is not compatible with the Galloway and Southern Ayrshire Biosphere designation.

6. Applicant's Supporting Information

6.1 The application is supported by a significant number of technical reports and other supporting documentation. The supporting documents can be viewed online via the Energy Consents Unit's website (<http://www.energyconsents.scot/ApplicationDetails.aspx?cr=ECU00002196>) which are summarised as follows:-

6.1.1 **Planning Statement:** The planning statement sets out details of the proposed development and the relevant planning policy context, before providing an appraisal of the proposed development against the provisions of the Electricity Act 1989, the Development Plan, national energy and planning policy and other relevant material considerations. The report concludes that the applicant has fulfilled its obligations under Schedule 9 of the Electricity Act 1989 as the EIA Report confirms that the proposed development is environmentally acceptable. The proposal is consistent with the current strong policy drive to continue the development of renewable energy and the international and national commitments to address the effects of climate change and to achieve greater security in the domestic supply of energy. The proposed development would make a valuable contribution to Government policy objectives and unmet targets. The NPF4 Position Statement should be given weight as a material consideration. Specifically, the NPF4 Position Statement references the support for renewable energy development and recognises the role of extending existing wind farms which is expected to make consenting easier for extensions of existing projects. The proposed development will involve change to the local landscape character and composition from a number of views, however, change in itself is not unacceptable and significant effects are only predicted in some localised parts of the Local Character Areas. The development could produce sufficient energy to meet the needs of the 78,302 homes and would thus make a significant contribution to achieving net zero emissions targets by replacing fossil fuel energy and thereby reducing greenhouse gas emissions. In light of the Climate Emergency, substantial weight should be attached to this in the determination of this application. The South Ayrshire Local Development Plan is more than five years old and the SPP presumption in favour of sustainable development should be applied. The proposed development is considered to be 'sustainable development' and is consistent with SPP. The proposed development will create opportunities for local contractors within South Ayrshire and there is a potential for contracts worth up to £22.8 million to be awarded locally during the construction phase. Further benefits of the development include enhanced recreational infrastructure, opportunity for community shared ownership and additional local authority revenue through generation of business rates.

6.1.2 **Environmental Impact Assessment Report:** The proposed development falls within Category 3(i) of Schedule 2 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017. The applicant voluntarily undertook an Environmental Impact Assessment of the scheme and no Screening Opinion was requested. A Scoping Opinion was issued in December 2020 by Scottish Ministers and the EIA Report is based on the environmental effects identified in the Opinion. The purpose of an EIA is to ensure that the significant effects on the environment likely to be caused by a new development are taken into account in the decision making process. The EIA process firstly describes the baseline environment conditions and then predicts the potential effects of the proposed development. The effects identified are evaluated to determine their potential significance and scheme modified to mitigate potential significant adverse effects. Residual effects are then identified.

6.1.3 **Design & Access Statement:** The statement explains the design rationale behind the layout, providing an explanation of the design principles and concepts that have informed the proposed development and how transport and access issues have been taken into consideration.

7. Planning History

7.1 The site previously formed part of a larger area that was subject to a Section 36 application to extend Hadyard Hill windfarm (ECU ref 00003118/SAC Planning Reference 15/00453/DEEM) comprising 22 additional wind turbines with a blade tip height of 126.5 meters. A report on the proposal was considered by the Regulatory Panel on 31 August 2017 and the Panel resolved to object to the proposal. The reasons for objecting were the individual and cumulative adverse landscape impacts. In particular the impact on the Stinchar Valley (between Barr and South Balloch) and the Girvan Valley (middle section particularly around Dailly), the effect on views from Shalloch on Minnoch and Cornish Hill and the effect on views from the National Cycle Route 7 between Nick O' the Balloch and Knockinculloch. The Panel also considered that the wind farm would have adverse visual impacts and adverse impacts on the amenity of 12 properties and would adversely effect the setting Dalquharran Caste (category A listed building) and on Inventory Designed Landscapes. The Section 36 application was subsequently withdrawn by the applicant prior to determination by the Scottish Government.

8 Development Plan

8.1 The proposed development has been submitted under the Electricity Act and the statutory requirement under Section 25 of the Planning Act (decisions to be made in accordance with the development plan unless material considerations indicate otherwise) does not apply in this instance. However, the Local Development Plan is a significant material consideration.

8.2 Members should note that the Examination stage for the second Proposed South Ayrshire Local Development Plan (PLDP2) has recently concluded. The wind farm policies were matters before the Reporters and the Council are currently considering the Reporter's comments on these and other policies within the Plan and significant weight cannot currently be attached to LDP2. Notwithstanding, it gives an indication of Council intent towards the stance it wishes to adopt in the consideration of planning applications in the future (subject to adoption of MPLDP2, anticipated later in 2022). The applicable policies in MPLDP2 are not materially different to those of the existing LDP. Supplementary Guidance: Wind Energy remains relevant, with its windfarm spatial framework having been incorporated into MPLDP2, and the SG is likely to be re-adopted in similar form under the adopted LDP2.

8.3 The South Ayrshire Local Development Plan policy: wind energy is the primary local plan policy against which proposals for wind farm development are to be assessed. The LDP has a number of additional policies of relevance to the assessment of the planning application, which relate closely to the criteria on the wind energy policy. For ease of reference, they are listed beneath the corresponding criterion of the wind energy policy in the subsequent sections of this report.

8.4 Whilst the policy provides the basis for assessing wind energy developments, South Ayrshire Council adopted the Supplementary Guidance (SG) it refers to, in December 2015. That SG provides detail by which wind energy proposals can be fully assessed. It provides a spatial strategy for wind energy, in line with the requirements of Scottish Planning Policy (and in so doing identifies areas within South Ayrshire which are afforded significant national protection) and it provides guidance on how the policy of the Local Development Plan will be applied in the consideration of proposals.

8.5 The SG identifies the current site as falling within an area of “significant protection” by reason of the area being a location where carbon rich soils, deep peat and priority peatland habitat exist. The SG follows the principles of Scottish Planning Policy (SPP) by stating that in such circumstances, further consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. This specific matter is considered in more detail in the Assessment section of this report.

8.5.1 The SG covers the following issues:

- Impacts on landscape and landscape character
- Visual impacts
- Residential amenity, (noise, shadow flicker, visual impact and traffic)
- Natural heritage including national and locally protected species and habitats
- Impacts on the historic environment and archaeology
- Aviation, defence and broadcasting interests
- Cumulative impacts
- Environmental management
- Hydrology and the water environment
- Borrow pits
- Carbon losses
- Flooding
- Decommissioning and restoration bond obligations
- Repowering
- Extensions
- Monitoring

Each of the above sections includes a reference to the Council’s policy on these issues and the matters which will be considered in the assessment of the proposals.

9. Assessment

9.1 In assessing the proposal, it is important to note that South Ayrshire Council is not the determining Authority, but has been asked to provide comments as a Statutory Consultee.

9.2 As previously stated, a number of comments from consultees have already been submitted directly to the Scottish Government. Where consultee responses are especially important in South Ayrshire Council’s assessment of the proposal, they are referred to in the following assessment, and where appropriate, have been incorporated into the recommendations proposed to be sent to the Scottish Government. The full text of the submissions made to the Scottish Government can be found at The Scottish Government Energy Consents Unit web page (case reference ECU00002196).

9.3 For ease of reference, the assessment section of this report corresponds with the Sections of the LDP policy Wind Energy and considering the relevant Supplementary Guidance criteria:

- a) Landscape and (b) Visual
- c) Residential amenity
- d) Natural Heritage
- e) Built & Cultural Heritage and Archaeology
- f) Aviation, Defence, Broadcasting, Cumulative impacts and Other matters

9.4 Other policies: As stated above, a number of policies throughout the Local Development Plan are also relevant in the assessment of the proposed development. They are listed beneath the primary wind energy policy criterion.

9.5 **Criterion (a) and (b) Landscape and Visual Impact**

We will support proposals if:

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

We will support proposals if:

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

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

Additional LDP policies:

LDP Policy Sustainable Development

LDP policy Landscape Quality

9.5.2 The proposed development comprises 14 turbines measuring 200m high to blade tip. The proposal would be largely sited in an area of existing commercial forest and extensive felling would be needed to accommodate the wind farm. The turbines would have red steady aviation warning lights attached at hub height and half-way up towers. The applicant proposes to install visibility sensors whereby 2000 candela medium intensity lights are used only when visibility is restricted to 5km or less with lower intensity 200 candela lighting used when visibility is >5km. Directional intensity mitigation is also proposed. Access to the proposed wind farm site for delivery of large turbine components would be via the B741 near Dailly. This will require the construction of a section of new road and upgrading of an existing farm track/unclassified road.

Policy and guidance in relation to landscape and visual matters:

- 9.5.3 The 2018 South Ayrshire Landscape Wind Capacity Study (SALWCS) provides strategic information and guidance on wind energy development. The proposed development would be sited within the Foothills with Forestry and Wind Farms Landscape Character Type (LCT) identified in this study. The increased scale, simple landform and land cover and sparsely settled nature of this LCT generally reduces susceptibility to larger turbines although there are also a number of potential landscape and visual constraints. These relate to the relative narrowness of this upland landscape which increases potential effects on the more sensitive smaller scale Girvan and Stinchar valleys which lie to the north and south of this LCT. The proximity of the eastern part of this LCT to the Rugged Uplands with Lochs and Forests LCT (which has dramatic and diverse scenery, a little modified character and high recreational value) additionally increases sensitivity.

Effects on landscape character

- 9.5.4 While effects on the host landscape of the Foothills with Forest and Wind Farms LCT would be direct and significant, the larger scale and generally simple landform and landcover, the presence of other wind farms and the lower value associated with this landscape reduces sensitivity. The location, size and number of turbines of this proposal would, however, result in more severe significant adverse effects arising on parts of the sensitive adjoining LCTs which lie in close proximity to the proposed wind farm site as follows:
- The Intimate Pastoral Valley - Stinchar Valley LCT where significant adverse effects would principally occur in the upper part of the valley floor between Barr and South Balloch, extending onto steep valley sides. The very large turbines of the proposal would form a dominant feature seen on the skyline of the uplands which contain this narrow valley and would detract from its small scale and strongly contained form. It would also diminish the sense of seclusion that can be experienced within this landscape.
 - The Middle Dale LCT, which covers the Girvan valley, where the proposal would have a strong influence on character in the area surrounding Dailly, significantly affecting the containment of the valley and the appreciation of smaller scale rolling farmland and woodlands on southern valley sides.
 - The Rugged Uplands, Lochs and Forests LCT where the proposal would be visible from north-western hill slopes and summits. It would introduce views of very large turbines into a landscape which has relatively few human artefacts, diminishing the sense of wildness that can be experienced in parts of this LCT. Operational wind farms are already visible from the elevated parts of this landscape but the increased size and closer proximity of the turbines within the proposal would incur a greater magnitude of change.

Effects on landscape designations and other valued landscapes

South Ayrshire Scenic Area/Local Landscape Designations

9.5.5 The LVIA considers effects on the Local Landscape Areas (LLA) which will replace the existing South Ayrshire Scenic Area landscape designation in the forthcoming Local Development Plan. The proposal does not lie in a designated landscape but would have indirect and significant adverse effects on the following LLAs:

- The High Carrick Hills LLA lies to the east of the proposal. The limited modification of this upland area and the qualities of wildness that can be experienced within it are noted as some of the reasons for designation outlined in the Statement of Importance for this LLA. This proposal would have a significant adverse effect on these qualities.
- The proposal would lie within approximately 0.5km of the upper part of the Stinchar Valley LLA. This proposal would be seen above the steep-sided hills which contain this valley, dominating its scale, detracting from the rich scenic composition of this LLA and diminishing the sense of seclusion and timelessness that is associated with this valued landscape.

Merrick Wild Land Area (WLA)

9.5.6 An assessment has been undertaken of the effects of the proposal on the attributes of the Merrick WLA (Technical Appendix 6.5). The assessment methodology is based on Nature Scot's 'Assessing impacts on Wild Land Technical Guidance' 2020 and the description of Merrick WLA (01). The assessment focusses on the part of the WLA where visibility of the proposal is likely to occur, principally the north-west facing slopes and hill summits. The Wild Land assessment set out in the EIAR concludes that significant effects would not arise on the Merrick WLA.

9.5.7 The Merrick WLA is important in comprising one of the very few remaining areas of undeveloped uplands in south Scotland. It is a small WLA and one where many natural heritage and other designations and other interests come together increasing its value, especially given the more modified landscapes surrounding it which feature extensive commercial forestry and wind energy development.

- 9.5.8 The proposal would comprise much larger turbines than any operational turbines currently seen from the Merrick WLA. The turbines would lie 8.4km from the closest part of the WLA boundary with visibility principally occurring from north-west slopes and hill summits where operational wind farms are already visible but seen more distantly. There would also be some new visibility of turbines introduced into an area of rugged lower-lying moorland in the north-eastern part of the WLA where there are currently no views of wind farm development. While the proposed development would often be seen in conjunction with the operational Hadyard Hill wind farm, the turbines would, in many views from the WLA, appear to sit much higher in the surrounding landscape than those within Hadyard Hill with their full vertical extent visible. This more prominent location, together with the larger size of the turbines and their closer proximity to the WLA, increases effects on the perception of wildness when compared with other wind farm developments. It is the Council's view that there would be a significant diminishment of the sense of remoteness and sanctuary experienced from the northern part of the Merrick WLA. The lighting of turbines would prolong these significant effects on the perception of wildness for those experiencing the landscape and walking during hours of darkness or camping overnight in parts of the WLA.
- 9.5.9 NatureScot have objected to the proposal on the grounds of significant adverse effects on the Merrick WLA (18th June 2021). The applicant provided further information on 5 November 2021 in response to NatureScot's objection. This includes a more detailed 'Zone of Theoretical Visibility' (ZTV) map, further wireline visualisations from the Loch Girvan Eye and Craigmashen and a revised night-time lighting proposal. The night-time lighting proposals describe a range of measures agreed with the CAA including reduction in the number of lit turbines, embedded dimming and direction intensity. The revised assessment of effects on the WLA undertaken by the applicant's consultants (on the basis of this additional more detailed visual material) confirms the findings of the LVIA in concluding that effects on the qualities of the WLA would not be significant. NatureScot have, however, maintained their position of objection. In the view of NatureScot, the additional information confirms their previous position and in particular the revised aviation lighting scheme would not be sufficient to reduce the significant adverse effects of aviation lighting on the qualities of the Merrick Wild Land Area. The revised aviation lighting proposal also refers to an aircraft detection lighting system (ADLS) being applied to the proposed development which would activate the lighting only when an approaching aircraft is detected. NatureScot note that current aviation policy and law do not allow for general legal implementation of ADLS.

Galloway Dark Sky Park

9.5.10 While the proposed development does not lie within the Galloway Dark Sky Park (DSP), it would be located within the Transition Zone. Although none of the viewpoints or vehicular routes promoted as locations for viewing the night sky within the DSP would be affected by the proposal, more remote elevated areas would have views of illuminated turbines (for example Cornish Hill and Shalloch on Minnoch) and this would be likely to affect the experience associated with the DSP for some receptors. The lighting proposed would also be contrary to the Council's Supplementary Guidance: Dark Sky Park (August 2016) which advises that new external lighting within the Transition Zone should be 'dark sky friendly' where possible in order to help safeguard and enhance the quality of the DSP. Good practice guidance set out in Appendix 3 of this Supplementary Guidance advises that it is preferable for infrared (non-visible) lighting to be used. The Additional Environmental Information submitted in November 2021 however confirms that visible lighting proposed is required for reasons for aviation safety. Whilst the Additional Environmental Information proposes a reduction in the number of lit turbines from 14 down to 12 or 11 (subject to CAA approval) this is not sufficient to remove concerns over impact on the Dark Sky Park or satisfy the Council's guidance.

Effects on Views

General visibility of the proposal

- 9.5.11 Within approximately 15km, the proposed wind farm would be principally visible across the upper Stinchar valley and in a broad area extending across the lower and middle Girvan valley between Dailly, Straiton and Maybole. There would also be visibility of most of the turbines from the open slopes and summits of the north-western part of the high Carrick Hills. Visibility would be restricted south of the Stinchar valley within 15km of the proposed development due to the presence of extensive forestry.
- 9.5.12 More distant views beyond 15km of the proposal, and within South Ayrshire, would be likely to occur from the coastal hills south-west of Girvan and from the sparsely settled Plateau Moorlands south-west of Barrhill which border Dumfries and Galloway. Visibility would also extend across the high ground of the Brown Carrick Hills and around Ayr, although buildings and vegetation in and around the town would be likely to restrict views. There would be very limited visibility of the proposal from the Duisk valley.
- 9.5.13 The majority of the representative viewpoints assessed in the LVIA lie within 15km of the proposed wind farm as can be seen on EIA Figure 6.6. 'Key visual effects'

9.5.14 The Council considers that the most significant adverse visual effects would be likely to occur on the following areas:

- The upper Stinchar valley, as illustrated by Viewpoint 1 from South Balloch, where the very large turbines of the proposal would significantly increase the extent of wind farm development seen on prominent skylines. While views from the core of the small settlement of Barr would be largely screened by buildings and vegetation, this proposal would have a significant adverse effect in views from the more open and elevated roads and footpaths around the village, as shown in Viewpoint 5. There would be intermittent visibility of the proposal from the B734 as shown in Viewpoint 10. Turbine lighting would additionally extend the duration of effects in views from this part of the Stinchar valley as demonstrated in the visualisations 10d/e.
- The middle Girvan valley in the Dailly area (Viewpoint 3) including from the area of Dalquharran Castle and Brunston Castle Golf Course (EIA Figure 7.5a and Additional Wireline D). The visualisation from Viewpoint 3 does not show the proposed access track to the development site which is likely to be visible close to the narrow, wooded valley seen in the foreground of the view. The turbines would form dominant features overwhelming the small-scale rolling farmland and woodlands seen in the middle ground of the view. Lighting would extend the duration of these effects. While the well-wooded nature of the Girvan valley would screen views of the proposal in many areas, it is concerning that turbine blade tips would be visible, and seen flicking over the skyline, above the Inventory listed designed landscape of Kilkerran in views from the B741, as illustrated in Viewpoint 4. While the effect from this viewpoint would be borderline significant, it would have been relatively easy to have reduced the turbine height and/or repositioned turbines to eliminate visibility from this important view. Cumulative effects with the consented Kirkhill wind farm will occur on views from more open parts of the Girvan valley in the Dailly area.
- While visibility would be limited from within the upper Girvan valley, significant adverse effects would arise from the Colonel Hunter Blair Monument (Viewpoint 7) which is popular with walkers. Although the proposal would occupy a relatively confined part of the less interesting upland skyline within expansive views which focus on the Girvan valley, the Firth of Clyde and Ailsa Craig, the size, proximity and confusion of overlapping turbines will result in them being a prominent and distracting feature.
- The High Carrick Hills including from Cornish Hill (Viewpoint 9) and from the Corbett of Shalloch on Minnoch (Viewpoint 12) which are both popular with walkers and where this proposal would present a marked change in the size and prominence of wind turbines in views from these hills. The proposal would also significantly intrude on views gained from the descend northwards at the dramatic pass of the Nick o' the Balloch (supplementary wireline visualisations supplied by the Applicant at the request of the Council) and from stretches of NCR 7 and the 'Ayrshire Alps' cycling routes which are aligned on minor roads through the high Carrick Hills and north of the Stinchar valley. Lighting of the turbines will extend the duration of effects particularly from the hill summits where the intensity of the lights will increase.

- While views from within Maybole are likely to be limited due to the screening effect of buildings, open areas surrounding the settlement will be subject to views seen at distances of >9km and usually in the context of operational and consented wind farms visible on more distant upland skylines. Viewpoint 11 from the War Memorial at Maybole would lie 9.8km from the proposal but its effects would be significant and adverse principally because of the detracting effect of the very large turbines on the prominent Kildoon Hill Fort/Monument which forms a focus in the view.

9.5.15 In many of these viewpoints, the proposal would have a discordant relationship with the much smaller turbines in the nearby operational Hadyard Hill wind farm (proposal is for turbines reaching up to 200m in height v's Hadyardhill where existing turbines are up to 110m) . This is particularly evident in Viewpoints 9 and 12 where the size differential between the existing and proposed turbines is above what can be reasonably perceived as being due to the greater distance of Hadyard Hill wind farm from the viewpoint.

Cumulative Landscape and Visual Effects With Other Consented/Application Stage Wind Farms

9.5.16 The foregoing assessments of the landscape and visual impact effects of the development proposal include consideration of the cumulative effects with other relevant operational, consented, applications stage and scoping stage wind farm proposals. The operational wind farms include Hadyard Hill as discussed above, Tralorg, Assel Valley, Mark Hill, and Dersalloch. In addition, at the time of submission of the EIA Report there were proposals for wind farms at Kirkhill (consented), Arecleoch Extension (application stage at time of submission now consented on appeal), Clauchrie (application), Carrick (scoping stage), Knockcronal (scoping stage) and Knockodhar (scoping stage). Since the time of submission of the current application, the Council has received a formal Section 36 consultation on an application for 9 turbines at Knochronal (received 17/11/21). Given that there were no firm details available of the Knochronal and Knockodhar wind farms at the time of preparation of the EIA Report it is accepted that these wind farms do not require to form part of the current assessment. The locations of the various proposals and consents are shown on the map at Appendix A to this report.

9.5.17 Significant combined cumulative landscape effects would be particularly associated with the Carrick and Clauchrie proposals principally affecting the Intimate Pastoral Valley LCT of the Stinchar valley, the Stinchar Valley, High Carrick Hills LLAs and the Merrick WLA. Significant combined cumulative visual effects would occur where this proposal was seen sequentially and simultaneously with the Carrick and Clauchrie in views from popularly accessed summits, ridges and recreational routes within the Merrick WLA and/or High Carrick Hills LLA, from roads and settlement within the upper Stinchar valley and Girvan valley and also from Craigengower Hill near Straiton. The combined effect of lighting proposed in all three schemes would extend the duration of significant adverse effects on character and views in these areas and particularly within the WLA and DSP where dark skies are a key quality and part of the experience of wildness. Although not taken into consideration in this assessment, the proposed Knockcronal wind farm will add to the combined significant cumulative impact of the Craiginmoddie, Clauchrie and Carrick wind farms.

Conclusions of the Council's landscape and visual appraisal

- 9.5.18 This proposal would be located in the Foothills with Forest and Wind Farms LCT, a sparsely settled landscape with a simple landform and landcover and generally large scale, characteristics which can reduce susceptibility to large wind turbines. This LCT already accommodates extensive wind farm development and the proposal would extend to the east of the operational Assel Valley, Tralorg and Hadyard Hill wind farms.
- 9.5.19 While the Foothills with Forest and Wind Farms LCT has some key characteristics which can relate to wind farm development, it comprises a relatively narrow upland band lying between the more sensitive Stinchar and Girvan valleys. Sensitivity is also increased as the remaining undeveloped eastern part of Foothills with Forest and Wind Farms LCT lies close to the Rugged Uplands with Lochs and Forests LCT, a landscape which is little modified and scenically diverse. The High Carrick Hills LLA accords with this LCT and it is also partially covered by the Merrick WLA, the Galloway Dark Sky Park and the Galloway and Southern Ayrshire Biosphere. The objection by NatureScot in respect to the significant adverse impact that the proposal will have on the Merrick Wild Land Area supports the Council's own assessment of the Landscape and Visual Impact that will result from the proposed development.
- 9.5.20 The most significant landscape and visual effects of this proposal would occur on the following:
- **The Rugged Uplands with Lochs and Forests LCT, Merrick WLA, local designated landscapes and the Dark Sky Park:** The proposal would lie much closer, and comprise substantially larger and more prominent turbines, than the very many operational wind farms located in South Ayrshire and Dumfries and Galloway seen from the Rugged Uplands with Lochs and Forests LCT (where it lies in South Ayrshire) resulting in significant adverse effects on this LCT, on part of the WLA lying within South Ayrshire and on the South Ayrshire Scenic Area (and High Carrick Hills Local Landscape Area). Significant and adverse effects would occur on views from this upland landscape from the popular Cornish and Shalloch on Minnoch hills which lie in the Merrick WLA. Lighting of turbines would be likely to extend the duration of significant adverse effects on this sparsely settled and remote landscape diminishing the sense of wildness that can be experienced.
 - **The Upper Stinchar Valley and associated local landscape designations:** This proposal would have significant adverse effects on the Intimate Pastoral Valley LCT within the upper Stinchar Valley where very large turbines would be prominent on the skyline of the steep-sided hills which contain this narrow and scenically rich landscape. There would be significant adverse effects also on the Stinchar Valley LLA in similar parts of the upper Stinchar Valley. Views from the upper Stinchar valley and from NCR 7 and the 'Ayrshire Alps' cycling routes (including from the Nick o' the Balloch) would be significantly affected by the proposal.
 - **The Girvan valley:** While there are some significant effects on views from areas around Dailly, this does not translate to significant effects on character and special qualities of the LLA. However, where the landscape is more open, for example in the Dailly area, the proposal would have a significant effect on visual amenity from footpaths, roads and around the settlement.

- 9.5.21 **The Council objects to this development proposal on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines. The effects of this proposal could potentially be mitigated by a reduction in the size and number of the turbines to reduce the prominence of the turbines and avoid the need for visible aviation lighting. The elevation of the proposed site, and its location close to the more sensitive landscapes of the upper Stinchar valley and the High Carrick Hills/Merrick WLA, would still be likely to result in some significant adverse effects on character and views even of these recommended mitigation measures were in place.**
- 9.5.22 **Consequently it is considered that the proposed development is not in accordance with LDP Policy Wind Energy Criterion (a) and Criterion (b) and conflicts with LDP Policy Sustainable Development and LDP Policy Landscape Quality.** The proposal is also not in accordance with the Local Development Plan Supplementary Guidance for Wind Energy criterion A and B.

Tourism Attractions and Recreational Assets

- 9.5.23 The tourism sector is important to the South Ayrshire economy with a significant potential for growth. This expansion will be dependent on the maintenance and enhancement of environmental quality whilst ensuring that the assets on which the sector is based are protected from the impacts of inappropriate development. These objectives are reflected within the policy framework of the Local Development Plan.
- 9.5.24 Assets in Ayrshire and surrounding areas particularly sensitive to inappropriate development include areas designated for their scenic or recreational potential, including the Galloway Hills, the Galloway Forest Park, the Dark Skies Park and the Galloway & Southern Ayrshire Biosphere and its associated ecosystem centred around a series of core Natura sites. The application site is located within the Transition zone of the Galloway and Southern Ayrshire Biosphere and is in relatively close proximity to the Merrick Wild Land Area.
- 9.5.25 The landscape and visual impacts of the proposal are the primary considerations with regard to the potential impacts on tourism and recreation for this particular application. It is noted that NatureScot objects to the application due to its significant adverse effects on the sense of remoteness and sense of sanctuary of the Merrick Wild Land Area and on the 'perception', 'qualities' and 'experience' of wildness at dusk and into the night.
- 9.5.26 As noted in the assessment of the proposal under Landscape and Visual Impact above, there are also adverse effects on the Galloway Dark Sky Park, High Carrick Hills Local Landscape Area, Stinchar Valley Local Landscape Area, Water of Girvan Valley Local Landscape Area and important viewpoints including The Nick o' the Balloch and other stretches of National Cycle Route 7 (and The Ayrshire Alps Cycle Park), the Colonel Hunter Blair Monument, Cornish Hill and Shalloch on Minnoch hill.

9.5.27 **The Council objects to this development proposal on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines and the associated impacts of these effects on the tourism and recreational resource of the locality including the; Merrick Wild Land Area, Galloway Forest Park and The Dark Sky Park. It is considered that the significant adverse landscape and visual effects of this wind farm could not be fully mitigated by reducing the size or number of turbines. The location of this proposal is inappropriate given the sensitivity of nearby landscapes.**

9.5.28 This is an area of South Ayrshire which is very popular with locals and visitors, wishing to walk, cycle or horse ride in the countryside, and which relies on such tourism to help support its fragile rural economy. Therefore, if this application were to be approved contrary to South Ayrshire Council recommendation, a benefit would be additional public access routes included within the site of the windfarm proposal, linking with the surrounding rights of way / local path network. Creating such additional public access and access links, would be a positive action, and a way to return some benefit to the surrounding community. Chapter 14 of the EIA Report proposes that measures would be undertaken to improve opportunities for recreational access in the area. In particular linking Core Path SA46 to the west of the site and SA1 to the east using the wind farm access track would create a number of circular walks in the area.

9.6 **Criterion (c) Residential Amenity**

We will support proposals if:

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

Additional LDP Policies

LDP Policy Sustainable Development
LDP policy Air, Noise and Light Pollution.
LDP policy Land Use and Transport

Noise

9.6.1 The Environmental Impact Assessment Report considers construction, operational and cumulative noise impacts. The Council's noise consultant, ACCON UK Limited, has advised that the methodologies used in the EIA noise chapter represent good practice and are in line with ETSUR-97 (operational noise) and the Institute of Acoustics (IOA) Good Practice Guidance for wind turbines. ACCON queried the use of the previous background noise survey carried out in 2015 for the Hadyard Hill extension, the methodology used in the assessment of wind shear and choice of cumulative sites. However satisfactory clarification on these matters was received from the applicant's agent and is included in the Additional Information submitted in November 2021. Based on the explanations provided by the applicant, ACCON have advised that there would be no unacceptable impacts subject to conditions governing operational noise limits, based on the noise limits adopted in the Environment Impact Assessment Report.

- 9.6.2 South Ayrshire Council's Environmental Health Service has also provided comment in respect of construction noise and offers no objection to the proposed development subject to conditions covering vibration during blasting operations to excavate the borrow pits and time restrictions on the use of the abnormal loads route (NB these would require further consideration in the event that no objections were to be raised to the consultation as abnormal loads are typically delivered overnight for road safety reasons).

Shadow Flicker

- 9.6.3 Under certain conditions when the sun passes behind the rotors of a turbine a shadow can be cast on neighbouring properties. When the blades rotate a flicking on and off effect is created by the shadow, referred to as "Shadow Flicker". This can be a considerable nuisance to residents within nearby properties. Although there are no local or national UK mandatory requirements or criteria in relation to shadow effects caused by wind turbines, a report prepared for the Department of Energy and Climate Change suggests that a maximum of 30 hours of shadow flicker in a calendar year is a threshold for consideration, ideally with no longer than 30 minutes on any single occasion. The incidence of "Shadow Flicker" is considered only to be an issue of significant concern if the distance between the nearest dwelling and rotor blades is less than 10 times the diameter of those blades. Additional guidance states that in the UK the limit of the zone is between 130 degrees either side of north. The Council's Supplementary Guidance requires an assessment to be undertaken for all properties within 2.5 km of a proposed development (this distance threshold should take into account any screening of turbines offered by topography). Shadow flicker assessments were undertaken at four residential properties identified within the study area with potential to experience flicker effects. Realistic scenario calculations have shown that the maximum occurrence of shadow flicker amounts to approximately 15 hours per year for the properties known as 'Doughty', 6 hours per year for 'Delamford', 10 hours per year for 'Dobbingston' and 2 hours per year for 'Glenalla.' These values are well within the accepted limits of shadow flicker, of either 30 minutes per day or less than 30 hours per year. South Ayrshire Council's Environmental Health Service do not raise concerns with regard to shadow flicker but recommend that a condition is imposed requiring mitigation measures should a loss of amenity due to shadow flicker be confirmed.

Residential Visual Amenity Assessment

- 9.6.4 The SAC Supplementary Guidance on Wind Energy states that the design process for windfarms should take into account local residential property and the extent to which the proposal will be visible. The design process should seek to minimise significant visual effects on private property. It states as a general rule, that a separation distance of 2km should be maintained between turbines and settlements and that an assessment of all residential properties within 2.5 km from proposed wind farms should be undertaken. The Residential Visual Amenity Assessment (RVAA) (Technical Appendix 6.7) identifies 8 properties within 2km of the boundary plus 2 additional properties outside the 2km buffer (Doughty, Garleffin, Glenalla, Knockrochar, Dobbington Farm, Delamford Farm, Delamford Cottage, Corphin, Daljedburgh and Dalguhairn Farm). Two properties are identified as potentially experiencing the highest magnitude of effect and having potential to meet the Residential Visual Amenity Threshold (Dobbington and Delamford). The EIA concludes that whilst turbines will be seen in relatively close proximity to these properties, there would remain ample areas within each property that would not be affected by views of the proposed development and the affects are not considered to meet the Residential Visual Amenity Threshold. Additional visualisations were provided by the applicant from Dobbington and Knockrochar Farms at the request of South Ayrshire Council. These were accompanied by an Additional Information (AI) report, dated October 2021.
- 9.6.5 The AI provides no revised assessment of the effects on Knockrochar Farm from that originally set out in the EIA-R (this property was not considered as having potential to pass the Residential Amenity Threshold as the magnitude of change was judged to be moderate). The assessment against P4 in the RVAA in the EIA-R is incorrect in stating that the main orientation of views from this property is away from the proposed wind farm and that 'views from the house would be unlikely'. It is doubtful that this property was visited by the applicant's landscape consultants in the field as the principal living area of the house is situated within an extension which is orientated south/south-east and directly towards the proposed wind farm. However, while there would be views towards the wind farm from the principal living room within the property and also from an outside seating area, the additional photo-wire visualisation provided by the applicant in November 2021 demonstrates that outbuildings would partially screen views with approximately 3 turbines visible in the gap between buildings. It is considered that the magnitude of change would be substantial (and not the moderate judged in the RVAA) and that Knockrochar Farm would have merited more detailed assessment. Having considered the likely nature of visibility of the proposal from the approach to the house and from inside and outside the property, including the added effects of turbine lighting, it is concluded that while effects on visual amenity from this property would be significant and adverse, the restricted nature of views from the house would be unlikely to make this property an 'unattractive place to live when judged objectively in the public interest'.

- 9.6.6 The additional visualisation provided from the courtyard at the front of the house at Dobbingsstone Farm demonstrates that intrusion from the proposed turbines from this location would not be significant given the very limited number and vertical extent of turbines visible above rooflines. Significant adverse effects on views would be likely to be experienced principally from the many seating areas in the garden (which wraps around the south-west and south-east elevations of the house and includes some screening vegetation) and from the approach drive to the property. Lighting of the turbines would add to these significant effects particularly given the dark skies of the area. The restricted nature of views of the wind farm from principal rooms inside the property and from the courtyard area would be unlikely to result in this property becoming an 'unattractive place to live when judged objectively in the public interest'.

Access, Traffic and Transport

- 9.6.7 The EIA Report provides details that envisage turbine components being delivered to the Port of Ayr by sea and from there to the proposed site by road via the A77 as far as Girvan. From Girvan all HGV and abnormal loads will follow the B734 and the B7035 to Dailly. Abnormal loads only will route to the site from the B7035 via a new/improved section of track that incorporates the existing farm track for Craig and two new sections of track across rough grazing ground (as described in Section 1 above). HGVs will access the site either from the U27 road or the U25 road. In terms of traffic generation, two scenarios have been considered. Scenario 1 assumes that all aggregate required for construction of the turbine bases, etc is sourced off-site and Scenario 2 assumes that aggregate will be won from the proposed on-site borrow pits. Construction is expected to take 12 months to complete and will require an estimated 14,402 vehicle movements (7201 in and 7201 out). The number of vehicle movements would reduce to a total 3,964 movements under Scenario 2. The assessment has been undertaken on the basis of scenario 1 which is considered to be the worst case scenario. This would result in a peak of 94 two way HGV (47 in and 47out) which is predicted to occur in Month 4 of the 12 month construction programme.
- 9.6.8 The delivery route for "abnormal loads" has been assessed in the EIA for pinch points and any mitigation required. A total of 23 pinch points were identified. Swept-path-analysis was used to identify third party land and street furniture impacts and requirements for temporary paving. Abnormal loads are not expected to route through Dailly (on the C30) but would instead route up towards Craig Hill via Low Park/Craig.
- 9.6.9 The EIA Report assessment concludes that the transportation effects during the construction phase would not be significant following the implementation of mitigation measures, which include: provision of accurate directions to delivery drivers, restrictions on delivery hours to avoid network peak hours and school run hours, scheduling of deliveries, prohibition of vehicles laying up on the surrounding roads, road cleaning and implementation of a staff travel plan to encourage car sharing and provision of minibus service.
- 9.6.10 The Trunk Roads Authority do not object to the proposed development subject to conditions requiring approval of the route and accommodation measures required for abnormal loads, and approval of a Construction Traffic Management Plan.

9.6.11 Ayrshire Roads Alliance (ARA) hold significant concerns over the impact that construction traffic would be likely to have on the U25 unclassified public road, known locally as “Delamford”, which runs between the B741 and the U66. The proposals show that, if aggregate were to be sourced off-site, then the U25 would be subjected to 7,201 total loads, equating to 14,402 two-way trips. The U25 is a narrow, rural road without formalised passing places, and with a road make-up less than full construction along its length. The route forms both a key route for residents in the area, and also functions as a diversionary route as and when required. The ARA anticipates that without significant works to strengthen the road along its entire length, the volume of construction traffic as highlighted in supporting application will result in significant damage to the route. This may in turn result in the ARA requiring to take the decision to close the road in the interests of protecting the public, which is unacceptable given the negative impact this would have on local residents. Additionally, without localised road widening and the introduction of formalised inter-visible passing places the U25 would be considered unsafe for use by the general public, as there would be insufficient road space to allow vehicles to pass construction traffic (and certainly insufficient road space to allow two construction traffic vehicles to safely pass).

9.6.12 In relation to the proposed track adjacent to Eldinton Terrace, Dailly which is to be used for delivery of abnormal loads, the Council’s Environmental Health service have advised that a condition would be necessary restricting the hours of use to protect the amenity of the nearest residential properties. Such a condition would be very restrictive since abnormal loads (primarily turbine blades, towers and nacels) are delivered overnight when traffic volumes are low. As there are other overarching objections to the proposals, the implications of the condition advised by Environmental Health has not been explored further and an additional point of objection is proposed in relation to residential amenity.

Conclusions on Residential Amenity Assessment

9.6.13 **It is considered that the impacts arising from the proposed Craiginmoddie Wind Farm in relation to operational noise, shadow flicker and visual impact are generally acceptable, subject to conditions. However, it is recommended that the Council objects on the basis that the U25 road is unsuitable for construction traffic resulting in road safety concerns and with the potential to close the road to traffic including those road users who require to access residential properties from this route.**

9.6.14 **In light of the above, it is concluded that the proposed development is not in accordance with Local Development Plan Wind Energy Criterion c) and with LDP Policy Sustainable Development and LDP Policy Land Use and Transportation.**

9.7 **Criterion (d): Natural Heritage**

We will support proposals if:

- They do not have a significant detrimental effect on natural heritage features, including protected habitats and species, and taking into account the criteria in LDP policy : Natural heritage;***

Additional LDP Policies
LDP Policy Natural Heritage
LDP Policy Sustainable Development
LDP Policy Water Environment

Ecology:

- 9.7.1 The proposed development site is characterised by afforested upland and moorland typical of this region of Scotland, with the majority of the area under commercial plantation forestry. There are no designated nature conservation sites within the site boundary. There are two SSSIs within 10km including Auchalton lowland neutral grassland and Turnberry Dunes. Both of these areas are not considered to be affected by the proposals due to distance and absence of hydrological connectivity. No habitats or protected species of greater than local importance have been identified. In addition to the 53ha of coniferous plantation that will be lost due to the development, small areas of wet modified bog (0.81ha), blanket bog (0.05ha) and marshy grassland (0.06ha) will be permanently lost due to the construction of the foundations, access tracks, etc. The loss of habitats due to the construction phase is considered in the EIA to be a minor, non-significant impact. NatureScot support the outline measures proposed for the Habitat Management Plan (HMP) including post construction monitoring, compensating for the loss of modified bog habitats, via restoration of the extensive degraded peat habitats found on site and additional enhancement measures. NatureScot note that no habitat management is propose for the cleared areas of forestry around each turbine and recommend that the applicant should consider habitat restoration measures for each turbine keyhole area within the HMP. NatureScot also recommend that a detailed Peat Management Plan and Construction Environmental Management Plan should be submitted which incorporate best practice on handling and storage of peat and construction methods designed to minimise impacts on peat.
- 9.7.2 All areas of Ground Water Dependent Terrestrial Habitat (GWDTH) are located away from any hardstanding or infrastructure and as such it is not considered that there will be any significant impact on GWDTH.
- 9.7.3 The EIA does not identify any significant adverse effect on otter, badger, pine marten, bat and fish species during the construction phase. A habitat management plan and a species protection plan will be produced for the development and will be overseen by an ecological clerk of works. The coniferous plantation lost during the construction will be restocked along the tracks and around the turbine hardstand (up to 100 m from the turbine base). To mitigate for the loss of modified bog habitats areas of degraded bog could have peat drains blocked to restore it to blanket bog condition. Bats are at risk of collision or barotrauma during the operational phase. The risk of fatalities will be reduced through feathering (pitching the blades out of the wind) to reduce the idling speed to below 2 rpm and increasing the cut in speed during “high-risk periods” (dusk/dawn, April to October).
- 9.7.4 SNH offer no objection to the proposed development (in terms of ecology) and recommend that should consent be granted the works should be undertaken in accordance with the measures detailed in the EIA report. Habitat Management Plan should be finalised and implemented for the lifetime of the proposed development and that the applicant should also consider including habitat restoration measures for turbine keyhole areas within the Habitat Management Plan.

Ornithology:

- 9.7.5 A detailed assessment of the potential impacts of the development was undertaken through a combination of consultation with ornithological organisations, desk study and field survey. The assessments in the EIA Report conclude that there are no significant effects to either species of notable conservation value or the rest of the upland bird community. No significant effects as a result of habitat loss are expected. A Breeding Bird Protection Plan will be produced by the applicant and adhered to during the construction stage to reduce the effects of disturbance and displacement.

9.7.6 Scottish Natural Heritage is the statutory consultee where matters of ornithology are concerned and state that they agree that ornithological interests will not be adversely impacted upon as a result of the proposed development. SNH support the proposals to follow a Breeding Bird Protection Plan (BBPP) to implement mitigation during construction works.

Conclusions on Natural Heritage Assessment:

9.7.7 On balance, and reflecting the positions submitted by SNH, SEPA and Ayrshire Rivers Trust, it can be concluded that the proposed development is in accordance with LDP Policy Wind Energy Criterion d) and relevant elements of LDP Policy Natural Heritage, LDP Policy Sustainable Development and LDP Policy Water Environment subject to conditions in relation to Habitat Management Plan (HMP), Peat Management Plan (PMP), Species Protection Plan, a Fish and Fresh Water Pearl Mussel Monitoring and Mitigation Plan, Construction Environment Management Plan (CEMP), Water Quality Monitoring Plan, Breeding Bird Protection Plan and appointment of an Ecological Clerk of Works following the relevant guidance provided by NatureScot and SEPA.

9.8 **Criterion (e) Built and Cultural Heritage & Archaeology**

We will support proposals if:

- ***They do not have a significant detrimental effect on the historic environment, taking into account the criteria in LDP policy: historic environment and LDP policy : archaeology;***

Additional LDP Policies

LDP Policy Sustainable development
LDP Policy Historic environment
LDP Policy Archaeology

9.8.1 The EIA Report contains an assessment of archaeological and cultural heritage assets within 5km of the site boundary. There are no formally designated heritage assets within the site boundary, however there are a number of non-designated assets identified through earlier surveys and 69 additional non-designated records within 2km of the site boundary. There are three Category A Listed Buildings and 14 Category B Listed Buildings within 5km, most of which are located within Barr and Kilkerran. Seven scheduled monuments, and three designated Garden & Designed Landscapes are located within the study area.

- 9.8.2 **Non-Designated Heritage Assets Within the Site:** There are 7 non-designated heritage assets identified within the application site boundary. These are considered in the EIA to be of local importance and therefore low sensitivity to development. None of these assets is directly affected by the development, however, there is potential for Asset 11565 (remains of five huts) and Asset 306 (boundary marker) if micro-siting of 100m is permitted. The EIA proposes that a condition be added to any permission requiring archaeological recording work to be undertaken if these assets are threatened by micro-siting. Whilst the EIA considers that there is low likelihood of any hitherto unrecorded archaeology being present within the areas of commercial conifer plantation, there is potential for assets to survive within the areas of open moorland. The EIA therefore proposes the adoption of archaeological work agreed with WoSAS and imposed as a planning condition. WoSAS agree with the conclusions of the EIA and recommend that a condition be attached requiring archaeological work to be undertaken as described in the EIA Report.
- 9.8.3 **Scheduled Monuments Outwith the Site:** The EIA considered the operational impact (effect on setting) for all scheduled monuments and the EIA Report contains detailed assessments on the impacts of the proposal on Knockinculloch Enclosures, Bencallen Hill Chambered Cairn, Old Dalquharran Castle, Maxwellston Hill Fort and Mote Knowe. The EIA concludes that there will be negligible to moderate adverse impacts on the settings of the monuments, however no significant adverse impacts will arise. Historic Environment Scotland agree with the conclusions of the EIA Report.
- 9.8.4 **Listed Buildings:** The EIA considered the impact on the settings of key listed buildings surrounding the site. The majority of the surrounding listed buildings are located within Barr and Kilkerran and no significant effects are anticipated. Dalquharran Castle (category A) is located to the north of Dailly in a prominent position on the south-west facing slopes of the Girvan Valley towards the proposed windfarm. The castle is conspicuous when viewed from the south and south-east and views from the B741 contribute to its public setting. The castle is in ruins and whilst the site of the castle is accessible to the public the upper floors are not. Fourteen turbines will be visible, with the nearest being 5 km away. The castle was designed to be appreciated from the Girvan Valley and the Water of Girvan looking south and south-east and these views will be unaffected. However views out from the castle towards the wind farm will be affected. The turbines would not obscure views of the immediate designed landscape and would not impact on views towards Old Dalquharran Castle. However, the development would impact on longer distance views. The EIA assesses the magnitude of effect as moderate resulting in a moderate adverse effect which is not significant in EIA terms. Historic Environment Scotland agree with the EIA assessment and do not consider that the impact on the setting of the A-Listed building is sufficient to merit objection. The EIA report includes detailed consideration of the effects on the settings of Bargany House and Kilkerran House, both of which are also grade A listed buildings. HES agree with the conclusions of the EIA that neither of these nationally important buildings will be significantly adversely affected.

- 9.8.5 **Gardens and Designed Landscapes:** Bargany is an inventory garden and designed landscape that contains the category A listed Bargany House and lies 4km to the west of the application site boundary and 3 km south-west of Dailly. The blades/blade-tips of seven turbines may be visible from the western core of the GDL, however, tree cover will largely filter views of the turbines from within the GDL. Kilkerran Garden and Designed Landscape is located in the valley of the Water of Girvan approximately 3km north-east of Dailly and 2.8 km from the nearest proposed turbine. The park forms the setting for Kilkerran House which is a grade A listed building. Views of the proposed development from the GDL will be precluded by intervening tree planting and topography. There would be intermittent visibility of the turbines across the GDL from the B741 however these are not considered to be significant and would not affect key views. Blairquhan GDL is situated in upland country to the west of the village of Straiton approximately 6.3 km north east of the site boundary. The ZTV indicates that the wind farm will not be visible from the core areas due to topography. A number of blade tips will be visible from the north-eastern and north-western edges of the GDL, however these will be viewed at a distance of 8km and will have a moderate/minor adverse effect which would not be significant. Historic Environment Scotland agree with the conclusions of the EIA and do not object.

Conclusions on Built and Cultural Heritage and Archaeology Assessment:

- 9.8.6 **On balance, and reflecting the positions submitted by Historic Environment Scotland and WoSAS, it can be concluded that the proposed development is in accordance with LDP Policy Wind Energy Criterion e), LDP Policy Historic Environment and LDP Policy Archaeology subject to a suitable condition.**

9.9 **Criterion (f) Aviation, Defence, Broadcasting, Cumulative impacts and other matters**

We will support proposals if:

- **They do not adversely affect aviation, defence interests and broadcasting installation; and their cumulative impact in combination with other existing and approved wind energy development, and those for which applications for approval have already been submitted, is acceptable.**

Secondary LDP Policy

LDP policy Natural Heritage
LDP policy Archaeology
LDP policy Historic Environment
LDP policy Air, Noise and Light Pollution
LDP policy Protecting the Landscape
LDP policy Sustainable Development
LDP policy Spatial Strategy
LDP policy Water Environment

Aviation and Defence:

- 9.9.1 It is noted that at the time of writing the CAA have not responded to the Scottish Ministers consultation request. From previous applications it is noted that the CAA requires that all obstacles at or above 150m above ground level are fitted with visible lighting and in the case of wind turbines these should be located on the nacelle. The Additional Environmental Information submitted in November 2021 includes an Aviation Warning Obstruction Lighting Scheme for the windfarm which the applicant has discussed with CAA. The turbines should be fitted with approved aviation safety lighting in accordance with the Civil Aviation Authority, Air Navigation Order 2016. This requirement will have impacts on the night time visibility of the development. Having considered this, with particular attention paid to the consultation response from NatureScot (and the Council's own landscape and visual assessment) it is considered that the requirement for aviation lighting at this location would introduce eye catching and prominent lights into an area important for its dark skies and in particular to an area which contributes strongly to the dark sky experience. It is considered that this could result in likely significant adverse impacts on views from the wild land area and the dark sky park, as well as adverse impacts on the wild land qualities of the Merrick Wild Land Area. **It is currently unclear as to whether the impacts outlined above can be mitigated by means of an Aircraft Detection Lighting System (ADLS) and this matter is picked up within the Council's objection on the grounds of landscape and visual impact.**

- 9.9.2 The consultation response from NATS objects to the proposal. NATS en-route Ltd is responsible for the safe and expeditious movement in the en-route phase of flight for aircraft operating in controlled airspace in the UK. It operates a network of radar, communication systems and navigational aids to carry out its functions. In relation to the Lowther Hill Radar, NATS technical assessment has determined that the terrain shielding available will not adequately attenuate the signal other than turbines T5 and T6 and therefore the other 12 turbines are likely to cause false primary plots to be generated. A reduction in the radar's probability of detection for real aircraft is also anticipated. Glasgow Prestwick Airport have objected to the proposal until certain aviation safety matters are addressed. GPA advise that all 14 turbines will be visible to GPA's primary radars and will generate unacceptable radar clutter that will require to be mitigated for the lifetime of the development. It will be necessary for further detailed radar modelling assessments/flight trials to be undertaken to confirm the exact number of turbines visible and whether the clutter from visible turbines can be mitigated. GPA also require the proposal to be assessed against their Instrument Flight Procedures and a detailed Technical Safeguarding Assessment in respect of the protection of the Airport's VHF/UHF Radio Navigation Equipment. GPA have concerns that the cumulative impact and proliferation of windfarms in the vicinity of the development may have an impact on the low level coverage that GPA currently enjoys from the SSR radar feed it receives from the NATS Lowther Hill SSR. A preliminary ATC Operational Assessment indicates that while this proposed development lies outside of Prestwick Airport's Controlled Airspace (CA), it is in an area where GPA regularly provide air traffic service and as such if some (or all) of the turbines are confirmed visible to our primary radar(s) then mitigation will be required together with a review of any impact on our flight procedures or aeronautical charts. GPA also raises concerns in respect of the cumulative impact, due to other operational, consented and proposed wind farms in the vicinity of the proposal and the impact that this proliferation of windfarms may have on the Airports Communications, Navigation and Surveillance equipment, together with the potential for a resulting ATC operational impact, in having such a dense cluster of windfarms in the vicinity of the aerodrome in an area of airspace where GPA ATC regularly provide air traffic service to aircraft. GPA also requested additional information on the aviation obstruction lighting scheme that will be required by the CAA. The Additional Environmental Information submitted on 5 November 2021 includes details of the draft aviation lighting scheme and GPA have advised that they are content with the design. However, GPA have requested to be further consulted if an Aircraft Detection Lighting System (ADLS) dependent upon Electronic Conspicuity Equipment is considered. GPA continue to object to the development until such time as the aviation safety matters are appropriately addressed.
- 9.9.3 Current guidance (SG Wind Energy) requires developers to demonstrate agreement between the developer and airport operators that a technological or other mitigation solution is in place which demonstrates their development would not threaten the current operation of the airport or the expansion aspirations sought by the Council and Government. It is noted that Glasgow Prestwick Airport (GPA) have lodged an objection to the application proposal until an agreed radar mitigation is in place and available and maintained for the lifetime of the windfarm. GPA advises that it would welcome further detailed engagement with the developer in an effort to find a pragmatic radar mitigation provision for the lifetime of the development. The LDP Policy on Wind Energy (and the supporting Supplementary Guidance) note that the Council will support proposals if ***“they do not adversely affect aviation”***.

- 9.9.4 The MOD note that the site falls within Tactical Training Area 20T, an area within which fixed wing aircraft may operate as low as 30.5 metres above ground level. The addition of turbines in this location has the potential to introduce a physical obstruction to low flying aircraft. The MOD requires that conditions are attached to the consent requiring aviation safety lighting and that sufficient data is submitted to ensure that structures can be accurately charted to allow deconfliction.
- 9.9.5 Considering the above, it is recommended that **the Council objects to this development proposal on the basis that the developer has not demonstrated that their development does not impinge on the current operation of Glasgow Prestwick Airport as an agreed radar mitigation is not in place and available and maintained for the lifetime of the windfarm.**

Broadcasting and telecommunications

- 9.9.6 The EIAR concludes, after consultation, that the proposed development will have no effect on any telecommunications interest. Consultation responses do not raise any issues of concern in this regard. In the unlikely event that issues do arise, it is a matter that may be mitigated and could be the subject of planning conditions.

Cumulative Effects

Landscape and Visual Impact and Natural, Built & Cultural Heritage

- 9.9.7 The cumulative landscape and visual impacts resulting from the proposal and nearby operational, consented and proposed wind farms are set out earlier in this report and it is concluded that there will be cumulative LVIA effects associated with this proposal.

Residential Amenity (Noise)

- 9.9.8 The applicant's noise impact assessment found that the operational noise levels from the Proposed Development would meet the criteria set out in ETSU-R-97, which provides for acceptable levels of protection to residents. The cumulative noise assessment also indicates that the total cumulative noise levels would meet noise limits at the nearest noise sensitive receptors. Cumulative noise effects are therefore acceptable.

Conclusions on Cumulative Impacts Assessment

- 9.9.9 **On balance, it is considered that the proposed development will have an unacceptable cumulative impact in relation to landscape and visual impact, however, no other cumulative impacts have been identified.**

Other Matters

Forestry

- 9.9.10 The majority of the wind farm site lies within commercial forestry comprised of four separately owned forests established in the 1980s. The majority of the trees are Sitka Spruce with lesser amounts of other conifers, broadleaves and open space. All four forest areas are near or at commercial maturity and will be felled in the near future. 100 m radius 'keyholes' are proposed around each turbine base. The access tracks will follow existing forests tracks and ride lines and no additional felling will be required to facilitate access for construction and future maintenance of the wind farm. A limited amount of felling will be required for the substation and borrow pits. However, due to the commercial nature of the woodland, there is considerable risk of wind blow adjacent to the keyholed areas and an additional 142 ha has been identified for felling to mitigate the risk of wind blow by felling to a wind firm edge. These areas will be replanted, whereas the keyholed areas will not be restocked with trees. The woodland losses will be compensated for through new woodland creation elsewhere. The extent and location of restocking will be agreed with Forestry Scotland, in accordance with the Scottish Government Control of Woodland Removal Policy.
- 9.9.11 Scottish Forestry (SF) do not object to the proposals but note that the wholesale removal of woodlands to enable wind farms is not permitted and keyholing is the only acceptable approach. The removal of other areas of forest due to concerns around wind blow will require to be the subject of a Felling Permission Application or a Long Term Forest Plan amendment. In respect to the nature of the compensatory planting, Scottish Forestry require that there is no loss of productive forestry.

Water Resources and Peat

- 9.9.12 Under the Water Framework Directive (WFD), planning authorities have a duty to safeguard and seek improvements to the water environment. As a consequence, the potential impact of a wind farm construction on local hydrology requires to be assessed and protective and preventative strategies put in place to reduce potential risk. The site forms part of the catchments of the River Stinchar and the River Girvan which are both important for salmon and trout fishing. There are numerous small watercourses which drain the site, two of which (Dobbingston Burn/Lindsayton Burn and Dalquhairn Burn) are classified under the WFD. The site drains land that is part of a surface water drinking water protection area (DWPA) associated with the wider River Stinchar catchment and is underlain by the Girvan and Lendalfoot groundwater body DWPA. There are 39 users served by Private Water Supplies (PWS) within 5km of the site boundary. The Carbon and Peatland 2016 mapping shows that the site is dominated by Class 5 (no peatland habitat), with isolated patches of Class 3 (occasional peatland habitat) dispersed across the site. A small area of Class 1 (nationally) important peat soil is mapped on the gently sloping ground north east of Doughty Hill. Peat depth surveys, undertaken to support the application, verify the distribution of peatland within the site. Approximately 54% of the recorded depths of peat were greater than 0.5m and therefore classed as 'deep peat.' It was noted that the area of Class 1 (Nationally Important) peat habitat referred to above has recently been planted with commercial conifers which over time will remove any pre-existing natural peatland habitat.
- 9.9.13 The proposed wind farm has the potential to impact on the water environment due to the excavations required to form the site infrastructure, quarrying within the borrow pits, the related forestry felling and replanting and the potential for accidental spillages of pollutants. The layout of the development has been designed to avoid areas of Class 1 peatland and to maintain a buffer distance of 50m from all hydrological features, including streams. The applicant proposes that a Construction Environmental Management Plan (CEMP) will be prepared which will detail the good practice measures to be put in place to manage activities to prevent or minimise effects on surface water and groundwater.

Surface Water and Groundwater

- 9.9.14 Pollution prevention measures are proposed to prevent run-off derived from construction activities and site infrastructure from directly entering the natural drainage network. Water quality monitoring will be undertaken as part of the CEMP. Twenty new or existing water crossings are required along the access tracks. SEPA and Ayrshire Rivers Trust (ART) have advised that the appropriate crossing types have been proposed for each watercourse, with the exception of Water Crossings 19 and 20 which were not surveyed. ART have recommended that full details of the type of crossings for WC19 and WC20 are submitted and that for all water crossings continuous fish passage and continuous flow is provided, ensuring no hanging culverts and that resident fish are removed from the site prior to any instream works. ART advise that the monitoring program to assess the impacts of construction works under the proposed Construction Environmental Management Plan should include provision to monitor all water crossing points, a fish monitoring programme and details of harvesting methods for coniferous woodland which minimise the run-off of sediment, elevated phosphates and nitrates within watercourses. SEPA agree with the conclusion of the EIA that there are unlikely to be significant adverse effects on the water environment subject to safeguarding conditions including implementation of 50m buffers between proposed infrastructure and watercourses. SEPA however advise that if micro-siting is permitted that not micro-siting takes place within any of the 50m buffers.

Peat

- 9.9.15 SEPA have advised that they are satisfied that areas of deep peat have been avoided and that suitable mitigation (e.g. floating tracks and micro-siting) is planned to avoid damage to more sensitive areas. SEPA are also satisfied with the proposed peat management plan but would wish to see an updated plan submitted as a condition of any planning permission. The Peat Landside Hazard and Risk Assessment submitted by the applicant has been assessed by Ironside Farrar Consultants on behalf of the Energy Consents Unit. The Risk Assessment identified that there is limited peat on the site. Following submission of clarification points, Ironside Farrar do not advise against the proposal subject to further peat probing at all turbine and other infrastructure locations.

Private Water Supplies (PWS) and Water Abstraction

- 9.9.16 The EIA Report identifies 39 private water supply (PWS) users within 5km of the site boundary. PWS can be impacted by chemical or bacteriological pollution, air borne, land borne or water borne pollution, physical disturbance such as release of non-soluble poisons or pollutants through blasting or digging and disturbance to ground containing such, damage to infrastructure (eg supply pipes, abstraction intakes, etc) and reduced recharge volumes through disruption or complete diversion of natural flow pathways in catchment feeds. The risk posed to a PWS principally depends upon the degree of hydrogeological/hydrological connectivity between the PWS source and any construction, or land use change required which alters the ground layout. If ground water catchment feeds are using ground fractures as preferential flow pathways, any infrastructure associated with the development, that alters or creates a pathway to the receptor has deeply serious potential for future PWS impact, which in this case would be water for human consumption at the abstraction points. This may not be realised until future dates, or even until after the development is completed. Recharge times for water to PWS vary depending on where and how the water travels. A high level screening risk assessment through desk top study, of the 39 PWS was undertaken in the EIA which identified 7 PWS which could potentially be affected. Further analysis indicates 3 of these as being potentially at risk of being impacted.

- 9.9.17 The PWS supply line for Lindsayston Farm will be crossed by the proposed access track, from Dailly to the U25 single track public road, to be constructed for delivery of abnormal loads, whereas the source catchment feeds to the PWS supplies for Delamford Farm and Dobbingstone Farm will be next to, in very close proximity to, or underneath proposed construction, turbine base areas, and access roads. The supply abstraction for Dobbingstone PWS is downgradient from, and in close proximity to infrastructure associated with the proposed development, and forestry which requires to be felled to enable the development. The gradient is steep characterised by steep sides and deep cleughs. GIS Maps which the Council's Environmental Health service requested from the applicant show clearly the proposed layout of all construction within the development. Measurements from the abstraction point for Dobbingstone show only 250m to the marked development boundary line, and 661m to the base of Turbine 2, and 683m to base of Turbine 3, for example. Environmental Health requested that maps should be provided, layered to show the proposed development in relation to the PWS catchments abstractions, and show the distances as well. This information had been previously requested, but was not provided. The source of the water supply for a further property (Doughty Cottage) was not identified but is considered to be likely within a catchment shared by the development and therefore at risk. The EIA proposes to mitigate the risk to PWS through the undertaking of site-specific risk assessment and preparation of site-specific mitigation plans for each PWS likely to be impacted. Principally this will involve demarcation of buffer zones within which there will be no micro-siting, no construction, no stockpiling and no vehicle refuelling and no movements or works in peripheral upgradient areas. The EIA Report does not state what size of buffer zone will be required. It should be noted that buffer zones are guidance only, and that buffer zones may have to be increased, if larger buffer zones are deemed necessary. Buffer zones outlines appear satisfactory on drawings or plans, but in reality, they may not be adequate or suitable to prevent serious, adverse impact on PWS catchments, the quantity or quality of water, which may be permanent. Environmental Health requested a written EAP, (Emergency Action Plan) as a further safeguard in relation to any construction and associated works but this was not provided.
- 9.9.18 Both SEPA and Environmental Health have provided advice in relation to the protection of private water supplies (PWS). SEPA initially objected to the proposal due to lack of information on the location of the PWS sources and site-specific risk assessments for Dalwayne, Corphin, Delamford and Dobbingstone. Following consideration of the Additional Information submitted on 5 November 2021, SEPA withdrew their objection. The Council's Environmental Health service maintain their objection and are the Regulators, within South Ayrshire Council, with regard to the Scottish Private Water Supply legislation, other legislation relating to water and private water supplies, suitable potable water within premises for Human Consumption and Tolerable Standards, and the European Directives (soon to be transposed into Scottish legislation through the Keeping Pace Rules) in relation to private water supplies.

- 9.9.19 Environmental Health requested a PWS site-specific hydrogeological/hydrological report which should contain a review of all private water supplies, the sources and the catchments which feed the sources abstractions, and the potential risks posed by the development. This information had been previously requested at the EIA Scoping stage, but was not provided. In response to SEPA and Environmental Health's comments Additional Information under the EIA Regulations was submitted on 5 November 2021. This Additional Information Report on PWS includes risk assessments for each individual supply identified in the original EIA and also for the property at Doughty Cottage. The Additional Information notes that the methodology employed for risk assessment was not based on the Private Water Supplies Technical Manual, which is part of the Scottish legislative guidance, as requested by Environmental Health, but instead the consultant deemed this impractical to use, as it would have had to take into account proximity of the supply to wildlife, historical and current land use and historical maintenance carried out on the supply. The consultant instead used methodologies based upon the consultant's own previous experience, stating they used the guidelines wherever possible. There is a raft of Scottish, UK and European legislation, relating to the protection of private water supplies, the reasoning of which serve to protect the catchment, the supply, the quality and quantity and the end users. In relation to Dobbingsstone and Doughty the risk assessment notes that these supplies are at least partially fed by groundwater as well as surface water (Combined Supply), and there is therefore a potential pathway between infrastructure and the abstraction points. The probability that a pathway exists in relation to the Dobbingsstone supply is described as likely, whereas in relation to Doughty the probability is described as low likelihood. Groundwater flow will probably be through fractures or other structural features and may be present in confined or unconfined conditions at various depths and different layers. In relation to Dobbingsstone, the applicant proposes intrusive site investigation work (the drilling of two bore holes or shafts) to inspect the underlying groundwater system, focussed on the proposed locations for Turbine 2 and Turbine 3, prior to commencement of construction. At best, this type of intrusive investigation would only show the type of the ground at various depths, at the point site drilled. Unknown features will not be quantified or concluded by the suggested drilling of two bore holes as the area is diffuse, and the catchment could be getting water from a multitude of pathways.
- 9.9.20 It is clearly stated, however, in the Additional Information report document 1.3 – Disclaimer; that "Owing to the inherent complexity of the subsurface, it is rarely possible to determine the mechanics of a system with absolute certainty".
- 9.9.21 Natural Power would not be the company carrying out these investigations. It is not stated what standards, guidance or legislation covers Intrusive Investigation, nor is it stated who would be responsible should problems occur.
- 9.9.22 The applicant also proposes that there is no micro-siting of T2 and T3 in the direction of the PWS and that detailed consideration is given to drainage plans and dewatering activities to minimise water losses from the catchment. It should be noted that the proposed turbines are 200m tip height, and require a large footprint in depth as well as width. 100m micro-siting could be too great a change, bringing added potential for harm. It has been noted that the areas around T2 in particular, and T3 have been identified as being High Peat Slide Risk. No additional specific mitigation is proposed for Doughty, however, a monitoring and management plan for is proposed for all affected supplies.

- 9.9.23 Environmental Health, having carefully considered the EIA Report and Additional Information, object to the proposed locations of Turbine 2, Turbine 3, the construction compound and substation, and the sections of internal access track between the site substation, the construction compound and Turbines 2 and 3. Both the turbines and the other infrastructure referred to are located within the Dobbingsstone Farm private water supply catchment and water feed area for Dobbingsstone PWS abstraction. The layout of the proposed access tracks implies that all the development and construction traffic will travel over the relevant section of access track as previously described, and the assumed private water supply catchment area for Dobbingsstone PWS, for the duration of the build resulting in potential for impact. This traffic would continue after the devolvement completion for maintenance and any deliveries, or forestry works. Turbines T2 and T3 are situated at substantially higher elevations in relation to the abstraction point for Dobbingsstone Farm, the gradient is steep and there are many small tributaries feeding the named burns below the proposed development. The supply is fed by a combination of surface water flow and groundwater flow. In relation to the latter, the underground route(s) by which water flows into the abstraction point are unknown. Owing to the inherent complexity of the subsurface, it is rarely possible to determine the dynamics of a system with absolute certainty. The applicant proposes to undertake investigatory borehole drilling to attempt to establish the underground route of water flowing to the supply. However, the Council's Environmental Health Officer has advised firstly that this type of investigation is unlikely to successfully identify the route(s) and secondly may inadvertently result in the diversion of water away from the abstraction point when water flow would cease, or result in contamination of the supply. Environmental Health therefore object on the basis that there is insufficient information available concerning the source(s) and route(s) of the Private Water Supply serving Dobbingsstone Farm, and that the PWS must be protected as there is no possibility of the property being connected to the public water main due to the distance that the property is located from the nearest public water main. Furthermore the application does not provide a robust measure of the risk of damage to the supply nor means of mitigation and emergency treatment.
- 9.9.24 Environmental Health advise that an Emergency Plan of Action, would need to be written and provided and agreed upon with Environmental Health as a further safeguard in relation to any construction works should the development be permitted. Environmental Health also advise that a Private Water Supply Monitoring Plan will be required prior to any construction given permission. This plan would require to be agreed in advance by Environmental Health as the Regulators for the private water supply legislation applicable in Scotland.
- 9.9.25 **The Council objects to this development proposal on the basis that there is insufficient information to demonstrate that the catchment and source for the private water supply serving Dobbingsstone Farm will not be damaged or destroyed by this development proposal, as a consequence of the proposed placement of Turbine 2, Turbine 3, the construction compound, the substation and sections of new and upgraded vehicular access track within the catchment for Dobbingsstone.** Members should note that whilst SEPA have withdrawn their objection to the proposal on PWS, South Ayrshire Council are the regulator for PWS, with statutory responsibilities under Private Water Supply legislation.

Ground Water Dependent Terrestrial Ecosystems (GWDTE)

- 9.9.26 THE EIA Report states that habitats indicative of Groundwater Dependent Terrestrial Ecosystems (GWDTE) were identified during NVC survey work.
- 9.9.27 SEPA have considered the Groundwater Dependent Terrestrial Ecosystem assessment carried out for the EIA and note that the surveys appear to be completed to a high standard. The potential GWDTE are either outside the site boundary or have been shown to be rainwater or surface water fed through detailed water chemistry sampling. SEPA therefore agree that the development will have minor/negligible impact on these habitats.

Flood Risk

9.9.28 The EIA Report states that the risk of fluvial flooding is limited to the watercourses forming the south eastern boundary of the site. Flood information available on the SEPA Flood Risk Management Map indicates that Auchengairn Burn and Dalquhairn Burn are at a medium to high likelihood of flooding. On the Auchengairn Burn the risk areas are confined to the river channel. The risk areas on the Dalquhairn Burn occupy the wider U-shaped valley near Dalquhairn and Dalwayne which lies outside the site. The SEPA Flood Risk Management Maps do not indicate any risk of fluvial flooding on watercourses within the site. Small pockets of land surrounding the Auchengairn Burn, Ferly Burn and within forestry areas across the northern half of the site are at risk of fluvial (surface-water) flooding. To mitigate any potential increased flood risk, the applicant proposes to use sustainable drainage systems on all access tracks and areas of hard standing which will mimic greenfield runoff. SEPA and ARA do not object to the application on flood risk.

Borrow Pits

9.9.29 The Scottish Government included within Scottish Planning Policy (paragraph 243) a new approach to the use of Borrow Pits for wind farm construction. Borrow pits can be extensive areas within the site of a windfarm and are commonly used for the extraction of sand and aggregates used in the associated developments such as crane pads, access routes etc. The policy advice is to limit their use and only to permit them on site if there are significant environmental or economic benefits compared to obtaining material from local quarries. Two borrow pit search areas are proposed. The EIA Report states that potential locations for the borrow pits were identified based upon search areas on lower lying, inward facing slopes to minimise visual prominence. The EIA Report concludes that should the proposed development be consented, further details of the borrow pits' depth, orientation and design will be submitted as a condition of planning consent. The winning of rock for use in the construction activities would result in a very significant reduction in HGV traffic using the small local roads in the vicinity of the site, with benefits for road user and pedestrian safety, air pollution and residential amenity. The principle of on-site borrow pits is therefore considered to be consistent with SPP. Environmental Health have not objected to this aspect of the development but propose that a condition is attached to control blasting to ensure that residential amenity is not adversely impacted upon. SEPA have not raised any objections to the borrow pit locations.

Conclusions On Assessment of Other Issues

9.9.30 **In relation to aviation, the developer has not demonstrated that their development does not impinge on the current operation of Glasgow Prestwick Airport as an agreed radar mitigation is not in place and available and maintained for the lifetime of the windfarm. In relation to private water supplies, insufficient information has been provided to demonstrate that the private water catchment for Dobbington Farm will not be damaged or destroyed by this development proposal. Consequently, it is considered that the proposed development is not in accordance with LDP Policy Wind Energy Criterion (f).**

9.10 Other Significant Policy Considerations:

National Climate Change Policy, Energy Policy and Planning Policy

9.10.1 The Scottish Government's policies, commitments and targets for sustainable energy are set out in ministerial statements, key policy documents and statute. The key ministerial statements and policies considered as part of the assessment of the current proposals are The Scottish Government's Declaration of a Climate Emergency (2019), the emissions reductions targets set out in the Climate Change (Emissions Reduction) (Scotland) Act 2019, The Scottish Energy Strategy (December 2017), Consultative Draft Onshore Wind Energy Statement Refresh 2021, and The Scottish Climate Change Plan 2018 to 2032 (2020 update).

National Planning Policy Framework 3 (June 2014)

9.10.2 The vision set out in NPF3 includes a growing low carbon economy. The greenhouse gas reduction targets set out in the Climate Change (Scotland) Act 2009 are integrated into national planning policy. The PPF3's policies address steps required within spatial planning to achieve the targets not only in energy generation, but in a range of sectors including land use management, waste management, urban infrastructure, sustainable water management, peatland restoration and transport. NPF3 refers to the spatial framework provided by SPP for wind-energy development as guiding new wind energy development to appropriate locations, taking account of important features such as Wild Land. It encourages diversification in the energy sector and indicates the Government's expectation that the pace of onshore wind will be overtaken by a growing focus on marine-energy opportunities. Members should note that NPF3 is currently being reviewed and a "Position Statement on NPF4" was published in November 2020. The Position Statement provides an indication of the direction of travel. It is important to note that the Position Statement is not a policy document and is not a material consideration in the assessment of the current proposal.

Scottish Planning Policy (June 2014)

9.10.3 Includes among the four outcomes it seeks that Scotland should be a successful, sustainable place, and a resilient place. It incorporates statutory targets for reduction of carbon emissions. In this context it sets out the renewable energy targets and the principles for spatial frameworks and it also makes it clear that the individual merits of a wind-energy proposal require to be carefully considered against the list of considerations set out in paragraph 169. This is in line with the principle that sustainable growth should ensure the right development in the right place.

Conclusion on National Policy

9.10.4 NPF3 and SPP are the primary statements on national planning policy for onshore wind. Whilst these documents predate more recent policies/strategy documents, advice and targets relating to climate change, there is no indication from the Scottish Government that the national policy move from low carbon to net-zero carbon has changed the decision-making criteria or parameters for onshore wind in individual cases. The move to a net zero target has the effect of altering the requirements imposed on the Scottish Ministers in relation to electricity generation and also to the concomitant decarbonisation of heat and transport. There has been and continues to be strong support for onshore wind but only if it is the right development in the right place. There is nothing express in the Climate Emergency Declaration, the national strategies for climate change and renewable energy that would indicate a departure from policy as set out in NPF3 or SPP. Whilst the National Planning Framework is currently being reviewed the Position Statement issued on 24 November 2020 makes it clear that NPF3 and SPP remain in place until NPF4 is adopted by Ministers. As with the assessment against the provisions of the LDP, it considered that the proposed development is therefore not fully in accordance with Scottish Planning Policy.

Control of Woodland Removal Policy (Scottish Forestry revised 2019)

9.10.5 Sets out Scottish Ministers' policy on woodland removal in Scotland. The guiding principles behind the policy include a strong presumption in favour of protecting Scotland's woodland resources and only allowing woodland removal where it can achieve significant and clearly defined additional public benefits. In appropriate cases a proposal for compensatory planting may form part of this balance. The consultation response from Scottish Forestry notes that keyholing is the only acceptable approach to the development of wind farms within forests and that the construction corridor and all associated infrastructure requirements are subject to compensatory planting. The request to fell parts of the surrounding forest to mitigate windblow will require to be the subject of a Felling Permission Application or a Long-Term Forest Plan Amendment and that there will be a requirement for a like for like replacement of productive capacity. No details have been submitted of compensatory planting. However, this matter could be dealt with by way of a planning condition requiring details of compensatory planting to be agreed.

10. Benefits of the Proposed Scheme

- 10.1 The EIA Report states that the proposed development would deliver the following key benefits:
- Make a significant contribution to the attainment of the UK and Scottish Government policies of encouraging renewable energy development; and in turn contribution to the achievement of UK and Scottish Government targets for renewable electricity generation.
 - The proposed development will provide an annual economic contribution to the local area for the life of the windfarm through a community benefit fund.
 - The total value of contracts that could be secured in South Ayrshire has been estimated at £22.8 million and in Scotland, as a whole, businesses could secure contracts worth £476.2 million

- In Gross Value Added terms the construction phase has the potential to inject £8.9 million into the South Ayrshire economy and £18.4 million to the Scottish economy.
- Contribution to business rates to the South Ayrshire economy
- The operation and maintenance of the wind farm could support an additional 16 jobs in Scotland, seven of which could be in South Ayrshire. In Gross Value Added terms the operational phase has the potential to inject £711,000 per annum into the South Ayrshire economy and £1.6 million to the Scottish Economy as a whole.
- Local businesses have the opportunity to benefit from the contracting requirement, ranging from civil engineering and ground work contractors, haulage businesses through to suppliers of water as well as local service based companies such as hotels, restaurants and local shops.
- The proposed development would provide up to 92.4 MW of installed capacity (depending upon the turbine choice) generating approximately 215 GWh of renewable energy (based on a UK average onshore capacity factor of 26.6%). This could power over 59,509 homes on average each year. This could save up to 96,027 tonnes of CO2 each year.
- The proposed development will utilise modern turbines that are more efficient than older models and the capacity factor could be as high as 35%. This would result in a predicted output that could generate electricity to supply the equivalent of 78,302 homes.

11. Conclusion

- 11.1 In conclusion, having considered the applicant's Environmental Impact Assessment Report and supporting documentation and notwithstanding the identified benefits of the scheme, together with the responses received and having balanced the developers' interest against the wider community interest it is noted that an objection has been submitted to the Scottish Government.

12. Recommendation

- 12.1 It is recommended that the Regulatory Panel notes that this report has been submitted as an objection to the Scottish Government, for the reasons (a), (b), (c), (d), (e) and (f) listed below.
- 12.2 That the Regulatory Panel note that in the event that a planning authority objects to a Section 36 application, and does not withdraw its objection, a public inquiry must be held, before the Scottish Ministers decide whether to grant consent (Refer Paragraph 2, Schedule 8 of the Electricity Act, 1989).

Reasons for objection:

(a) Landscape and Visual

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a), b) and c)', 'Sustainable Development' and 'Landscape Quality' and South Ayrshire Council Supplementary Guidance on Wind Energy and SALWCS on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines on their own and in combination with the other operational, consented and proposed wind farms in the surrounding area. It is considered that the significant adverse landscape and visual effects of this wind farm could be mitigated by reducing the size and or number of turbines. However, given the vertical height of the proposed turbines, the location is inappropriate given the sensitivity of nearby landscapes. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

(b) Landscape and Visual – Aviation lighting

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a) and b) and LDP Policy Air, Noise and Light Pollution and the Supplementary Guidance: Dark Sky Lighting by reason that the applicant has not demonstrated that aviation lighting would not introduce intrusive and prominent lights into an area important for its dark skies, thus adversely impacting upon views from the Merrick Wild Land Area and transition area of the Dark Sky Park. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

(c) **Landscape and Visual – Tourism and Recreation resource**

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion a), b) and c)', 'Sustainable Development' and 'Landscape Quality' and South Ayrshire Council Supplementary Guidance on Wind Energy and SALWCS on the basis of significant adverse landscape and visual effects due to the scale and positioning of the proposed turbines and the associated impacts of these effects on the tourism and recreational resource of the locality including the; Merrick Wild Land Area, Galloway Forest Park, The Dark Sky Park, stretches of the National Cycle Route 7, including at the Nic O The Balloch, stretches of the Ayrshire Alps Cycle Park and important viewpoints including Colonel Hunter Blair Monument, Cornish Hill and Shalloch on Minnoch Hill. It is considered that the significant adverse landscape and visual effects of this wind farm could be mitigated by reducing the size or number of turbines. However, given the vertical height of the proposed turbines the location of this proposal is inappropriate given the sensitivity of nearby landscapes. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

(d) **Glasgow Prestwick Airport**

That the proposed development is contrary to South Ayrshire Local Development Plan policies 'Wind Energy – Criterion f)', 'Sustainable Development' and South Ayrshire Council Supplementary Guidance on Wind Energy on the basis that the developer has not demonstrated that their development does not impinge on the current operation of Glasgow Prestwick Airport as an agreed radar mitigation is not in place and available and maintained for the lifetime of the windfarm. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

(e) **Private Water Supplies**

That the proposed development is contrary to South Ayrshire Local Development Plan policies; 'Wind Energy', 'Sustainable Development' and 'Water Environment' and South Ayrshire Council Supplementary Guidance on Wind Energy on the basis that there is insufficient information to demonstrate that the private water supply for Dobbington Farm and the catchment which feeds the source will not be damaged or destroyed by this development proposal. There is no reason to depart from South Ayrshire Local Development Plan policy or Supplementary Guidance on Wind Energy.

(f) **Safety and Convenience of Road Users**

The proposal would result in an unacceptable increase in HGV traffic using the U25 unclassified road which is of inadequate construction standard, width and which has inadequate provision of inter-visible passing places to adequately cope with the volume of traffic that will be generated during the construction phase. The proposed development will therefore pose a danger to the safety of road users and potentially result in severance of access to the residential and farm properties served by the U25 road over a prolonged period.

Comment to Scottish Government

Conditions

Should the Scottish Government be minded to grant this application, South Ayrshire Council requests that it be consulted on proposed conditions prior to the grant of permission, In addition to the mitigation measures identified within the EIA Report that require to be conditioned the following additional matters have been identified: In relation to forestry, any conditions should include a requirement to attain the highest standard of forest felling and restocking design which will enhance landscape character and views in accordance with the 2014 Ayrshire & Arran Forestry and Woodland Strategy and the UK Forestry Standard. In relation to micro-siting, there should be a condition ensuring that there is no increase in the extent of visibility of the proposal seen from the B741 looking towards Kilkerran House and Inventory Listed Garden and Designed Landscape (EIA-R Viewpoint 4). Conditions are also required in relation to control of blasting at the borrow pit locations

Comments

In relation to the proposed access onto the B741 at Dailly for use by abnormal loads further consideration is required in relation to the effect on the amenity of the adjacent residential properties.

Further consideration is required in relation to the use of the U25 road for delivery of construction materials to the site using HGV and the traffic and transportation implications on the alternative routes if the U25 is excluded.

Background Papers:

1. Application form, plans and supporting documentation including Environmental Impact Assessment Report and Addendum.
2. Consultation responses to the ECU
3. Representations to the ECU
4. Scottish Planning Policy (SPP)
5. Historic Environment Scotland Policy Statement
6. Managing Change in the Historic Environment – Setting
7. Planning Advice Note 2/2011 “ Planning & Archaeology”
8. Adopted South Ayrshire Council Local Development Plan
9. Proposed South Ayrshire Local Development Plan 2
10. South Ayrshire Council Supplementary Guidance: Wind Energy (adopted 2015)
11. South Ayrshire Landscape Wind Capacity Study 2018
12. South Ayrshire Local Landscape Designations review (2018)
13. South Ayrshire Supplementary Guidance: Dark Sky Lighting (adopted 2016)
14. SNH Guidance- Siting and Design of Windfarms 2017, V3a
15. Residential Visual Amenity Assessment Technical Guidance Note 2/19 (Landscape Institute)

Person to Contact:

Alan Edgar, Supervisory Planner – Place Planning - 01292 616 683

Appendix 1 – Location Plan

