EAST AYRSHIRE COUNCIL

COUNCIL MEETING - 4 NOVEMBER 2010

RECOMMENDATION OF SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE HELD ON 15 OCTOBER 2010 RELATING TO PLANNING APPLICATION NO 09/0130/FL: PROPOSED INSTALLATION OF 33 KV UNDERGROUND CONNECTION FROM PROPOSED 132 KV SUBSTATION AT BLACK HILL TO PROPOSED WINDFARM SUBSTATION (PENCLOE), SOUTH OF NEW CUMNOCK (PART D4) PART OF THE SOUTHWEST SCOTLAND RENEWABLES PROJECT BY SCOTTISH POWER (SCOTTISH POWER TRANSMISSION LTD)

Report by the Executive Director of Finance and Corporate Support

1. PURPOSE OF REPORT

1.1 The purpose of this report is to inform Council of the recommendation of the Special Southern Local Planning Committee held on 15 October 2010 regarding the above planning application 09/0130/FL and for Council to determine the application for planning permission in terms of the Scheme of Delegation on the grounds that the application under consideration represents part of a national development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

1.2 It should be noted that in presenting planning application 09/0130/FL to the Special Southern Local Planning Committee meeting, the Committee also considered five notifications made under the Electricity Act, 1989 as follows: 09/0131/EB; 09/0132/EB; 09/0133/EB; 09/0134/EB; and 09/0135/EB, as those proposals also related to this national development and raised significant issues. These notifications were therefore referred to the Special Southern Local Planning Committee meeting on 15 October 2010 to allow the Committee to take a view on the proposals which will subsequently be put before Scottish Ministers as the decision making body on Section 37 applications. As a consequence, those notifications do not require to be considered by Council.

2. BACKGROUND

2.1 East Ayrshire Council at its meeting held on 25 June 2009, agreed amendments to the Scheme of Delegation and Administration to meet the requirements associated with the Government's proposals to modernise the planning system in Scotland.

2.2 Key changes, effective from 3 August 2009, included:-

- Local Planning Committees would determine all applications for major developments with the exception of (i) national developments as defined in the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009; and (ii) major developments that are

considered significantly contrary to the Local Development Plan. However, where required to do so, Local Planning Committees will hold Hearings on these applications and make recommendations to the Council, but only the Council can make the decisions.

3. APPLICATION NO 09/0130/FL: PROPOSED INSTALLATION OF 33 KV UNDERGROUND CONNECTION FROM PROPOSED 132 KV SUBSTATION AT BLACKHILL TO PROPOSED WINDFARM SUBSTATION (PENCLOE), SOUTH OF NEW CUMNOCK (PART D4) PART OF THE SOUTH WEST SCOTLAND RENEWABLES PROJECT BY SCOTTISH POWER (SP TRANSMISSION LTD)

3.1 Planning application No 09/0130/FL is for planning permission for the proposed installation of a 33 KV underground connection from a proposed new 132 kV substation at Blackhill to a proposed new windfarm substation (Pencloe), south of New Cumnock (Part D4). It is deemed that under the Scheme of Delegation, the proposed development represents part of a national designated development in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009 and as such it is for the Council to determine.

3.2 <u>Pre-Determination Hearing</u>

3.2.1 A special meeting of the Southern Local Planning Committee was arranged to hold a Pre-Determination Hearing on 15 October 2010 to consider the report dated 27 September 2010 by the Head of Planning and Economic Development (the report is attached as Appendix I). However, the meeting was advised that no Pre-Determination Hearing would take place since the applicant's representative, although present, did not wish to address the Committee, and neither the consultees or objectors were present or represented.

3.2.2 The Committee were then further advised it would be for them to proceed to determine the matters before them on this basis, having heard from the Principal Planning Officer in explanation of the report submitted by the Head of Planning and Economic Development.

3.2.3 Members of the Southern Local Planning Committee were advised:

(i) that the Council had been copied into one letter of objection sent to the Scottish Government, Energy Directorate (Renewable Energy Division) which related solely to formal notification 09/0133/EB relating to the proposed placing of a 132 KV double circuit transmission line carried by lattice steel towers between the proposed Black Hill substation and the proposed Glenglass Substation south of New Cumnock within East Ayrshire and Dumfries and Galloway; and

(ii) of the recommendation of the Head of Planning and Economic Development as follows:- (i) that the Local Planning Committee approves the recommendation of the Head of Planning and Economic

Development that planning application 09/0130/FL should be approved subject to the conditions indicated in the attached report at Appendix I; (ii) that the recommendation of the Local Planning Committee should be notified to the Council for consideration in their determination of planning application 09/0130/FL.

3.3 Recommendation by Special Southern Local Planning Committee

3.3.1 Having been advised that no Pre-Determination Hearing would take place since the applicant's representative, although present, did not wish to address the Committee, and neither the consultees or objectors were present or represented, and all that would be required would be for the Committee to proceed to determine the matters before them, having heard from the Principal Planning Officer in explanation of the report submitted by the Head of Planning and Economic Development (attached as Appendix I), the Local Planning Committee were concerned about the large number of heavy vehicles movements which would be experienced by certain local communities during the construction phase and the classification of some of the routes which would be utilised and agreed:

(i) to endorse the view of the Head of Planning and Economic Development with regard to planning application 09/0130/FL by referring the application to Council for determination with a recommendation for approval, subject (a) to the conditions, and for the reasons, detailed in the report; and (b) to approval by Council that a written application to discharge proposed planning condition 23 requiring the preparation and approval of a Traffic Management Plan/Transportation Protocol prior to the commencement of construction works and allied activities be remitted direct to that committee for determination given the large number of heavy vehicle movements which would be experienced by certain local communities during the construction phase and the classification of some of the routes which would be utilised; and

(ii) that this recommendation of the Local Planning Committee be notified to the Council for its consideration in the determination of the application.

4. FINANCIAL/POLICY/COMMUNITY PLANNING IMPLICATIONS - Nil.

5. LEGAL IMPLICATIONS

5.1 Prior to the Council determining the application, a Pre-Determination Hearing in respect of planning application 09/0130/FL required to be heard by a Committee of the Authority, in this case the special meeting of the Southern Local Planning Committee. However, on this occasion no Pre-Determination Hearing took place since the applicant's representative, although present, did not wish to address the Committee and neither the consultees or objectors were present or represented.

5.2 As a consequence, planning application 09/0130/FL now requires to be determined by Council in terms of Section 56 of the Local Government (Scotland) Act 1973, as amended, and in terms of the Council's Scheme of Delegation, given that it represents part of a national development.

6. RECOMMENDATIONS

6.1 It is recommended:-

(i) that Council determines planning application 09/0130/FL, giving consideration not only to the terms of the report by the Head of Planning and Economic Development referred to in Appendix 1; but also the recommendation by the Special Southern Local Planning Committee as detailed in paragraph 3.3.1 above; and

(ii) to otherwise note the contents of the report.

Alex McPhee
Executive Director of Finance and Corporate Support

18 October 2010

JM/FM

LIST OF BACKGROUND PAPERS - NIL

Any person wishing further information on this report should contact Jennifer Morrison, Administrative Officer, on Tel No (01563) 576139.

Implementation Officer: Jennifer Morrison, Administrative Officer.

EAST AYRSHIRE COUNCIL

SPECIAL SOUTHERN LOCAL PLANNING COMMITTEE: 15 OCTOBER 2010

09/0130/FL: PROPOSED INSTALLATION OF 33KV UNDERGROUND CONNECTION FROM PROPOSED 132 KV SUBSTATION AT BLACK HILL TO PROPOSED WINDFARM SUBSTATION (PENCLOE), SOUTH OF NEW CUMNOCK (PART D4)

09/0131/EB: PROPOSED PLACING OF A 400KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE EXISTING COYLTON SUBSTATION AND THE PROPOSED MEIKLEHILL SUBSTATION ON B741 NEW CUMNOCK TO DALMELLINGTON ROAD WITHIN IN EAST AYRSHIRE (PART A)

09/0132/EB: PROPOSED PLACING OF A 132KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED BLACK HILL SUBSTATION SOUTH OF NEW CUMNOCK WITHIN EAST AYRSHIRE AND DUMFRIES AND GALLOWAY (PART B)

09/0133/EB: PROPOSED PLACING OF A 132KV DOUBLE CIRCUIT TRANSMISSION LINE CARRIED BY LATTICE STEEL TOWERS BETWEEN THE PROPOSED BLACK HILL SUBSTATION AND THE PROPOSED GLENGLASS SUBSTATION SOUTH OF NEW CUMNOCK WITHIN EAST AYRSHIRE AND DUMFRIES AND GALLOWAY (PART C)

09/0134/EB: PROPOSED PLACING OF A 132KV SINGLE CIRCUIT TRANSMISSION LINE CARRIED BY WOODEN POLES BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED KYLE NORTH WIND FARM SUBSTATION IN THE KYLE FOREST WITHIN EAST AYRSHIRE (PART D1)

09/0135/EB: PROPOSED PLACING OF A 132KV SINGLE CIRCUIT TRANSMISSION LINE CARRIED BY WOODEN POLES BETWEEN THE PROPOSED MEIKLEHILL SUBSTATION AND THE PROPOSED DERSALLOCH WIND FARM SUBSTATION TO THE NORTH OD DALMELLINGTON WITHIN EAST AYRSHIRE AND SOUTH AYRSHIRE (PART D2)

"THE SOUTH WEST SCOTLAND RENEWABLES PROJECT"

DEVELOPMENT BY SCOTTISH POWER (SP TRANSMISSION LTD)

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for consideration five notifications made under Section 37 of Electricity Act 1989 and one application for planning permission which are to be considered firstly by the Local Planning Committee. Under the scheme of delegation the planning application represents part of a National Development in terms of

the Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009 and therefore determination of the application rests with the Council. The Local Planning Committee is required to consider all representations made on the application for planning permission as part of a pre-determination hearing procedure, if required, prior to making a formal recommendation on the application to a subsequent meeting of the Council. In relation to the five notifications, as the proposals also relate to this National Development and raise significant issues, these are referred to the Local Planning Committee to allow a view to be taken on the proposals that will subsequently be put before the Scottish Ministers as the decision making body on Section 37 Applications.

2. BACKGROUND INFORMATION

2.1 The project under consideration is a national development identified in the National Planning Framework for Scotland 2 document (NPF2), published by the Scottish Government in July 2009. NPF2 articulates the spatial consequences of policies for economic development, climate change, transport, energy, housing and regeneration, waste management, water and drainage, catchment management and the protection of the environment. It identifies key strategic infrastructure projects as national developments and reflects the ambitious emissions targets which will see Scotland move to a low carbon economy. Planning authorities are required to take this framework into account when preparing development plans and it is a material consideration in determining planning applications.

2.2 Under the category of Electricity Grid Reinforcements, a new 275 kV South-West Scotland transmission line and associated infrastructure has been designated as a national development. The proposed development under consideration, which the developer has termed the South-West Scotland Renewables Project (SWS Project) seeks to fulfil this strategic infrastructure requirement and is presented as seven separate components to the overall project. Five of these components are promoted under Section 37 of the Electricity Act 1989, and all five are either wholly within or partly within East Ayrshire. Two of the key components are the subject of formal applications for planning permission under the Town and Country Planning (Scotland) Act 1997, primarily as these relate to proposals for underground electricity transmission lines. One of these applications relates to land wholly within East Ayrshire, the second application site being located entirely within Dumfries and Galloway and is a matter for that authority to determine.

2.3 The Scottish Ministers are responsible, under Section 37 of the Electricity Act 1989, for the authorisation of any new overhead electric line with a nominal voltage exceeding 20 kilovolts (kV). In this case the developer has served notice on the Council that consent will be sought for those five components requiring the consent of the Scottish Ministers. In procedural terms the Council, as Planning Authority, requires to respond to the formal notices and can either:

(i) approve the development as described; or
(ii) approve the development subject to modifications and/or the imposition of appropriate conditions which are acceptable to the applicant; or
(iii) formally object to the application, stating the grounds on which objection is made.

2.4 Should the Scottish Ministers be disposed to grant Section 37 consents for the SWS Renewables Project, the applicant has also applied for a direction under Section 57(2) of the Town and Country Planning (Scotland) Act 1997 that planning permission for the Section 37 developments and their associated works be deemed to be granted. Separate applications for planning permission would not therefore be required for the proposed development. In the event that the Council objects to the Section 37 proposals in whole or in part, the Scottish Ministers would cause a Public Local Inquiry to be held.

2.5 The SWS Project comprises a number of new overhead transmission lines and underground cables, together associated new substation works. This is required to connect 7 proposed wind farms to the electricity grid network. The proposed wind farms are:

(i) **Kyle** (East Ayrshire, part Dumfries and Galloway): It should be noted that although the Section 36 Application under the Electricity Acts for the Kyle wind farm development has been refused by Scottish Ministers (October 2008), it is the view of that developer that there remains the potential for a wind farm in the Kyle Forest area, although it is appreciated that any development, depending on its size, would require the approval of either the Scottish Ministers or East Ayrshire Council following the submission of a new application. The applicant, in the absence of any instruction from that developer to terminate the connection agreement, has retained the Kyle connection as part of the SWS Project.

(ii) **Afton** (East Ayrshire): This is a Section 36 Application under the Electricity Acts to the Scottish Ministers. No decision has yet been issued by the Scottish Ministers on this application primarily due to outstanding aviation issues, although it is understood that progress is being made in this regard. East Ayrshire Council, as a consultee on this application, agreed not to object to the Afton development subject to suggested planning conditions and legal obligations.

(iii) **Pencloe** (East Ayrshire): This proposed wind farm development has only reached the EIA Scoping Stage. Depending on the scale and generating capacity of the proposed development, this will either be a Section 36 Application under the Electricity Acts to the Scottish Ministers or a planning application to East Ayrshire Council.

(iv) **Dersalloch** (South Ayrshire): This is a Section 36 Application under the Electricity Acts to the Scottish Ministers. No decision has yet been issued by the Scottish Ministers on this application primarily due to outstanding aviation issues, although it is understood that progress is being made in this regard. South Ayrshire Council, as a consultee on this application, has agreed not to object to the Dersalloch development subject to suggested planning conditions and legal obligations.

(v) **Brockloch Rig** (Dumfries and Galloway): This is the proposed extension to Windy Standard wind farm and was a Section 36 Application under the Electricity Acts to the Scottish Ministers and was approved in March 2007.

(vi) **Whiteside Hill** (Dumfries and Galloway): This development was the subject of a planning application and was approved by Dumfries and Galloway Council in 2007.

(vii) **Ulzieside** (Dumfries and Galloway): This development is the subject of a formal planning application to Dumfries and Galloway Council, yet to be determined.

2.6 The applicant has advised that each wind farm developer has a contract for connection and use of the electricity transmission system and must therefore progress on the current contracted positions. On that basis the applicant has assumed, for the purposes of the SWS Project, that all these wind farms will proceed and therefore require the associated connections to the electricity network.

3. DEVELOPMENT DETAILS

3.1 As indicated above, there are six component parts of the project which are located entirely or partly within East Ayrshire and can be described as follows:

Part A: Coylton Substation Extension and 400 kV Overhead line and Meikle Hill Substation) – Section 37 Application.

3.2 This part of the project comprises an extension to the existing electrical Coylton substation located off the south side of the A70 Cumnock – Ayr road, approximately 1.5 km east of Coalhall. The existing substation, covering approximately 2 hectare, will be extended by 0.5 hectare to accommodate the operational equipment required to facilitate the connection of a new 400kv overhead line. An existing steel terminal tower of the Scotland – Northern Ireland interconnector will require to be moved approximately 50 metres to accommodate the installation of the new overhead line.

3.3 The new overhead line, although designed and built to accommodate a future operating voltage of 400kv, it will operate initially at a voltage of 275 kV. The overhead line will be supported on 46 steel lattice towers and whilst these towers have a standard height of 46 metres, a number of towers have been extended or reduced in height as required, mainly due to meet statutory ground clearance requirements or to address topographical factors. The highest tower on this route will be 57 metres in height and will be the second tower out from the Coylton substation, again this height being necessary due to statutory ground safety clearances.

3.4 The new overhead line will carry two twin 3-phase circuits, one each side of the tower giving rise to the requirement for the tower to support six twin conductors and an earth wire designed to provide lightening protection. The basic design span between towers is approximately 360 metres but this will vary between 213 metres to 386 metres to accommodate environmental constraints, topographical variations and ground clearance requirements.

3.5 The new overhead line will leave the Coylton substation and travel in a generally southerly direction for a distance of approximately 14.3 km where it will connect to a new substation at Meikle Hill. This will be located within the Kyle Forest off the south side of the B741 New Cumnock – Dalmellington road some 3 km north-east of Dalmellington. The substation will have a footprint of approximately 200 metres by 200 metres, and will contain a custom built single storey control building approximately 9 metres in height. The compound will be surrounded by a 2.7 metres high standard steel palisade security fencing with permanent screening landscaping works provided outside the fence.

3.6 This proposed new 400kV substation at Meikle Hill will act as a node point to collect electricity from proposed wind farms and then transform it into a suitable voltage to transmit along the new overhead line and into the existing electricity network at Coylton.

Part B: Black Hill Substation and 132 kV Overhead Line to Meikle Hill Substation – Section 37 Application.

3.7 A new 132 kV substation is proposed near Black Hill within the Carsphairn Forest, within East Ayrshire, approximately 8.6 km south of New Cumnock. This substation will collect the electricity to be generated from the proposed Pencloe and Afton wind farms and from the proposed Glenglass collector substation (within Dumfries and Galloway), and to transmit this electricity along a new 132 kV line to the new 400kv Meikle Hill substation.

3.8 The Black Hill substation compound will have an approximate footprint of 155 metres by 30 metres and will contain a custom built steel clad two storey gas insulated substation control building approximately 11 metres in height. The compound will contain three grid transformers and three small earthing transformers. This substation will also be surrounded by a 2.7 metres high standard palisade fence.

3.9 The new 132 kV overhead line linking the Black Hill and Meikle Hill substations will be supported on 65 steel lattice towers and whilst these towers have a standard height of 27 metres, a number of towers have been extended or reduced in height as required, mainly due to meet statutory ground clearance requirements or to address topographical factors. Consequently the towers will range from 23 metres to 33 metres in height. The basic design span between towers is approximately 250 metres but this will vary between 146 metres to 304 metres to accommodate environmental constraints, topographical variations and ground clearance requirements.

3.10 The new overhead line will carry two twin 3-phase circuits, one each side of the tower giving rise to the requirement for the tower to support six twin conductors and an earth wire designed to provide lightening protection. The overhead line will travel in a general westerly direction for approximately 14.8 km to the proposed Meikle Hill substation. This route lies in close proximity to the administrative boundary between East Ayrshire and Dumfries and Galloway and traverses this boundary at various points along the proposed route. As a result of this some 55% of the line lies in East Ayrshire and 45% lies in Dumfries and Galloway. It should be noted that Dumfries and Galloway Council has already agreed not to object to the proposal subject to conditions.

Part C: Glenglass Substation and 132 kV Overhead Line to Black Hill Substation – Section 37 Application.

3.11 A new 132 kV substation is proposed near Glenglass in Dumfries and Galloway which is designed to collect the electricity generated by the Whiteside Hill and Ulzieside wind farms, both located in Dumfries and Galloway. This part of the proposal is clearly a matter for Dumfries and Galloway Council to consider. However, a new 132 kV overhead line will require to be installed to connect the Glenglass substation with the proposed Black Hill substation located in East Ayrshire.

3.12 The new 132 kV overhead line linking the Black Hill and Glenglass substations will be supported on 70 steel lattice towers and whilst these towers have a standard height of 27 metres, a number of towers have been extended or reduced in height as required, mainly due to meet statutory ground clearance requirements or to address topographical factors. Consequently the towers will range from 23 metres to 39 metres in height. The basic design span between towers is approximately 200 metres but this will vary between 135 metres to 229 metres to accommodate environmental constraints, topographical variations and ground clearance requirements.

3.13 The new overhead line will carry two twin 3-phase circuits, one each side of the tower giving rise to the requirement for the tower to support six twin conductors and an earth wire designed to provide lightening protection. The overhead line will travel in a general south westerly direction for approximately 13.6 km to the proposed Black Hill substation. This route crosses the administrative boundary between East Ayrshire and Dumfries and Galloway and as a result of this some 40% of the line lies in East Ayrshire and 60% lies in Dumfries and Galloway. A similar notification has therefore been served on that Council as part of the SWS Project. It should be noted that Dumfries and Galloway Council has already agreed not to object to the proposal subject to conditions.

3.14 Parts A, B and C of the SWS Project promote the installation of common or collector infrastructure works. The following components of the SWS Project collectively form Part D and relates to the individual connections to the proposed wind farm as described in paragraph 2.5 above.

Part D1: 132 kV Overhead Line from Kyle North Wind Farm to Meikle Hill Substation – Section 37 Application.

3.15 The overhead line will be supported on 72 newly designed “flat formation” wood poles, designed to reflect the site specific requirements associated with connections located at higher than normal altitudes. While the wood poles have a standard height of 10 metres (12.5 m pole with 2.5 m in the ground), these have been extended or reduced in height as required to meet statutory ground clearance requirements or to address topographical factors (ranging from 9.5 metres to 12.5 metres in height). Basic spacing between poles generally accommodates a span length of 80 metres. Spans will however range from 61 metres to 80 metres to accommodate environmental and technical constraints and variations in topography.

3.16 The line will carry one, three-phase circuit which means that the poles will carry three conductors and an earth wire designed for earth continuity and telecommunications purposes. The overhead line route travels from a substation in Kyle North wind farm travelling in a broadly south-eastwards direction for approximately 5.3 km to the proposed Meikle Hill Substation. The route falls entirely within East Ayrshire.

Part D2: 132 kV Overhead Line from Dersalloch Wind Farm to Meikle Hill Substation – Section 37 Application.

3.17 The overhead line will be supported on 138 newly designed “flat formation” wood poles, designed to reflect the site specific requirements associated with connections located at higher than normal altitudes. While the wood poles have a standard height of 10 metres (12.5 m pole with 2.5 m in the ground), these have been extended or reduced

in height as required to meet statutory ground clearance requirements or to address topographical factors (ranging from 9.5 metres to 12.5 metres in height). Basic spacing between poles generally accommodates a span length of 80 metres. Spans will however range from 60 metres to 80 metres to accommodate environmental and technical constraints and variations in topography.

3.18 The line will carry one, three-phase circuit which means that the poles will carry three conductors and an earth wire designed for earth continuity and telecommunications purposes. The overhead line route travels from a substation in the proposed Dersalloch wind farm travelling in a broadly eastwards direction for approximately 10.6 km to the proposed Meikle Hill Substation. The route falls mainly within East Ayrshire (97%) although the initial part of the line falls within South Ayrshire (3%). A similar notification has therefore been served on that Council as part of the SWS Project. At this time South Ayrshire Council has not formally responded to this notification.

Part D4: 33 kV Underground Cable from Pencloe Wind farm to Black Hill Substation – Planning Application

3.19 This part of the SWS Project is promoted as a formal application for planning permission under the Town and Country planning (Scotland) Act 1997 as amended. Underground cables are normally considered as being “permitted development”; however as there are likely to be significant effects arising from the proposal, formal planning permission is being sought.

3.20 It should be noted that the proposed under grounding of this wind farm connection was a specific requirement made by this wind farm developer as part of the connection contract. The applicant has advised that the main environmental advantage of an underground cable when compared to an overhead line is often the reduction in effects on landscape character and visual amenity. The main environmental disadvantages relate to greater impacts on habitats and natural heritage interests, unknown archaeology, drainage and land use for construction. The disadvantages often arise from the invasive nature of excavation trenches to lay the cable, the extent of the area disturbed, the equipment required and the volume of materials involved.

3.21 The relative cost for an underground circuit at higher transmission voltages would be typically 5 to 20 times that of a similarly rated overhead option. The applicant has stated that the costs associated with the design manufacture and construction of long lengths of underground cable for use at transmission voltages are not considered an efficient and economic development of the transmission system and would not allow the applicant to fulfill its statutory duties under the 1989 Act.

3.22 As this proposed underground line lies entirely within East Ayrshire, it is for this Council to determine this planning application. The 33 kV cable circuits will comprise three cables in tre-foil arrangement with a multi-celled duct laid alongside to allow for telecommunications control and monitoring cables. The cables will be sheathed, for insulation and protection, and will be surrounded in compacted, thermally selected sand and back-filled with suitably screened excavated materials. Concrete cable markers will be deployed every 25 to 50 metres along the route as a warning and indication that high voltage exists in the vicinity.

3.23 The underground cable is 1.4 km in length and will travel in a generally southwards direction, primarily within commercial forestry to the proposed Black Hill Substation.

3.24 The final component of the SWS Project, Part D3 (Dunhill Substation and 132 kV Underground Cable) falls entirely within Dumfries and Galloway and the associated planning application is a matter for that Council to determine. It should be noted that Dumfries and Galloway Council has not yet determined this application.

Ancillary Works and Operations

3.25 As a consequence of the development of the SWS Project, the felling of commercial forestry will be required to physically construct the overhead lines, underground cables and substations, and also to maintain the required clearances for safe construction and maintenance of the overhead lines. The following minimum clearance corridors are required for operational reasons:

(i) 80 metres for the overhead lines (Parts A, B, C, D1 and D2) i.e. 40 metres either side of the centre of the line);
(ii) 10 metres for the underground cabled connections (Parts D3 and D4) i.e. 5 metres either side of the centre line; and
(iii) 40 metres around all proposed substations.

3.26 As a consequence of this, approximately 273 hectares of forestry is required for the wayleave of the entire SWS Project. In addition, the felling of forestry for the overhead and cabled connection corridors will expose previously sheltered trees to the wind. This will render any unstable exposed forest edges facing the prevailing wind susceptible to 'wind throw effects', with these trees either falling or failing to reach full crop potential. The total area of forestry considered likely to be subject to wind throw is 576 hectares.

3.27 The felled timber will be transported from the areas of felling to a range of end users including sawmills, chipboard and pulp mills, and also wood fuel processing depots. The extraction routes in East Ayrshire will be primarily the B741 (New Cumnock – Dalmellington Road), the A713 (Dalmellington – Ayr Road) and the C90 Afton Road. The overall harvested yield is approximately 59,000 tonnes of timber. This will result in significant numbers of vehicle movements along the routes described during the felling operations and subsequent construction of the SWS project.

3.28 The construction of the overhead lines will follow a well established sequence of activities as follows:

(i) felling of trees (where required);
(ii) construction of temporary compounds;
(iii) preparation of accesses;
(iv) provision of bridges over watercourses;
(v) preparation of temporary working areas including excavation of tower / pole foundations;
(vi) delivery, assembly and erection of towers / poles;
(vii) tower / pole conductor 'stringing' and commissioning of the overhead line; and
(viii) removal of temporary infrastructure and re-instatement.

3.29 For undergrounding of cables, a 1 to 1.5 metre trench will be excavated, either 0.5 metre or 1 metre wide, depending on the capacity of the cable. The cables will then be laid on a bed of thermally selected sand and backfilled with previously excavated material.

3.30 Temporary construction compounds will require to be formed for the storage of materials and the siting of staff offices and other facilities including staff parking. For the construction of Parts A, B, and C of the SWS project, a primary substation construction compound and a primary overhead line construction compound will be required. The applicant estimates that the primary compounds will be approximately 10,000 m^2 (1 hectare) in size. On the basis of previous experience the applicant states that it is likely that the temporary compounds will be located in proximity to the existing road network, where water, sewage and electricity supplies can be accommodated readily. However, sites for the temporary compounds will be selected by the appointed contractor within the contractual agreement with the applicant and cannot be identified at this stage.

3.31 Each temporary construction compound will be fenced off during construction and will be lit during normal working hours. Each site will be fully restored once the corresponding phase of construction is complete and the connection commissioned.

3.32 To facilitate the construction of each connection concurrently, and reduce effects on the local transport network, access to the overhead line corridors and underground cable routes will be via a number of different access points. The access points will be confirmed by the contractor following appointment by the applicant, although in light of previous experience constructing similar connections, a series of access points has been identified. Based on the submitted indicative construction programme, each tower / pole / underground cable has been allocated one of these access points. All access tracks will have a width of 5 metres to allow access by the largest construction vehicles including a 100 tonnes crane.

3.33 Stone will be imported into the site where existing forest and farm tracks require to be upgraded and the type of temporary track required will depend on a variety of factors including the sensitivity of location, the type of land use and ground conditions. The stone required for the construction or upgrading of these access tracks is estimated to be approximately 235,000 m^3 of stone. For the purposes of the Environmental Impact Assessment process, it has been assumed that the stone will be sourced from off-site quarries and transported to the site and this is considered to be the ‘worst case scenario’ in relation to environmental effects, particularly in relation to traffic and transport. The applicant does however recognise that should borrow pits be considered to be required, likely environmental impacts will be assessed accordingly and details of these provided to accompany the required applications for consent which will be submitted for each borrow pit by the appointed contractor.

3.34 Steel work for each tower will be delivered to site and will be assembled using a derrick crane. Once a sufficient number of sequential sections of towers / poles have been erected, stringing of the conductors will take place. The applicant has indicated that helicopters may be used during construction for conductor stringing and before any such use, appropriate risk assessments will be undertaken with all affected landowners being contacted in advance and notified of flying dates and times. General notices will also be displayed in local newspapers.

3.35 Construction of the proposed new substations will involve the preparation of the site including installation of appropriate foundations, which will then be fenced off. Substation buildings containing electrical and control plant will then be constructed within the fenced compound. Equipment forming the electrical network within the compound will be brought into site by road, most arriving in component form to be assembled on the prepared foundations. Transformers for the new Meikle Hill and Dun Hill substations will be transported by sea to Ayr harbour and the transformers for the new Black Hill and Glenglass substations will arrive locally via the motorway network. All transformers will then be taken to site along agreed transportation routes.

3.36 On completion of the electrical plant installation, the substations will be connected to the overhead line / underground cable and a period of equipment testing undertaken prior to the equipment becoming operationally live. Following commissioning, re-instatement works will be undertaken and all temporary infrastructure removed from site. Landscaping works in the form of bunding and screen planting will be undertaken at each of the substation locations, including Coylton.

3.37 The applicant has indicated that at any one time during the construction period of the SWS Project between 120 and160 personnel will be employed on sites along the routes and substations. At the height of construction, when foundation works, tower / pole erection and stringing could all be occurring concurrently with substation construction, the number of personnel employed on site could rise to between 180 and 220.

3.38 In terms of construction hours of working, a 48 week working year and construction over a five day working week has been assumed for assessment purposes. However, it is likely that a seven day working week will be required during periods of the construction programme. Construction will take place during daytime periods only, between approximately 07:00 to 19:00 in summer (April to September) and 07:30 to 17:00 (or as daylight allows) in winter (October to March).

3.39 The construction period for the entire SWS Project is anticipated to be up to 34 months from start to commissioning and subsequent removal of remaining temporary access tracks. Each connection will be constructed on a rolling programme, construction works on each of the component parts of the project being undertaken concurrently.

3.40 With the proposed tree felling, the importation of stone into the site and the delivery of all construction materials and project components, total traffic generated by the SWS Project during the period of construction is estimated to be 191,880 movements (delivery and return) of which 88,360 will be HGV movements. It is further estimated that felling and construction traffic will average 282 vehicle movements per day over the 34 month construction period. The highest levels of traffic are anticipated to occur over a 9 month period (months 8 -16 inclusive with a maximum of 620 movements occurring per day during month 12. Movement of abnormal load vehicles with substation components will be scheduled to avoid busiest daytime period on the agreed transportation routes.

3.41 The component parts of the SWS Project as described above are the subject of a comprehensive and detailed Environmental Statement that has been prepared following an extensive consultation process including public exhibitions / meetings held in local communities (February to April 2007) and subsequent meetings held with Community

Councils throughout East Ayrshire (January to November 2008) and in other local authority areas.

4. CONSULTATIONS AND ISSUES RAISED

4.1 A wide range of consultations have been undertaken in respect of the proposed project including statutory and non-statutory consultees, with some of the responses being copied to this Council as part of responses to the Scottish Government Energy Directorate. A summary of the responses and observations received are set out below.

4.2 Glasgow Prestwick Airport (Infratil) states that SPT has certain statutory considerations when designing grid lines, unfortunately none of which refer to considerations of aviation safety. Similarly GPA has its licence obligations to satisfy the Civil Aviation Authority (CAA) that the aerodrome and its surrounding airspace is safe at all times for use by aircraft. GPA has reviewed the report prepared for SPT. While it has assisted in certain aspects (notably the treatment of the Type A surface), it is unfortunate that it was not prepared in consultation with GPA as it omits consideration of a number of key aspects required under its safety management system and misinterprets other relevant considerations.

The situation is as follows:

- Pylons 1-3 and 5-13 infringe GPA's Runway 31 Approach Surface;
- Pylons 1-8 infringe GPA's Outer Horizontal Surface;
- GPA does do not believe any of the pylons 1-13 enjoy shielding; and
- GPA agrees that none of the pylons infringe the Type A surface.

Therefore, as pylons 1-13 continue to infringe either GPA's Approach or Outer Horizontal Surface, its objection to their construction stands unless it can satisfy itself that these infringements will not affect the safety of aircraft operations. As part of a safety assessment, GPA has now established that:

- The pylons do not impact GPA's currently published instrument approach procedures;
- Having reviewed traffic patterns in the vicinity of the proposed pylons, the vast bulk of our traffic in this area is taking a radar service and therefore remains at heights in excess of 1600ft amsl;
- Only VFR traffic in this area is at altitudes of less than 1600ft amsl, and these pilots are responsible for their separation from the ground.

In light of GPA's safety and risk assessment, it has concluded that the Approach and Outer Horizontal Surface infringements posed by pylons 1-13 of Part A of the SWS grid upgrade would not adversely affect the safety of aircraft operations at GPA and can therefore be built as set out in the ES, provided that low intensity (200 candela) omni-directional steady red aviation obstacle lights are attached to the top of each of pylons 1-13 and four existing pylons (which themselves infringe the Approach Surface by between 5-22m). These lights should be illuminated for the periods set out in CAP168 Chapter 4 paragraph 12.13.2, namely from 30 minutes before sunset to 30 minutes after sunrise.

Therefore, in conclusion, Glasgow Prestwick Airport:

(i) removes its current objection to the construction of pylons 1-13 of Part A of the SWS grid upgrade as set out in SPT's section 37 Electricity Act application of February 2009 on condition that these 13 pylons and the four existing pylons, all of whose details are set out in the Annex, have low intensity (200 candela) omni directional steady red aviation obstacle lights attached to the top of each of pylons and that these are lit in accordance with CAP168 Chapter 4 paragraph 12.13.2.

(ii) withdraws its objection to the construction of pylon 14 of Part A of the SWS grid upgrade; and

(iii) will ensure that appropriate information is promulgated in the UK AIP in respect of these obstacles.

In reaching this position, GPA states that it has endeavoured to take a pragmatic approach, cognisant of its licence obligations, SPT's objectives and the Scottish Government's support for renewable energy deployment and this grid upgrade in particular, as reflected in NPF2. GPA trusts that the Scottish Government will see fit to impose the mitigation condition we have sought on any consent for the SWS grid upgrade as we have designed this mitigation to minimise the impact on the local environment as best we can while still protecting the safety of our aircraft operations.

It is considered that while GPA's representations relate solely to Part A of the SWS Project, and it will therefore be ultimately for the Scottish Ministers to consider the proposed mitigation condition, appropriate support should be afforded to the GPA position in the interests of aviation safety.

4.3 The Crown Estate states that its interests may be affected by the proposed connection route and the main concern is in relation to the mineral potential of the solid geology traversed by the route and where the overhead line might adversely affect or sterilise potentially economic deposits, in particular gold and silver deposits.

Noted.

4.4 Historic Scotland states that it has checked the ES for its statutory historic environment interests and notes that it identifies sites of regional and local importance and recommends advice from the Council's archaeological and conservation advisors be sought. HS states that the proposed development may have an impact on the setting of the scheduled ancient monument known as Auchencloigh Castle. HS confirms that the information provided in the ES amounts to a fair assessment of the likely impacts of the proposed development. HS is also content with and welcomes the level of information provided in the ES.

HS further states that it was provided with information on the project in an ongoing consultation with the developer during the design of the project. In light of this, and the ES, HS confirms that the impact of the development will be moderate, as described in the ES, and therefore does not object to the proposed development as it stands.

Noted.

4.5 NATS (NERL Safeguarding) states that it has no safeguarding objections to the proposal.

4.6 The Forestry Commission Scotland states that the loss of woodland cover is not insignificant (273 hectares as a direct result of the proposed works, with the potential that an additional 576 hectares is exposed to a significant risk of wind throw. The proposal therefore has the potential to result in a significant loss of woodland cover. This is at odds with the recently published Scottish Government policy in this regard. The policy identifies that in circumstances such as this, FCS would normally have expected compensatory planting to off-set such losses. FCS does recognise in this instance that the ES may pre-date the issue of this policy. Notwithstanding this, it would be the view of FCS that this approach should be considered with regard to this proposal.

> ***The ES indicates that a Forest Design Concept (FDC) will be prepared to address issues of integrating the wayleave corridors within forestry created by the SWS Project. This will influence the shape and scale of the corridors together with consideration of areas of replanting with trees and shrubs which will not result in any infringement of safety clearances. It is noted that FCS would be consulted on the FDC.***
>
> ***The applicant has indicated however, that it would be difficult to secure additional compensatory planting outwith the extent of the wayleave as this would on land outwith the control or ownership of the applicant and as such would require the consent of land owners.***

4.7 Transport Scotland (Trunk Road Network Management Division) indicates that the proposed development represents an intensification of the use of this site. However the percentage increase in traffic on the trunk road is such that the development is likely to have minimal impact on the trunk road network. On that basis TRNMD has no comments to make.

4.8 The Ministry of Defence (Air Defence and Air Traffic Systems) has no observations to make on the proposal.

4.9 RSPB Scotland does not believe the proposed development will have a significant impact on birds of conservation importance subject to the implementation of certain mitigation measures and therefore does not object to the application subject to mitigation measures being secured through appropriate condition of consent or legal agreement for the following issues:

(i) Production of a blanket bog restoration plan before operations commence, in agreement with SNH and landowners and implementation of the plan during the construction period.
(ii) Employment of a suitably qualified Ecological Clerk of Works by the developer for the duration of the felling and construction phases. The duties of the ECW should include overseeing of felling, construction and implementation of mitigation measures.
(iii) Surveys of breeding birds, with particular reference to Schedule 1 and Annex 1 species, if any works are planned during the bird breeding season.

(iv) Production and implementation of an Environmental Management Plan that will identify constraints required on timing of operations to avoid disturbing breeding birds, to be agreed with SNH, with advice from RSPB.
(v) Felling operations to be carried out outwith the bird breeding season between towers 7 to 21, 21 to 41, 60 to 65 to minimise impacts on black grouse, as proposed in the ES.
(vi) Design modifications to be included, as specified in 13.20 of the ES.
(vii) Survey of the distribution and abundance of black grouse throughout the year within 2km of the connection parts A, B, C, D1 and D2 during construction and in year 1 and year 2 of operation.
(viii) Survey of the distribution and abundance of merlin throughout the year within 2km of the connection part C.
(ix) Searches of the connection route, parts A, B, D1 and D2 with a trained dog to detect evidence of bird collisions, focussing on areas of particular concern for black grouse and whooper swan.
(x) Reporting of survey results to SNH and RSPB after year 2 and review the need for future monitoring, to be implemented as agreed with advice from RSPB.
(xi) Agreement of an appropriate programme of black grouse habitat improvement with SNH and RSPB as mitigation for the impacts of the connection before operations commence and funding of the managing and implementation of this work.

RSPB welcomes the production of Forest Design Concepts as part of the development and recognises that these will provide a good opportunity to deliver biodiversity benefits in addition to landscape benefits. In particular there will be opportunities to create habitat suitable for black grouse and foraging raptors in areas that are currently commercial conifer plantation. RSPB would therefore welcome the opportunity to input to this process to ensure habitat enhancement opportunities are maximised during this development.

In response to the proposed conditions by RSPB, the applicant has agreed points (i) to (vi) but has questioned the usefulness of the approach in relation to the remaining items and has requested RSPB to consider removing the proposed conditions. The main reason for this is that the studies carried out to inform the assessment in the ES indicated that the population of bird species as described above is of such low numbers that the usefulness of the additional surveys is questionable.

The applicant has suggested that instead of these surveys, resources be channelled to the contribution to the Black Grouse Recovery Project where a commitment has been given to SNH to discuss the potential to contribute to this project and it is considered that this approach should be endorsed.

4.10 Fisheries Research Services indicates that the ES is a complex and lengthy document which covers construction of tracks, substations, associated high voltage cabling, towers and poles. There is also significant comment and analysis of the great deal of forestry removal to accommodate the wayleave. With respect to fish and fisheries, the correct local organisations have been consulted and their scoping concerns met. The ES generally identifies fish and fisheries as of significance and generally identifies possible impacts and mitigation strategies through design and good work practice. Section 11 of the ES is particularly detailed on the impacts at each of the component parts

of the proposed development on the hydrology and hydrogeology of the associated water bodies. To summarise, FRS has no objections to raise on the assumption that the mitigation strategies as documented are implemented.

4.11 The Nith District Salmon Fishery Board appreciates the requirement to pursue the SWS Renewables Project and the benefits that may be achieved by conveying green energy into the National Grid and the Board has been involved with many of the wind farm sites and proposals which could ultimately benefit from the project. Having been consulted by the proposers of these wind farms, the NDSFB has conducted fishery surveys in the vicinity of each wind farm and the surrounding water catchments. These surveys provide baseline statistics for fish populations and indicate the level of mitigation required when performing potentially detrimental engineering operations associated with construction activities in sensitive environments. Repeat surveys, post construction can be used for comparison purposes and enable an overall assessment of the construction project on fish populations.

It is of concern to the NDSFB that this approach has not been taken with the SWS Project. Many of the procedures proposed and outlined in the ES have the potential to impact on sensitive fish habitats in the upper catchment of the River Nith system. Procedures such as the creation of temporary new tracks and the upgrading of the existing road infrastructure can create detrimental sediment transfer into nearby water courses. The placing of temporary bridges for watercourse crossings can create problems if not properly sited taking cognisance of fishery interests. Many of the land preparation works such as pole / tower foundations and construction of temporary compound areas can produce undesirable run-off into the water catchment of spawning tributaries.

The potential for this project to produce detrimental impacts in watercourses has been recognised in the ES and this potential is also recognised by the NDSFB. In the absence of fishery surveys, the NDSFB is not in a position to determine what, if any, impacts will be created and ultimately impact on the species that they are statutorily responsible for managing. The NDSFB therefore objects to the proposed development through part of its jurisdiction on the grounds that it is unable to determine its impact on fish.

In response to the objection by the NDSFB, the applicant has indicated that it has taken an alternative approach to safeguarding waterways within the area by seeking to scope out the potential impacts from the works by setting in place procedures, working practices and safeguards to prevent ground water contamination from impacting the waterways. The applicant has taken a precautionary approach in considering all waterways as sensitive and that in mitigating the works by controlled construction methods and site supervision, it will be more able to protect the river system and the fisheries.

The applicant has set out proposals in the ES to control the run-off from ground water adjacent to the proposed works and will require appointed contractors to come forward with control procedures to safeguard the waterways. In addition, the ES promotes the requirement for the production of an Environmental Management Plan (EMP) to set out controls and responsibilities for carrying out the works in a responsible and environmentally sensitive manner. The EMP will note where detailed working practices are required to be put in place prior to work being undertaken and a

commitment to appoint an Ecological Clerk of Works and environmental specialists to report on and monitor the works should ensure a high degree of site control.

It is also noted that SEPA, SNH and the Fisheries Research Services have not objected to the proposed development, subject to implementation of the stated mitigation in the ES.

4.12 The Scottish Environment Protection Agency states that from the information provided, it considers that the applicant has established the need for the project and has addressed the environmental issues of significance to its remit. SEPA therefore has no objection to this proposal in principle but would offer the following comments:

(i) Environmental Management Plan (EMP): The preparation of this plan prior to work commencing is welcomed as are the proposed Pollution Prevention Plan (PPP) and Construction Method Statements (CMS). SEPA considers these plans essential to ensure the environmental impacts and appropriate mitigation identified in the ES are implemented in the construction phase of this development. It ensures that any appointed contractors are aware of their environmental responsibilities. SEPA would be pleased to assist in the preparation of these plans. While the applicant has generally identified the issues and potential mitigation SEPA would expect to be addressed in the plan, it should be noted that the use of straw bales, silt fences etc for sediment control are unlikely to provide the level of treatment required to protect the watercourses in the area. The EMP should therefore provide further consideration of more appropriate alternatives. SEPA notes that concrete delivery vehicles will be directed to washing areas where excess concrete and washings will be contained within identified bunded settling areas to allow solids to settle and liquids to filter through a straw bale wall. The fate of the liquid and solids has not been established and again SEPA would expect this issue to be resolved in the EMP and the subsequent PPP and CMS. While SEPA has not found any reference to the need for wheel washing facilities in the ES, it should be noted that if required SEPA would expect them to operate on a closed cycle basis.

The applicant is currently drafting the project EMP with a view to it forming a contract tender document. It is envisaged that this document will be built upon b the successful contractor and that the PPP and the CMS will evolve through the planning process prior to the project start on site.

In terms of the proposals for the use of straw bales, silt fences etc. as potential mitigation for silt control, the applicant has stated that there is uncertainty regarding which method of mitigation will be most appropriate for silt control and it is likely that a variety of differing site specific methods may require to be put in place. The applicant has indicated that it has in the past utilised straw bales and silt fences when working at short term duration sites and has found these to be successful. The applicant assures SEPA that the planning of the mitigation will be done on the basis of site need and a number of alternative processes will be assessed and utilised on site as appropriate.

The applicant will require to prepare Construction Method Statements for a number of the activities associated with the construction of the SWS Project

and it is considered that the issues raised by SEPA can be addressed in the preparation of such statements.

(ii) Waste Management: The ES has identified that a waste management plan will be prepared for the site and has also identified issues to be addressed and the appropriate legislation to be followed. SEPA considers that this issue should be given early consideration in the preparation of the EMP to ensure any appointed contractors are clearly aware of their responsibilities for the site.

The applicant concurs with the comments of SEPA.

(iii) Transformers: The description of the project in the ES identifies a number of transformers within the proposed substations. SEPA understands that these transformers may be oil filled and if this is the case the EMP should detail the mitigation measures to be employed should this oil escape. Mitigation may involve appropriate bunding or the use of full retention oil interceptors.

This matter is addressed within the appendices to the ES and will further be addressed in the EMP.

(iv) Flood Risk: With reference to the Indicative River & Coastal Flood Map (Scotland) the majority of the proposed development is outwith the 1 in 200-year flood envelope. The area of proposed development has a number of watercourses running through it. SEPA has no flood risk information for many of these watercourses but this is attributed to the catchment areas being less than the 3km2 threshold used for inclusion with the Flood Map. SEPA acknowledges that the proposed new substations and the proposed extension to an existing substation are outwith the flood map and not adjacent to small watercourses, and therefore are likely to be at a low risk of fluvial flooding. However, it is recommended that overland flow generated by pluvial flood events be considered and that the detailed design of substation sites allow no opportunity for ponding of water on-site to depths which may affect the operation of the facility. The locations of some of proposed towers/poles appear to be adjacent to the 1 in 200 year flood envelope as indicated on the Flood Map or adjacent to smaller watercourses and may be within the functional floodplains of these watercourses. SEPA would comment that, in order to comply with the requirements of Scottish Planning Policy 7 Planning and Flooding and the relevant Policies within the Ayrshire Joint Structure Plan, development should take place outwith the functional floodplain. SEPA would request confirmation regarding the locations of proposed towers/poles in relation to the functional floodplain. The ES indicates that deforestation and increased temporary and permanent hard standing as a result of the development is likely to increase runoff. Although possible, no evidence is given to confirm that flows will be attenuated. To ensure no adverse effect on flood risk and given the potential cumulative development pressures within these catchments, SEPA would recommend that there is no increase in flow to watercourses as a result of the development and that this is suitably demonstrated. It is acknowledged that surface water drainage will be designed taking into account measures included in the SUDS manual. SEPA would concur with such an approach and would recommend that there should be no increase in runoff as a result of development construction or compaction of areas of the existing site.

The applicant has confirmed that the site design for substations has been based on the premise that ponding of water will not occur.

(v) Proposed River Crossings: There are a number of watercourse crossings proposed for this scheme and SEPA has noted the preference for bridging wherever possible which should reduce the impact on the water environment. The applicant has recognised that these activities fall within the remit of the Water Environment (Controlled Activities) (Scotland) Regulations 2005 (as amended) (CAR) and the implications in terms of authorisation should culverts or more intrusive bridging be required. At this stage, SEPA would note that the proposed bridges appear to constitute a lower risk to the water environment and therefore the proposal is capable of being authorised. This advice is provided without prejudice to any CAR authorisation required at this site. SEPA would expect a Construction Method Statements (CMS) to be produced for bridging proposals. SEPA also notes that proposed underground cable routes will cross watercourses and due to the potential environmental impacts would again expect a CMS to be produced for such proposals.

The comments of SEPA have been noted and the applicant is aware of the CAR authorisation requirements.

4.13 Scottish Natural Heritage indicates that the potential impacts to birds, European protected species, Schedule 5 species, badgers and peatlands are likely to be common to all the proposals and therefore has produced one response for these interests that can be applied to all the proposals. For landscape and visual interests SNH has considered the impacts separately for each proposal. SNH further notes the further survey work and mitigation/management plans for species and habitats in the ES and believes it would be helpful if the information for each species was collated and developed in a single plan. In addition SNH is involved with discussions with the applicants over other transmission lines and believe that much of that work for the mitigation and management plans for species and habitats can be transferred for this proposal. SNH supports the use of an ecological clerk of works, or similar, to oversee the whole process from pre-construction activities, e.g. tree felling, through construction to restoration.

SNH has no objection to the proposed developments but recommends conditions to ensure a reduction in adverse impacts to natural heritage interests as detailed below;

(i) An otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction. This survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

(ii) An otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, will be produced prior to any construction and allied activities commencing and will be for the approval of Scottish Ministers in consultation with SNH.

(iii) A management plan for red squirrel detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

(iv) A freshwater pearl mussel mitigation plan detailing all mitigation measures, will be produced prior to any construction and allied activities commencing and will be for the approval of Scottish Ministers in consultation with SNH.

(v) A survey of route and access corridors for water vole will be carried out as part of the micro-siting process prior to construction. This survey will form the basis for detailed mitigation plans for each tower location.

(vi) A management plan for water vole detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

(vii) A reptile management plan detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

(viii) The conductors on the 132 kV and 33 kV wood pole lines are strung in such a configuration that electrocution of birds will not occur.

(ix) Working distances for sensitive bird species follow the recommendations in the SNH Report, Ruddock, M & Whitfield, D.P. (2007) A Review of Disturbance Distances in Selected Bird Species.

(x) To mitigate collision of birds with the conductors, deflectors should be fitted to the earth wire along sensitive stretches of the line. The Swan Flight Diverter should be used and spaced at 5m or 10m as appropriate. If further post construction monitoring identifies further sensitive sections of line then these should also be marked.

(xi) Timing of works should avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas should be inspected for the presence of breeding birds and work progressed in accordance with legislation.

(xii) A black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

(xiii) A management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

(xiv) A badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers.

(xv) An ecological clerk of works or similar should be appointed prior to the commencement of construction to oversee the production and implementation of all the necessary mitigation/management plans and to oversee the whole process from pre-construction activities, e.g. tree felling, through construction to restoration.

In response to the proposed conditions by SNH, the applicant has accepted the position of SNH with the exception of (viii) above. The applicant has indicated that it cannot give a categorical assurance that electrocution of birds will not occur on the new transmission lines. However, due to the gap between the live and earth wires, the only species considered to be at risk of electrocution are swans and geese. Whilst electrocution is considered as secondary to collision risk, no significant electrocution effects are considered likely.

In relation to the landscape and visual impacts of the proposed overhead transmission lines SNH make the following comments:

(i) Part A Coylton Substation extension and 400 kV overhead line (towers) and Meikle Hill substation: SNH considers the landscape impacts will be medium (significant) and adverse, but this landscape unit of the Ayrshire Lowlands is extensive, so these significant impacts will be relatively localised. SNH agrees that the visual impacts on a section of the A70, local minor roads and the settlement of Drongan will be significant and adverse. The substation may also adversely affect local recreational use of the area. Given the end points are fixed, and the tower is essential, there is little scope for further mitigation in addition to the line routeing. However, there may be scope for off-site planting to provide local screening, using species and patterns typical of the local area.

(ii) Part B Black Hill substation and 132 kV overhead line (towers) to Meikle Hill substation: SNH agrees that the adverse impacts on landscape character will not be significant overall. SNH agrees that the adverse impacts on visual amenity will be significant and adverse due to the magnitude of change to the views. However, the views within the commercial forestry are not well visited and are therefore of low sensitivity.

(iii) Part C Glenglass substation and 132 kV overhead line (towers) to Black Hill substation: SNH agrees that the impacts on the glens (Glenglass along the Euchan Water and upper Glen Afton) and locally in the Southern Uplands will be significant, and we consider that it will be adverse. SNH agrees that the visual impact will be significant and adverse but many of these are in forestry that is little visited by walkers, and the hill tops are not well known destinations. SNH considers that the adverse impacts on views from the minor road and the properties along the floor of Glenglass along the Euchan Water, and the adverse impacts on views from the walks in the vicinity of Afton Reservoir, would be noticeably reduced if double timber poles were used rather than steel towers.

(iii) Part D1 132 kV overhead line (wooden poles) from proposed Kyle wind farm to Meikle Hill substation: SNH agrees that the adverse impacts on landscape character and visual amenity will not be significant.

(iv) Part D2 132 kV overhead line (wooden poles) from proposed Dersalloch wind farm to Meikle Hill substation: SNH considers that the impacts on landscape character are significant due to the Doon valley's medium to high sensitivity and the medium magnitude of change to the Upper Doon unit of this landscape type. SNH notes the extensive visibility of the timber poles, but agrees timber poles will be less noticeable in the view that steel towers. SNH agrees there will be significant – and adverse – impacts on the views from the main road along the Upper Doon valley (A713) caused by the Part D2 Connection crossing, and from local footpaths. The footpaths include those at the north of Craigengillan estate, which are part of the Doon Valley Path Network. SNH also notes that the route breaks the skyline on the slopes of Benbeoch in views from the valley floor in the north area of Craigengillan Estate (listed in the Inventory of Gardens and Designed Landscapes) and the B741. It is, at that point, much more prominent and noticeable. There will also be cumulative visual impact on people using the B741 west of Dalmellington resulting from their crossing below the SWS Connection shortly before / after crossing under the cables of the Scotland to Northern Ireland Interconnector with its distinctive tower design. There will also be cumulative visual impact on people using the B741 due west of Dalmellington, and the A713 north of Dalmellington, resulting from their seeing Part D2 of the SWS Connection in combination with the Galloway Hydro 132kV line of towers, together with the 'wirescape' of several minor overhead lines in the valley floor. Part D2 will therefore add to the visual clutter.

Of all the proposals this is the one with the greatest landscape and visual impacts. SNH notes from the ES that there was a strategic routeing process which led to a 'preferred route' for each connection. However it is only now with the detailed route for D2 that we can fully assess impacts. There may be scope to re-consider alternative routes in this very sensitive area and consideration could be given to the following alternative approaches:

- Undergrounding;
- Connection of the Dersalloch wind farm into the Scotland to Northern Ireland Interconnector;
- If overhead crossing is unavoidable then consideration of:
  (i) Crossing further north
  (ii) Use of valley of the Cumnock Burn
  (iii) Crossing further south

In conclusion, SNH states that the proposed developments as currently submitted are likely to have adverse impacts on a range of natural heritage interests. These impacts could be reduced by the use of the conditions recommended above. However given the nature of the proposed developments it is not possible to mitigate the impacts to landscape and visual interests.

It is considered that the expectation on the applicant to minimise adverse impacts on natural heritage resources and landscape character and visual amenity has been met through sensitive routeing and the EIA process. In this regard, the least sensitive route in terms of landscape and visual

considerations has been selected. Furthermore it is relevant to note that the proposed development is not permanent in that it has a finite lifespan and any damage would not be irreparable.

4.14 East Ayrshire Roads and Transportation Service states that it has no objections in principle to the project but does have major concerns regarding the effect of the heavy volume of construction and timber traffic involved in the project on the surrounding public road network, indeed the Council has previously indicated that the C90 road in its current condition was unsuitable for use by heavy vehicles for the Afton wind farm proposal. The effect of the timber and construction traffic generated by the proposal on, particularly, the B741, B730, B7046 and C90 road surfaces to and from the site during the construction phase of the project, makes it very difficult to be prescriptive as to the exact mitigating measures required to ensure the future structural integrity of the affected minor public roads.

The bulk of the timber/construction traffic and abnormal load movements affecting East Ayrshire roads would appear to be generated to and from the site via the A76 Kilmarnock to Dumfries Trunk Road, the A713 Ayr to Castle Douglas Road, the A70 Ayr to Douglas Road, the B741 New Cumnock to Dalmellington Road, the B730 Polnessan to Drongan Road, the B7046 and the C90 Afton Road, which is a single track undulating rural road with narrow verges and ditches close to the carriageway. The C90, B741 and B730 have minimal construction depth and are therefore of limited structural strength and unable to withstand repeated excessive loading without incurring major deterioration.

The A76, A713 and A70 routes should be structurally capable of accommodating the generated construction traffic but due to the significant increase in HGV movements on the A76 Trunk road network, Transport Scotland would require to be consulted on the proposal. Works may be required on the A76 at the B741 junction to the geometry of the road for the delivery of the abnormal loads and also to the B741/C90 junction. Similarly works may also be required at other junctions on the public road network to accommodate these movements. All A76 work would require the approval of Amey Highways.

Work at other locations within East Ayrshire will require the approval of East Ayrshire Council with detailed drawings submitted by the applicant for approval under section 56 of the Roads (Scotland) Act 1984. All work deemed necessary would require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site.

The Gateside Road / Broomeknowe (between B741 and A713) has alignment issues and a low volume of HGV traffic, therefore any HGV timber and construction traffic on the C90 will be a significant increase and as such, viewed as extraordinary traffic for this road which was never structurally designed to accommodate this volume or type of traffic.

Likewise the C90 has a very low volume of HGV traffic, therefore any HGV timber and construction traffic on the C90 will be a significant increase and as such, viewed as extraordinary traffic for this road which was never structurally designed to accommodate this volume or type of traffic.

A full structural assessment of the Gateside Road / Broomeknowe and the public section of the C90 route from the B741 to Craigdarroch (6.99km) will required to be undertaken by the applicant and agreed with East Ayrshire Council prior to commencing any construction work on site. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) will require to be carried out and completed prior to commencement of any works on-site by the applicant under section 56 of the Roads (Scotland) Act 1984.

As it is difficult to accurately assess how an existing minor road will perform under such concentrated HGV loading conditions, even when strengthened, and to allow for localised deterioration, a regime of ongoing maintenance at the applicant's expense, to ensure safe passage on the road by the public during the construction period must be agreed between the applicant and the Roads Authority prior to commencement of any work on site.

There would also be an obligation on the developer to ensure that once their operations are complete, the B730, B741 and C90 routes affected are reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

Structures associated with the A713, B741 and C90 – Advice has previously been given by EAC on the suitability of structures on these routes to sustain the abnormal and construction loads associated with the proposed sub-stations. Preliminary approval for the A713 and B741 routes was given subject to certain loading conditions being met, the favourable outcome of load assessments still to be concluded and the ongoing condition of the structures. These comments are still relevant and there may be a requirement for remedial/strengthening measures to be carried out at the applicant's expense prior to any works commencing.

Previous advice regarding the C90 bridges advised that they had still to be load assessed and were suffering from various defects. Conclusion of recent load assessments indicates that they have 40T capacity and varying degrees of abnormal load capacity. However, owing to their general poor condition they are not considered suitable to carry any abnormal load traffic or significant increase in normal HGV traffic from the works proposed without remedial/strengthening measures being carried out at the applicant's expense.

In general, Inspection and assessments will require to be undertaken by the applicant of all known structures, pipes and culverts below the affected public road to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads will require to be repaired at the applicant's expense.

Contact must be made with East Ayrshire Council Design Section regarding the suitability of all existing structures for abnormal loads and to agree the work necessary on the existing C90 structures which would require to be carried out at the applicant's expense. All routing of timber and construction traffic has to be agreed in advance with the Roads and Transportation Service prior to felling/construction work commencing on-site. Any re-

location of existing street furniture (street lighting columns, road signs. bollards etc) required as a result of the proposal would be at the applicant's expense.

A Transportation Protocol for timber/construction traffic must be signed between the applicant and the Council which would include agreements on routing, timing of deliveries and extraction, driver behaviour, wheel washes at site accesses etc. with the applicant being required to record any breaches of the Protocol and notifying the Council of all breaches. No development should take place until a Traffic Management Plan for each element of the work has been submitted and agreed in writing with East Ayrshire Council.

Further discussions would require to take place for each stage between the applicant and the Council as Roads Authority to finalise and agree the details of the road and structural works required on the routes to/from each site.

It is agreed that the development will generate a significant number of traffic movements along routes being used for the removal of felled timber from the development area and the delivery on to the site of construction materials and project components. While it is considered that this will be temporary for the duration of the construction of the project, the estimated 191,880 vehicle movements is the issue that is likely to impact greatly on local communities, particularly New Cumnock and Dalmellington.

Nonetheless it is considered that the requirements of the Roads and Transportation Service can be secured through appropriate conditions attached to any consents granted for the proposed development.

4.15 Dalmellington Community Council, Drongan, Rankinston and Stair Community Council and New Cumnock Community Council have not responded to the consultation letter.

4.16 The West of Scotland Archaeology Service has not responded to the consultation letter.

5. REPRESENTATIONS

5.1 In terms of third party representations, this Council has been copied into one letter of objection sent to the Scottish Government, Energy Directorate (Renewable Energy Division). This objection relates solely to Part C (Glenglass Substation and 132 kV Overhead Line to Black Hill Substation) of the SWS Project. This objection has been received from the developer of the proposed Afton Wind Farm.

5.2 The objector is developing the proposed Afton wind farm project which was submitted to the Energy Consent Unit in 2004. The proposed 132kV double circuit transmission line will run through the wind farm site between a number of the proposed turbine locations. Although the objector is considering whether the construction and operational risks can be mitigated, it is presently its opinion that SP Transmission Ltd's proposed route for the 132kV double circuit transmission line does not satisfy the requirements of the Electricity Safety, Quality and Continuity Regulations 2002 and the Construction (Design and Management) Regulations 2007 (CDM).

5.3 The objector states that it is a fundamental requirement of the CDM Regulations 2007 to remove or mitigate any identified risks at the design phase. The proposed transmission line contravenes a number of the minimum topple distances for the wind turbines, i.e. 180m (1.5 x turbine tip height). SP Transmission Ltd has been aware of the Afton wind farm project since 2004. The objector was made aware of SP Transmission Ltd's proposed route in April 2008 and has subsequently been in discussion with SP Transmission Ltd about the implications of the proposed route. Despite the objector's stated risks, SP Transmission Ltd has not revised the proposed route for the transmission line.

5.4 Alternative options open to SP Transmission Ltd to address the objector's fundamental safety concerns are to either re-route the transmission line around the Afton wind farm site or to underground the section of the transmission line running through the wind farm site. SP Transmission Ltd has advised the objector that re-routing the line would cause a considerable delay to the overall S37 Applications for the South West Scotland Renewables Connection project and that there was insufficient time to undertake the environmental impact assessment work for any new route. SP Transmission Ltd has not been open to underground the transmission line as this is not the minimum economic and efficient scheme.

5.5 Consequently the objector feels that they have been presented with a fait accompli that has regrettably left them with no alternative at this stage but to raise objection to this S37 application for the placing of a 132kV lattice steel tower, double circuit transmission line between the proposed Black Hill Substation and the proposed Glenglass Substation.

5.6 The objector states that they will continue to work with SP Transmission Ltd on solutions to the objection but unless they can be satisfied that the wind farm can be constructed and operated safely in conjunction with the proposed transmission line they cannot support the application for this section of transmission line.

The objection to the Renewable Energy Division (formerly the Energy Consents Unit) is noted. However, it is respectfully suggested that the resolution of this essentially locational conflict between the developer of the proposed Afton wind farm and the developer of the SWS Project is a matter ultimately for the Scottish Ministers, who are the determining body in respect of both the Section 36 Application for the wind farm and also the Section 37 Applications for the SWS Project.

6. ASSESSMENT AGAINST DEVELOPMENT PLAN

6.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan (2007), the adopted East Ayrshire Local Plan and the Adopted East Ayrshire Opencast Coal Subject Plan (2003).

Ayrshire Joint Structure Plan

6.2 Policy ECON6 ‘Renewable Energy’ states that Proposals for the generation and utilisation of renewable energy should be promoted and will conform to the plan both in stand alone locations and as integral parts of new and existing developments where it can be demonstrated there will be no significant adverse impact, including adverse cumulative impact or infrastructure constraints, and where the design of the development is sensitive to landscape character, biodiversity and cultural heritage.

While the proposed SWS Project is not a renewable energy project in itself, it is required to transmit the energy generated by renewable energy developments thereby utilising renewable energy. By the very nature of overhead electricity transmission lines, they are likely to result in significant effects on the environment over the project route. However, the routeing process, as described in the ES, has sought to balance a number of environmental, technical and economic matters. The approach to the routeing of the project was to “identify a technically feasible and economically viable route for the overhead transmission line that meets the requirements of the electricity network and causes, on balance, the least disturbance to the environment and the people who live, work and recreate within it.”

Given that the SWS Project is of national significance, recognised as a National Development within the National Planning Framework, and that significant environmental effects have been reduced and mitigated to within acceptable environmental standards, it is considered that the objectives of Policy ECON6 have been met.

6.3 Policy ECON7 ‘Wind Farms’ states:

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

It is noted that although the SWS Project is not a wind farm development, it is not located within the Areas of Search. The project is however required to serve such renewable energy developments.

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

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

The SWS Project has been routed, and substations sited, so as to avoid areas designated for their national or international heritage value, as well as seeking to avoid significant adverse effects on sensitive receptors not protected by such designations. It is not considered that the proposed development will compromise the integrity of any national or international designations.

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

It is considered that the proposed SWS Project, in conjunction with existing and proposed wind farms i.e. Afton, Hare Hill (existing and proposed extension), Windy Standard (existing and approved extension) could cause significant cumulative landscape and visual impacts on the wider landscape within which the development is located.

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

(i) Historic Environment

The ES details two significant effects on the built heritage resource within East Ayrshire being the scheduled ancient monument at Auchencloigh Castle and the Red Burn Bridge cairn. Both of these effects are indirect on the setting of these features with no direct significant effects identified on the built heritage resource. In this regard it is noted that Historic Scotland concurs with the ES in terms of the significance of the impact on the Auchencloigh Castle SAM and has not objected to the proposed development.

(ii) Areas designated for their Regional and Local Natural Heritage Value

It is considered that the SWS Project will not significantly adversely affect the Afton Uplands PWS. It is noted that, subject to appropriate conditions, both SNH and RSPB do not object to the proposed development.

(iii) Tourism and Recreational Interests

The Environmental Statement concludes that the proposed SWS Project is not likely to have a detrimental effect on tourism within East Ayrshire. There are no current tourism or recreation schemes or projects in the locality that could be affected by the proposed wind farm development.

(iv) Communities

As indicated above the approach to the routeing of the project was 'to identify a technically feasible and economically viable route for the overhead transmission line that meets the requirements of the electricity network and causes, on balance, the least disturbance to the environment and the people who live, work and recreate within it.' In this regard it is considered that the proposed SWS Project will not result in any significant adverse impact on local communities, with the exception of traffic impacts that will result during the 34 month construction phase of the development.

(v) Buffer Zones

This criterion is not relevant to the proposed development.

(vi) Aviation and Defence Interests

Although Glasgow Prestwick Airport originally objected to part of the SWS Project, this objection to the construction of pylons 1-13 of Part A of the SWS grid upgrade has now been removed on condition that these 13 pylons and the four existing pylons have low intensity (200 candela) omni directional steady red aviation obstacle lights attached to the top of each of pylons. The Ministry of Defence has not objected to the proposed development.

(vii) Broadcasting Installations

The proposed development will not impact on any broadcasting installations.

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

Sections of the proposed project are located within SCLAs including all of Part C, a section of part B, the west section of Part D2 and Part D4. It is considered however that the expectation on the applicant to conserve landscape features has been met through sensitive routeing and the EIA process. In this regard, the least sensitive route in terms of landscape and visual considerations has been selected. Furthermore it is relevant to note that the proposed development is not permanent in that it has a finite lifespan and any damage would not be irreparable.

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

Comments generally as described above. However, it should be noted that the project is intended to provide required grid capacity for consented and proposed wind farm developments. While the direct relevance of Policy ECON7 to the SWS Project can be questioned, the principles of the policy are considered relevant to the assessment of the development.

As indicated in Section 7.5 below, none of the existing or emerging development plans make provision for or take specific account of the SWS Project as a designated national development as set out in the document. Paragraph 242 of NPF2 states that where the NPF strategy is at variance with an earlier development plan, the statement of policy in the NPF will take precedence.

6.4 Policy ENV2 ‘Landscape Protection’ states that in……Sensitive Landscape Character Areas, the protection and enhancement of the landscape shall be given prime consideration in the preparation of local plans and the determination of development proposals.

Comments as per Section 6.3 F above.

East Ayrshire Local Plan (EALP)

6.5 The EALP in general terms recognises the need to reduce dependence on fossil fuels and nuclear power for energy production requires that an ever increasing proportion of electricity be produced from renewable sources. The renewable energy source most relevant to East Ayrshire is wind power, and the upland areas which catch the prevailing westerly winds are under significant pressure for wind energy related developments. While supportive of renewable energy projects, it is considered imperative that the more sensitive parts of the rural area in terms of landscape quality, nature conservation and heritage interest are adequately protected. The potential impact of wind farm development on the environment and visual amenity of the area is of particular concern to the Council. The more pertinent policies relevant to the proposed development are as follows:

6.6 Policy ENV10 (iii) states that development likely to adversely affect Provisional Wildlife Sites will be resisted and all sites of recognised conservation value will be safeguarded wherever possible. Where development is approved for such sites, appropriate measures should be taken to conserve, manage, as far as possible, the site’s biological or geological interest and to provide for replacement habitats or features where damage is unavoidable.

The proposed development impinges upon the Afton Uplands Provisional Wildlife Site (PWS). SNH has not objected to the proposed development subject to appropriate agreement on habitat management measures to protect habitats. In this regard, the proposal would not present significant conflict with the provisions of Policy ENV10(iii).

6.7 Policy ENV11 states that within Sensitive Landscape Character Areas (SCLA) the Council will, in considering rural development proposals, give prime consideration to the protection and enhancement of the landscape. Development which would create unacceptable intrusion or irreparable damage in such areas would not be supported. Only proposals which positively enhance or protect the natural landscape, wildlife and cultural heritage of the area or promote the social well-being of communities would be supported.

It is considered that the proposed SWS Project, in association with existing wind farm and the proposed wind farms which it is expected to serve could cause significant cumulative landscape and visual impacts on the wider landscape within which the development is located. Sections of the proposed project are located within SCLAs including all of Part C, a section of part B, the west section of Part D2 and Part D4. It is considered however that the expectation on the applicant to conserve landscape features has been met through sensitive routeing and the EIA process. In this regard, the least sensitive route in terms of landscape and visual considerations has been selected. Furthermore it is relevant to note that the proposed development is

not permanent in that it has a finite lifespan and any damage would not be irreparable.

It is accepted that the consultation process has identified that, while there will be other impacts on the environment of varying significance, the mitigation proposals by the applicant together with the imposition of appropriate conditions and use of legal agreements would address the main concerns raised by statutory and non-statutory consultees.

6.8 Policy ENV12(vi) states that throughout the rural area, and especially in the Sensitive Landscape Character Areas identified on the Local Plan maps, the Council will ensure that all development proposals respect, in terms of their design, the local landscape characteristics of the particular area in which they are proposed. Developers will be expected to conserve and enhance, and re-instate or replace where appropriate, those features which contribute to the intrinsic landscape value and quality of the area concerned including….existing skylines, landform and contours.

Comments as per 6.7 above.

6.9 Policy ENV13 under criteria (ii) and (iii) states that within the rural area, and especially within the Sensitive Landscape Character Areas identified in the Local Plan maps, the Council will ensure, through the development process, that…any authorised development is sensitively sited, landscaped and screened so as to blend into, respect and complement the landscape characteristics of the particular area in which it is located and…that the landscape setting of a particular area affected by a proposed development is safeguarded from adverse or irreversible change by the use of planning conditions, management agreements, preparation and promotion of environmental improvement schemes, development and design briefs etc.

The EIA and routeing processes have resulted in the siting of substations and locations of overhead transmission lines proposed in appropriate locations, taking into account and balancing other environmental factors. It is accepted that significant adverse landscape effects are predicted within the ES, but the applicant's approach to routeing has sought to minimise environmental impact.

6.10 Policy CS9 states that the Council will require all applications for renewable energy developments which fall within the scope of the Environmental Impact Assessment Regulations to be accompanied by an environmental assessment. All wind farm, wind turbine and other renewable energy developments will be rigorously assessed against the following criteria:

(i) the extent to which the development may adversely affect sites of nature conservation interest and, in particular, the natural habitat, territory and breeding areas of upland birds;

It is considered that the SWS Project will not significantly adversely affect the Afton Uplands PWS. It is noted that, subject to appropriate conditions, both SNH and RSPB do not object to the proposed development.

(ii) the extent to which the amenity of residents nearby towns, villages and other residential properties may be adversely affected by reason of noise emission, visual dominance and other nuisance;

It is considered that with the mitigation measures proposed within the ES that there will not be any significant adverse impact on residential properties through noise and other potential nuisance, as these will be temporary in nature, as part of the construction element of the development. With regard to visual dominance in relation to proximity to local communities, the ES identifies both moderate and major significant effects on views from both individual properties and property groups. However, again the routeing process has sought to minimise such effects on residential properties. It should be noted that Parts D1 and D4 are predicted to have no significant adverse visual effects on residential receptors.

(iii) the extent to which the development may adversely affect any recognised heritage resources;

Subject to appropriate conditions being attached to any consent granted Historic Scotland and SNH do not object to the proposed development.

(iv) the visual impact of the proposal and its setting within the immediate and wider natural landscape;

Visual impact will occur as a result of the SWS Project and, while significant impacts may in the greater part be confined locally, the impact on the wider natural landscape has to be taken into account. See comments at (vii) below.

(v) the extent to which the proposal may conflict with the Council's strategy to promote tourism developments in the Doon Valley…Glen Afton…;

The Environmental Statement concludes that the proposed SWS Project is not likely to have a detrimental effect on tourism within East Ayrshire. There are no current tourism or recreation schemes or projects in the locality that could be affected by the proposed wind farm development.

(vi) the extent to which the proposal may adversely affect or irreversibly damage prime quality agricultural land;

No prime quality land is affected by the proposed development.

(vii) the cumulative impact of the proposal with other existing or authorised renewable energy developments within the vicinity of the development site**;**

It is considered that the proposed SWS Project, in conjunction with existing and proposed wind farms i.e. Afton, Hare Hill (existing and proposed extension), Windy Standard (existing and approved extension) could cause significant cumulative landscape and visual impacts on the wider landscape within which the development is located.

(viii) the environmental impact of the connections linking the development site with the national grid and the provision of adequate access arrangements from the surrounding road network; and

Subject to the imposition of appropriate conditions, the Roads and Transportation Service does not object to the proposed development.

(ix) the impact of the turbines on radar performance and other air safety considerations.

While the SWS Project is not a wind farm development, the policy objective in this case seeks to ensure that air safety is not compromised by renewable energy developments. Although Glasgow Prestwick Airport originally objected to part of the SWS Project, this objection to the construction of pylons 1-13 of Part A of the SWS grid upgrade has now been removed on condition that these 13 pylons and the four existing pylons have low intensity (200 candela) omni directional steady red aviation obstacle lights attached to the top of each of pylons.

As indicated in Section 7.5 below, none of the existing or emerging development plans make provision for or take specific account of the SWS Project as a designated national development as set out in the document. Paragraph 242 of NPF2 states that where the NPF strategy is at variance with an earlier development plan, the statement of policy in the NPF will take precedence.

East Ayrshire Opencast Coal Subject Plan

6.11 The main policy assessment in relation to the opencast coal subject plan relates to Policy MIN9 – Sterilisation of Coal Resources which states that when approving major development proposals, the Council will consider whether it would be of benefit and desirable to plan for the removal of any underlying coal and related minerals in advance of, or in tandem with, the development proceeding. Any such mineral extraction operation would need to be acceptable in planning terms, with particular regards to the local community.

In accordance with the applicant's duties under Section 38 and Schedule 9 of the Electricity Act 1989, the Routeing Process for the SWS Project considered current and possible future opencast coal activities in terms of potential economic constraints and in this regard areas of potential constraint were avoided where possible in the route. Parts A, D1 and D2 route through areas of current opencast coal extraction sites. However, the timing of these operations is such that opencast activity is likely to have finished at these sites prior to the proposed commencement of construction on these connections. In this regard it is considered that potential sterilisation of coal reserves will be avoided.

7. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

7.1 The principal material considerations relevant to the determination of the application are the Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications 2009), the consultation responses, the National Planning Framework 2 (NPF2), Scottish Planning Policy (SPP), the representations received, relevant planning history and the Conservation (Natural Habitats, &c.) Regulations1994.

Alteration to the East Ayrshire Local Plan (AEALP)

7.2 Policy CS12 states that the Council will positively support and promote the development of sympathetic renewable energy proposals both in stand alone locations and as integral parts of new and existing developments where it can be demonstrated that there will be no significant, unacceptable adverse impact, including adverse cumulative impact with other existing renewable energy developments or other renewable energy developments which are consented or under construction;

(i) on any recognised statutory or non statutory sites of nature conservation interest;

The ES does not identify any significant adverse effects on statutory or non-statutory nature conservation designations.

(ii) on the amenity of nearby communities or sensitive establishments, including individual or small groups of houses in the countryside that may be adversely affected by reason of noise emission, visual dominance and other nuisance;

It is considered that with the mitigation measures proposed within the ES that there will not be any significant adverse impact on residential properties through noise and other potential nuisance, as these will be temporary in nature, as part of the construction element of the development. With regard to visual dominance in relation to proximity to local communities, the ES identifies both moderate and major significant effects on views from both individual properties and property groups. However, again the routeing process has sought to minimise such effects on residential properties. It should be noted that Parts D1 and D4 are predicted to have no significant adverse visual effects on residential receptors.

(iii) on any recognised built heritage resources, including Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, archaeological sites and landscapes and Historic Gardens and Designed Landscapes

The ES details two significant effects on the built heritage resource within East Ayrshire being the scheduled ancient monument at Auchencloigh Castle and the Red Burn Bridge cairn. Both of these effects are indirect on the setting of these features with no direct significant effects identified on the built heritage resource. In this regard it is noted that Historic Scotland concurs with the ES in terms of the significance of the impact on the Auchencloigh Castle SAM and has not objected to the proposed development.

(iv) on the visual amenity of the area and the natural landscape setting for the development, particularly within the Sensitive Landscape Character areas as identified on the local plan rural area map; and

It is considered that the proposed SWS Project, in association with existing wind farm and the proposed wind farms which it is expected to serve could cause significant cumulative landscape and visual impacts on the wider landscape within which the development is located. Sections of the proposed project are located within SCLAs including all of Part C, a section of part B, the west section of Part D2 and Part D4. It is considered however that the expectation on the applicant to conserve landscape features has been met through sensitive routeing and the EIA process. In this regard, the least sensitive route in terms of landscape and visual considerations has been selected. Furthermore it is relevant to note that the proposed development is not permanent in that it has a finite lifespan and any damage would not be irreparable.

(v) on existing infrastructure.

In general there will be no significant impacts on existing infrastructure in the vicinity of the proposed development with the exception of impact on the local road networks. As indicated within the consultation response from the Roads and Transportation Service, the development will generate a significant number of traffic movements along route being used for the removal of felled timber from the development area and the delivery on to the site of construction materials and project components. While it is considered that this will be temporary for the duration of the construction of the project, the estimated 191,880 vehicle movements is the issue that is likely to impact greatly on local communities, particularly New Cumnock and Dalmellington.

In particular, the C90 Afton Road has a very low volume of HGV traffic and therefore any HGV timber and construction traffic on the C90 will be a significant increase and as such, viewed as extraordinary traffic for this road which was never structurally designed to accommodate this volume or type of traffic. A full structural assessment of the public section of the C90 route from the B741 to Craigdarroch (6.99km) will required to be undertaken by the applicant and agreed with East Ayrshire Council prior to commencing any construction work on site.

Developers will also be required to demonstrate to the satisfaction of the Council that all energy production will be generated either at, or in close proximity to, the source of materials used in the generation process and that there will be no unacceptable adverse environmental impact caused by any proposed connections linking the proposed development with the national grid and the surrounding road network.

See above comments.

7.3 Policy CS14, in relation to wind farm developments, states Policy CS14 that the Council will assess all applications for wind farm developments, including extensions to

existing, consented and / or operational wind farms, against the provisions of Policy ECON 7 of the approved Ayrshire Joint Structure Plan: Growing a Sustainable Ayrshire and any future supplementary planning guidance to be prepared relating to cumulative impact.

Comments generally as per Section 6.3 above.

As indicated in Section 7.5 below, none of the existing or emerging development plans make provision for or take specific account of the SWS Project as a designated national development as set out in the document. Paragraph 242 of NPF2 states that where the NPF strategy is at variance with an earlier development plan, the statement of policy in the NPF will take precedence.

Consultation Responses

7.4 While a number of the consultation responses raise varying concerns about the proposed development, it is considered that in general, with the use of appropriate conditions, some of these concerns can be addressed. However, some impacts, particularly in relation to the longer term landscape character and visual amenity associated with the overhead lines, cannot be mitigated. Nonetheless, there are no consultation responses that would suggest that the development should not be granted consent.

National Planning Framework 2

7.5 The National Planning Framework (NPF) is a strategy for the long-term development of Scotland's towns, cities and countryside. The NPF is about shaping Scotland's future and is concerned with how Scotland develops over the next 20 years and how to make that possible. The NPF identifies key strategic infrastructure needs to ensure that each part of the country can develop to its full potential. National Planning Framework 2 (NPF2) was published on June 25 2009 and replaces the first NPF, which was published in 2004. It sets the spatial strategy for Scotland's development to 2030, and designates 14 national developments of strategic importance to Scotland. The Planning etc. (Scotland) Act 2006 requires Scottish Ministers to prepare a national planning framework. It also requires planning authorities to take NPF2 into account in development plans and development management decisions.

It should be noted that the publication of NPF2 post dates the adoption and approval of the current development plan (Ayrshire Joint Structure Plan 2007, and the East Ayrshire Local Plan 2003). NPF2 also post dates the emerging development plan, the Alteration to the East Ayrshire Local Plan which is in the process of formal adoption. In this regard, none of the existing or emerging development plans make provision for or take specific account of the SWS Project as a designated national development as set out in the document. Paragraph 242 of NPF2 states that where the NPF strategy is at variance with an earlier development plan, the statement of policy in the NPF will take precedence. Thus NPF2 is a significant material consideration in respect of the proposed development.

7.6 Paragraph 104 indicates that legislation provides for the National Planning Framework to be used to designate certain projects as national developments. Designation in the Framework is the mechanism for establishing the need for these developments in Scotland's national interest. The Government has indicated that major transport, energy and environmental infrastructure projects may fall within this category of development. In a statement to Parliament in September 2007, the Cabinet Secretary for Finance and Sustainable Growth announced that projects which may be identified as national developments are those which:

- make a significant contribution to Scotland's sustainable economic development;
- strengthen Scotland's links with the rest of the world;
- deliver strategic improvements in internal connectivity;
- make a significant contribution to the achievement of climate change, renewable energy or waste management targets;
- are essential elements of a programme of investment in national infrastructure; or
- raise strategic issues of more than regional importance (projects with impacts on more than one city region, for example).

7.7 Paragraph 105 goes on to state that on the basis of an assessment against these criteria, the Scottish Government has identified, amongst other developments, that electricity grid reinforcements are required and as part of this there is a need for a new 275kV South-West Scotland transmission line and associated infrastructure. These strategic grid reinforcements are essential to provide the transmission capacity necessary to realise the potential of Scotland's renewable energy resources, maintain long-term security of electricity supply and support sustainable economic development.

The SWS Project is the delivery mechanism for this particular nationally designated development. Indeed the Action Programme that accompanies NPF2 identifies the applicant (Scottish Power Transmission Network) and the Scottish Government (Energy Directorate) as the lead partners with East Ayrshire Council, SEPA, and SNH (amongst others) as being the delivery bodies in terms of appropriate consents and permissions.

The proposed development of the SWS Project is therefore consistent with the aims and objectives of NPF2.

Scottish Planning Policy

7.8 Guidance on renewable energy development has been given in the "Scottish Planning Policy" document (SPP) issued in February 2010 which is the statement of the Scottish Government's policy on nationally important land use planning matters. Paragraph 182 states that:

"The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change. Renewable energy generation will contribute to more secure and diverse energy supplies and support sustainable economic growth. The current target is for 50% of Scotland's electricity to be generated from renewable sources by 2020 and 11% of heat demand to be met from renewable sources."

7.9 Paragraph 184 further states that:

"Planning authorities should support the development of a diverse range of renewable energy technologies, guide development to appropriate locations and provide clarity on the issues that will be taken into account when specific proposals are assessed. Development plans should support all scales of development associated with the generation of energy and heat from renewable sources, ensuring that an area's renewable energy potential is realised and optimised in a way that takes account of relevant economic, social, environmental and transport issues and maximises benefits."

While the proposed SWS Project is not a renewable energy project in itself, it is required to transmit the energy generated by renewable energy developments thereby utilising renewable energy. In this respect the implementation of the development will add required capacity to the grid system, thereby assisting greatly in realising the renewable energy potential of the south west of Scotland. It is considered therefore that the proposed development is consistent with the aims of SPP.

Planning History

7.10 There is no planning history of direct significance to the proposed development but the following matters are of relevance to the SWS Project in so far as East Ayrshire Council's interests are concerned:

(i) A Section 36 Application under the Electricity Act, 1989 for the proposed erection of 95 wind turbines and associated works comprising permanent monitoring masts, borrow pits, temporary site compounds, concrete batching plant, electrical substations, formation of internal access roads and new site access, upgrading of existing roads and construction of control building at the Kyle Forest near Dalmellington was considered by the Council's Development Services Committee on 08 March 2006. As a formal consultee on this application, the DSC agreed to formally object to the Kyle Wind farm development. This caused a Public Local Inquiry to be held which took place between January and June 2007. In October 2008, the Scottish Ministers refused to grant consent for a revised development of 85 turbines at the Kyle Forest.

(ii) A Section 36 Application under the Electricity Act, 1989 for the proposed erection of 27 wind turbines and associated works comprising a permanent monitoring mast, temporary site compound, temporary concrete batching plant, formation of new internal access tracks and upgrading of existing tracks and construction of control building and electrical substation on land adjacent to Afton reservoir, near New Cumnock was considered by the Southern Local Planning Committee on 14 December 2007. the Committee at that time resolved not to object to the proposed development subject to resolution of aviation issues affecting the interests of Glasgow Prestwick Airport and subject to other conditions and obligations secured by means of a section 75 Agreement. The Scottish Ministers were notified accordingly, but at this time a formal decision has not yet been made on the proposal.

Representations

7.11 As indicated earlier in this report, the developer of the Afton Wind farm project has objected to the S37 application for the placing of a 132kV lattice steel tower, double circuit

transmission line between the proposed Black Hill Substation and the proposed Glenglass Substation (Part C of the SWS Project as this runs through the proposed Afton development site in a manner that impacts on some proposed turbine locations.

The resolution of this essentially locational conflict between the developer of the proposed Afton wind farm and the developer of the SWS Project is a matter ultimately for the Scottish Ministers, who are the determining body in respect of both the Section 36 Application for the wind farm and also the Section 37 Applications for the SWS Project.

For the purposes of clarity, this objection has no impact on the planning application for the underground transmission line that forms Part D4 of the SWS Project, the determination of which rests with this Council.

7.12 The Nith District Salmon Fishery Board has also objected to the proposed development but in this regard it is noted that SEPA, SNH and the Fisheries Research Services have not objected to the proposed development, subject to implementation of the stated mitigation in the ES. Consequently it is not considered that the objection is of sufficient weight to justify rejection of the proposed development.

The Conservation (Natural Habitats, &c.) Regulations 1994

7.13 As indicated in the consultation response from SNH, the proposal will result in the potential disturbance of protected species including otters, red squirrel and badgers, despite the mitigation measures proposed by the applicant. As indicated by SNH, appropriate licences may require to be obtained in this regard.

7.14 Scottish Government interim guidance to planning authorities states that no planning decision may be made until the planning authority can assure itself that a licence may be forthcoming. An application for a licence will fail unless all of 3 tests on acceptability for a licence are satisfied. In summary these tests are:

Test 1: The licence application must demonstrably relate to … the purpose of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment.

It is considered that the licence (and the disturbance of the protected species that it would authorise) is necessary in order to allow work to proceed that is of overriding public interest of a social and economic nature. This is of particular relevance in respect of the fact that the development is a nationally designated development in terms of the NPF2 document.

Test 2: "that there is no satisfactory alternative"

With regard to Test 2, it is considered that there is no satisfactory alternative to the granting of a licence and to the potential consequent disturbance to protected species. The need for the SWS Project has already been established through its designation as a national Development in terms of NPF2 and given the locational requirement, scale and nature of the project it

is considered that the routeing process has identified the optimum route for the project.

Test 3: A licence cannot be issued unless Scottish Government is satisfied that the action proposed "will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range" (Scottish Government will, however, seek the expert advice of Scottish Natural Heritage on this matter).

The interim guidance issued to planning authorities indicates that SNH is the main body to advise on whether the granting of a licence would be "detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range" and so be capable of meeting Test 3. In its consultation response SNH has not formally objected to the proposed development

In this regard it is considered that for the reasons and justifications set out above it is a reasonable expectation that a licence would be granted and that in arriving at this conclusion the Council, as Planning Authority, has fulfilled the general requirement established under Regulation 3(4) to have regard to the provisions of the Habitats Directive, and in particular to the provisions of Articles 12 and 13 of the Directive and Regulations 39 and 43 of the 1994 Regulations.

This is in respect of the planning application for Part D4 of the SWS Project, where this Council is the determining body for this application.

8. FINANCIAL AND LEGAL IMPLICATIONS

8.1 There are no direct financial or legal implications for the Council in the determination of the planning application or in terms of the responses to the notifications under Section 37 of Electricity Act, 1989.

8.2 However, in relation to the Section 37 Applications, should the Committee be minded to formally object to the proposals, this will trigger a Public Local Inquiry in terms of Section 62 and Schedule 8 of the Electricity Act 1989. Furthermore, if the Council is considered to have acted unreasonably in its objection to the proposed development, a claim for an award of expenses could be made by the applicant.

8.3 In terms of the Electricity Act 1989, Schedule 9 (3) states:

'PRESERVATION OF AMENITY AND FISHERIES: SCOTLAND

(1) In formulating any relevant proposals, a licence holder or a person authorised by an exemption to generate or supply electricity –

(a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special

interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and

(b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

(2) In considering any relevant proposals for which his consent is required under section 36 or 37 of this Act, the Secretary of State shall have regard to–

(a) the desirability of the matters mentioned in paragraph (a) of sub-paragraph (1) above; and

(b) the extent to which the person by whom the proposals were formulated has complied with his duty under paragraph (b) of that sub-paragraph.

It is considered that the proposed SWS Project will result in significant adverse visual and landscape impact both on its own and in conjunction with existing, consented and proposed win farms it is expected to service. Nonetheless, the proposal is a designated national development and the need for, and importance of this strategic infrastructure project has to be balanced against environmental considerations.

9. CONCLUSIONS

9.1 As is indicated in Section 6 of the report, overall the SWS Project is considered to be generally in accordance with the development plan and therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the development should be approved unless material considerations indicate otherwise. However, given the very nature of the development and its geographical scale spanning three Council areas, it is hardly then surprising that there are elements of non-conformity with certain development plan policies. Indeed, consideration of the project as a whole requires assessment against the development plans of these other Councils.

9.2 The ES for the project clearly identifies the significant impacts associated with the development proposals and recognises that impacts relating to landscape and visual amenity simply cannot be mitigated given the nature of introducing tall vertical features into the landscape over significant distances. Nonetheless, the routeing process, as described in the ES has promoted a route that seeks to minimise environmental impacts, including landscape character and visual amenity. Therefore, given the terms of Section 25 and Section 37 (2) of the Town and Country Planning (Scotland) Act 1997, the application should be approved unless material considerations indicate otherwise. As is indicated in Section 7 above, there are material considerations relevant to this application. However, these material considerations are also generally supportive of the proposed development as it is considered that the objections raised are not of sufficient weight to justify refusal of the application.

9.3 As noted in this report, the most significant material consideration is the NPF 2 document which is about shaping Scotland's future and is concerned with how Scotland

develops over the next 20 years and how to make that possible. The NPF identifies key strategic infrastructure needs to ensure that each part of the country can develop to its full potential. It should be noted that the publication of NPF2 post dates the adoption and approval of the current development plan (Ayrshire Joint Structure Plan 2007, and the East Ayrshire Local Plan 2003). NPF2 also post dates the emerging development plan, the Alteration to the East Ayrshire Local Plan which is in the process of formal adoption. In this regard, none of the existing or emerging development plans make provision for or take specific account of the SWS Project as a designated national development as set out in the document. Paragraph 242 of NPF2 states that where the NPF strategy is at variance with an earlier development plan, the statement of policy in the NPF will take precedence.

9.4 The main impact on local communities will occur during the 34 month construction period of the project as the development will generate a significant number of traffic movements along routes being used for the removal of felled timber from the development area and the delivery on to the site of construction materials and project components. While it is considered that this will be temporary for the duration of the construction of the project, the estimated 191,880 vehicle movements is an issue that is likely to impact greatly on local communities, particularly New Cumnock and Dalmellington.

9.5 The consultation responses, while generally indicating some concerns to varying degrees, do not now raise any significant objections to the proposed development subject to appropriate conditions and the proposals in this respect should generally be endorsed.

9.6 However, while some of the proposed wind farm developments which will be served by the SWS Project are already consented, other developments await approval from the Scottish Ministers. Indeed one element has been refused (Kyle) and another (Pencloe) has not yet progressed to the application stage. While it is recognised that the core elements of this significant infrastructure could proceed once formal consent has been granted (Parts A, B and C, conditions should be attached to the proposed wind farm connections Part D1, D2 and D4 to ensure that no works commence on these elements of the project until such time as the approval of the Scottish Ministers has been obtained or, in the case of the proposed Pencloe wind farm, the consent of either the Scottish Ministers or East Ayrshire Council has been obtained, depending on the scale and generating capacity of that development.

9.7 Given the importance of this project in terms of its designation as a National Development within the National Planning Framework 2, and taking into account relevant planning policy and other material considerations, it is recommended that the planning application should be approved subject to conditions and that the five formal notifications under the Electricity Act 1989 be recommended for approval subject to conditions.

10. RECOMMENDATIONS

(A) PLANNING APPLICATION 09/0130/FL

10.1 It is recommended Local Planning Committee endorses the view of the Head of Planning and Economic Development that planning application 09/0130/FL be approved subject to the conditions indicated on the attached sheet.

10.2 It is recommended that the recommendation of the Local Planning Committee be subsequently referred to the Council for consideration in the determination of this planning application..

(B) FORMAL NOTICATIONS 09/0131/EB, 09/0132/EB, 09/0133/EB, 9/0134/EB AND 09/0135/EB

10.3 It is recommended that the Committee agrees not to object to the five formal notifications under Section 37 of the Electricity Act, 1989, subject to the conditions as set out in the respective attached sheets and that the applicant and the Scottish Ministers be notified accordingly.

Alan Neish
Head of Planning and Economic Development

27 September 2010
HM/HM
FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form, Plans and Environmental Statement.
2. Formal Notices under Section 37 of the Electricity Act 1989
3. Statutory Notices and Certificates.
4. Consultation Responses.
5. Letter of representation
6. Adopted East Ayrshire Local Plan (2003)
7. Adopted East Ayrshire Opencast Subject Plan (2003)
8. Approved Ayrshire Joint Structure Plan (2007)
9. Alteration to the East Ayrshire Local Plan (Finalised Version with Modifications (2009)
10. National Planning Framework 2 (2009)
11. Scottish Planning Policy

Any person wishing to inspect the background papers listed above should contact Mr Hugh Melvin on 01563 555481.

Implementation Officer: Dave Morris

TP24

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0130/FL

Location	Between Black Hill Substation (OS Ref NS612047) And Pencloe Wind Farm (OS Ref NS609059)
Nature of Proposal:	Proposed Installation of 33 KV Underground Cable Connection from Proposed 132 KV Substation at Black Hill NS612047 to Proposed Windfarm Substation NS 609059
Name and Address of Applicant:	Ross Baxter Scottish Power Transmission Ltd New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

Officer's Ref: Hugh Melvin
01563 555481

The above application for Planning Permission should be APPROVED subject to the following conditions:

1. No development shall commence on site in implementation of this component of the South West Scotland Renewables Project until the proposed Pencloe Wind Farm development has either received the formal consent of the Scottish Ministers under Section 36 of the electricity Act, 1989 or the formal consent of East Ayrshire Council under the Town and Country Planning Scotland Act 1997 (as amended).

   REASON: In order to ensure that infrastructure is put in place for appropriately consented wind farm developments.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

4. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

5. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

6. Prior to the commencement of construction works and allied activities, an otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

7. Prior to the commencement of construction works and allied activities, a management plan for red squirrel detailing all mitigation measures shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

8. Prior to the commencement of construction works and allied activities, a freshwater pearl mussel mitigation plan detailing all mitigation measures, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

9. Prior to the commencement of construction works and allied activities, a survey of route and access corridors for water vole will be carried as part of the micro-siting

process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

REASON: To minimise disturbance to protected species and their habitats.

10 Prior to the commencement of construction works and allied activities, a management plan for water vole detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

11. Prior to the commencement of construction works and allied activities, a reptile management plan detailing all mitigation measures shall be produced the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

12. The timing of works shall generally avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas shall be surveyed for the presence of breeding birds and work progressed in accordance with legislation and in consultation with SNH.

REASON: To minimise disturbance to protected species and other birds and their habitats.

13. Prior to the commencement of construction works and allied activities, a black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

14. Prior to the commencement of construction works and allied activities, a management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

15. Prior to the commencement of construction works and allied activities, a badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

16. Prior to the commencement of construction works and allied activities, the applicant shall appoint an ecological clerk of works or similar to oversee the production and implementation of all the necessary mitigation /management plans.

REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

17. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:

    (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
    (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
    (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs. bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

20. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

21. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

REASON: To ensure safe passage on the road by the public during the construction period

22. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

23. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

    REASON: In the interests of public road safety.

REASON FOR DECISION

The proposed development is considered to be generally consistent with the provisions of the development plan, albeit that it represents non-conformity with some policy provisions. Notwithstanding this, there are material considerations in respect of the development that are of significance to the extent that they outweigh the minor departures from development plan policy to justify approval of the application.

TP24

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0131/EB

Location	Between Coylton Substation (OS Ref NS463197) And Proposed Meikle Hill Substation (OS Ref NS520081)
Nature of Proposal:	To the placing of a 400kV lattice steel tower, double circuit transmission line between the existing Coylton Substation and proposed Meikle Hill substation within East Ayrshire
Name and Address of Applicant:	Ross Baxter New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

Officer's Ref: Hugh Melvin
01563 555481

The above development notified under Section 37 of the Electricity Act 1989 should be recommended for APPROVAL subject to the following conditions:

1. No development shall commence on site in implementation of this component of the South West Scotland Renewables Project until the applicant has secured the agreement of Glasgow Prestwick Airport and the Scottish Ministers in terms of the provision of aviation obstacle lighting to towers 1 to 13 inclusive of this component of the South West Scotland Renewables Project and the lighting of other such existing towers as may be mutually agreed between the relevant parties.

REASON: In the interests of aviation safety.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first

planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

4. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

5. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

6. Prior to the commencement of construction works and allied activities, an otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

7. Prior to the commencement of construction works and allied activities, a management plan for red squirrel detailing all mitigation measures shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

8. Prior to the commencement of construction works and allied activities, a freshwater pearl mussel mitigation plan detailing all mitigation measures, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

9. Prior to the commencement of construction works and allied activities, a survey of route and access corridors for water vole will be carried as part of the micro-siting process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

REASON: To minimise disturbance to protected species and their habitats.

10 Prior to the commencement of construction works and allied activities, a management plan for water vole detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

11. Prior to the commencement of construction works and allied activities, a reptile management plan detailing all mitigation measures shall be produced the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

12. Earth wire deflectors shall be fitted to the earth wire along sensitive stretches of the line as agreed in consultation with SNH.

REASON: To mitigate the risk of collision of birds with the conductors

13. The timing of works shall generally avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas shall be surveyed for the presence of breeding birds and work progressed in accordance with legislation and in consultation with SNH.

REASON: To minimise disturbance to protected species and other birds and their habitats.

14. Prior to the commencement of construction works and allied activities, a black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

15. Prior to the commencement of construction works and allied activities, a management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

16. Prior to the commencement of construction works and allied activities, a badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

17. Prior to the commencement of construction works and allied activities, the applicant shall appoint an ecological clerk of works or similar to oversee the production and implementation of all the necessary mitigation /management plans.

REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:

    (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
    (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
    (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

20. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs. bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

21. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

22. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

REASON: To ensure safe passage on the road by the public during the construction period

23. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

24. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

REASON: In the interests of public road safety.

TP24

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0132/EB

Location	Between The Proposed Meikle Hill Substation (OS Ref NS520081) And The Proposed Black Hill Substation (OS Ref NS612048)
Nature of Proposal:	The placing of a 132kV lattice steel tower, double circuit transmission line between the proposed Meikle Hill Substation and the proposed Black Hill Substation.
Name and Address of Applicant:	Ross Baxter New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

Officer's Ref: Hugh Melvin
01563 555481

The above development notified under Section 37 of the Electricity Act 1989 should be recommended for APPROVAL subject to the following conditions:

1. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

4. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

5. Prior to the commencement of construction works and allied activities, an otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

6. Prior to the commencement of construction works and allied activities, a management plan for red squirrel detailing all mitigation measures shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

7. Prior to the commencement of construction works and allied activities, a freshwater pearl mussel mitigation plan detailing all mitigation measures, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

8. Prior to the commencement of construction works and allied activities, a survey of route and access corridors for water vole will be carried as part of the micro-siting process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

REASON: To minimise disturbance to protected species and their habitats.

9. Prior to the commencement of construction works and allied activities, a management plan for water vole detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

10. Prior to the commencement of construction works and allied activities, a reptile management plan detailing all mitigation measures shall be produced the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

11. Earth wire deflectors shall be fitted to the earth wire along sensitive stretches of the line as agreed in consultation with SNH.

REASON: To mitigate the risk of collision of birds with the conductors

12. The timing of works shall generally avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas shall be surveyed for the presence of breeding birds and work progressed in accordance with legislation and in consultation with SNH.

REASON: To minimise disturbance to protected species and other birds and their habitats.

13. Prior to the commencement of construction works and allied activities, a black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

14. Prior to the commencement of construction works and allied activities, a management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

15. Prior to the commencement of construction works and allied activities, a badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

16. Prior to the commencement of construction works and allied activities, the applicant shall appoint an ecological clerk of works or similar to oversee the production and implementation of all the necessary mitigation /management plans.

REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

17. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:

    (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
    (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
    (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to

the site. Any re-location of existing street furniture (street lighting columns, road signs. bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

20. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

21. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

REASON: To ensure safe passage on the road by the public during the construction period

22. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

23. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

    REASON: In the interests of public road safety.

TP24

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0133/EB

Location	Between Proposed Black Hill Substation (OS Ref NS612048) And The Proposed Glenglass Substation (OS Ref NS721067)
Nature of Proposal:	The placing of a 132kV lattice steel tower, double circuit transmission line between the proposed Black Hill Substation and the proposed Glenglass Substation.
Name and Address of Applicant:	Ross Baxter New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

Officer's Ref: Hugh Melvin
01563 555481

The above development notified under Section 37 of the Electricity Act 1989 should be recommended for APPROVAL subject to the following conditions:

1. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon

cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

4. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

5. Prior to the commencement of construction works and allied activities, an otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

6. Prior to the commencement of construction works and allied activities, a management plan for red squirrel detailing all mitigation measures shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

7. Prior to the commencement of construction works and allied activities, a freshwater pearl mussel mitigation plan detailing all mitigation measures, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

8. Prior to the commencement of construction works and allied activities, a survey of route and access corridors for water vole will be carried as part of the micro-siting process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

REASON: To minimise disturbance to protected species and their habitats.

9. Prior to the commencement of construction works and allied activities, a management plan for water vole detailing all mitigation measures will be produced

prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

10. Prior to the commencement of construction works and allied activities, a reptile management plan detailing all mitigation measures shall be produced the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

11. Earth wire deflectors shall be fitted to the earth wire along sensitive stretches of the line as agreed in consultation with SNH.

REASON: To mitigate the risk of collision of birds with the conductors

12. The timing of works shall generally avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas shall be surveyed for the presence of breeding birds and work progressed in accordance with legislation and in consultation with SNH.

REASON: To minimise disturbance to protected species and other birds and their habitats.

13. Prior to the commencement of construction works and allied activities, a black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

14. Prior to the commencement of construction works and allied activities, a management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

15. Prior to the commencement of construction works and allied activities, a badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

16. Prior to the commencement of construction works and allied activities, the applicant shall appoint an ecological clerk of works or similar to oversee the production and implementation of all the necessary mitigation /management plans.

REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

17. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:

    (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
    (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
    (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs. bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

20. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

21. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

REASON: To ensure safe passage on the road by the public during the construction period

22. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

23. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

    REASON: In the interests of public road safety.

TP24

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0134/EB

Location	Between The Proposed Meikle Hill Substation (OS Ref NS520081) And The Proposed Kyle North Wind Farm Substation (OS Ref NS488120)
Nature of Proposal:	To the placing of a 132kV wood pole, single circuit transmission line between proposed pole No 1 (OS Ref NS515083) and proposed pole No 72 (OS Ref NS488120) forming the overhead line connection between proposed Meikle Hill substation and proposed Kyle North wind farm substation.
Name and Address of Applicant:	Ross Baxter New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

Officer's Ref: Hugh Melvin
01563 555481

The above development notified under Section 37 of the Electricity Act 1989 should be recommended for APPROVAL subject to the following conditions:

1. No development shall commence on site in implementation of this component of the South West Scotland Renewables Project until any revised proposal for the Kyle Wind Farm development has either received the formal consent of the Scottish Ministers under Section 36 of the electricity Act, 1989 or the formal consent of East Ayrshire Council under the Town and Country Planning Scotland Act 1997 (as amended).

REASON: In order to ensure that infrastructure is put in place only for appropriately consented wind farm developments.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the

proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

4. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

5. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

6. Prior to the commencement of construction works and allied activities, an otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

7. Prior to the commencement of construction works and allied activities, a management plan for red squirrel detailing all mitigation measures shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

8. Prior to the commencement of construction works and allied activities, a freshwater pearl mussel mitigation plan detailing all mitigation measures, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

9. Prior to the commencement of construction works and allied activities, a survey of route and access corridors for water vole will be carried as part of the micro-siting process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

REASON: To minimise disturbance to protected species and their habitats.

10 Prior to the commencement of construction works and allied activities, a management plan for water vole detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

11. Prior to the commencement of construction works and allied activities, a reptile management plan detailing all mitigation measures shall be produced the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

12. Earth wire deflectors shall be fitted to the earth wire along sensitive stretches of the line as agreed in consultation with SNH.

REASON: To mitigate the risk of collision of birds with the conductors

13. The timing of works shall generally avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas shall be surveyed for the presence of breeding birds and work progressed in accordance with legislation and in consultation with SNH.

REASON: To minimise disturbance to protected species and other birds and their habitats.

14. Prior to the commencement of construction works and allied activities, a black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

15. Prior to the commencement of construction works and allied activities, a management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

16. Prior to the commencement of construction works and allied activities, a badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

17. Prior to the commencement of construction works and allied activities, the applicant shall appoint an ecological clerk of works or similar to oversee the production and implementation of all the necessary mitigation /management plans.

REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:

    (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
    (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
    (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's

construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

20. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs. bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

21. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

22. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

REASON: To ensure safe passage on the road by the public during the construction period

23. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

24. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

REASON: In the interests of public road safety.

TP24

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 09/0135/EB

Location	Between The Proposed Meikle Hill Substation (OS Ref NS520081) And The Proposed Dersalloch Wind Farm Substation (OS Ref NS435055)
Nature of Proposal:	To the placing of a 132kV wood pole, single circuit transmission line between the proposed pole No 1 (OS Ref NS515082) and proposed pole No 138 (OS Ref NS433053) between the proposed Meikle Hill substation and the proposed Dersalloch wind farm substation.
Name and Address of Applicant:	Ross Baxter New Alderston House Dove Wynd Strathclyde Business Park Bellshill ML4 3FF
Name and Address of Agent	

Officer's Ref: Hugh Melvin
01563 555481

The above development notified under Section 37 of the Electricity Act 1989 should be recommended for APPROVAL subject to the following conditions:

1. No development shall commence on site in implementation of component of the South West Scotland Renewables Project until the proposed Dersalloch Wind Farm development has received the formal consent of the Scottish Ministers under Section 36 of the Electricity Act, 1989.

REASON: In order to ensure that infrastructure is put in place for appropriately consented wind farm developments.

2. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed substation control building, enclosures and access. The details shall also a proposed landscaping scheme for the substation compound(s) and shall detail the number, size and species of trees and shrubs to be planted as part of the scheme. The scheme, as subsequently approved, shall be implemented in the first planting season following the completion or commissioning of the development hereby consented. Thereafter, the trees and shrubs forming part of the scheme shall be maintained and replaced as necessary to the satisfaction of the Planning Authority for a minimum period of 10 years.

REASON: In the interests of visual amenity.

3. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, details of the proposed location and re-instatement works in relation to all temporary site compounds required in implementation of the development. Thereafter, the site compounds shall be formed in accordance with the approved details and upon cessation of use, the land shall be re-instated in accordance with the approved details.

REASON: In the interests of visual amenity.

4. Prior to the commencement of construction works and allied activities, the applicant shall submit to and have approved in writing by East Ayrshire Council, in consultation with Forestry Commission Scotland, a Forest Design Concept, to promote visual integration of wayleave corridors into the changed forest landscape combining trees, shrubs and open ground.

REASON: In the interests of visual amenity

5. Prior to the commencement of construction works and allied activities, an otter survey of route and access corridors will be carried out in areas where otter are likely to be found as part of the micro-siting process prior to construction.

REASON: The survey is required because of the time between the original survey and potential construction as it is possible that otters will have moved locations and will form the basis for detailed mitigation plans for each tower location and/or licence applications if necessary.

6. Prior to the commencement of construction works and allied activities, an otter management/mitigation plan detailing all mitigation measures, including for situations of disturbance and /or actual damage to places of shelter, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

7. Prior to the commencement of construction works and allied activities, a management plan for red squirrel detailing all mitigation measures shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

8. Prior to the commencement of construction works and allied activities, a freshwater pearl mussel mitigation plan detailing all mitigation measures, shall be produced for the approval of Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

9. Prior to the commencement of construction works and allied activities, a survey of route and access corridors for water vole will be carried as part of the micro-siting

process prior to construction. This survey shall form the basis for detailed mitigation plans for each tower location.

REASON: To minimise disturbance to protected species and their habitats.

10 Prior to the commencement of construction works and allied activities, a management plan for water vole detailing all mitigation measures will be produced prior to any construction and allied activities commencing and will be for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

11. Prior to the commencement of construction works and allied activities, a reptile management plan detailing all mitigation measures shall be produced the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

12. Earth wire deflectors shall be fitted to the earth wire along sensitive stretches of the line as agreed in consultation with SNH.

REASON: To mitigate the risk of collision of birds with the conductors

13. The timing of works shall generally avoid sensitive periods of the bird breeding season, where possible. Where this is not possible and where suitable breeding habitats are to be affected by works, areas shall be surveyed for the presence of breeding birds and work progressed in accordance with legislation and in consultation with SNH.

REASON: To minimise disturbance to protected species and other birds and their habitats.

14. Prior to the commencement of construction works and allied activities, a black grouse management plan detailing both mitigation measures and positive management proposals (including any input to the South West Scotland Black Grouse Programme) shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to protected species and their habitats.

15. Prior to the commencement of construction works and allied activities, a management plan for blanket bog and other peat habitats detailing all the mitigation measures, including track construction and restoration, tower and pole erection, substation construction and peat disposal, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

16. Prior to the commencement of construction works and allied activities, a badger management plan detailing all mitigation measures, including for situations of disturbance and/or actual damage to places of shelter, shall be produced for the approval of the Scottish Ministers in consultation with SNH.

REASON: To minimise disturbance to blanket bog and other peat habitats.

17. Prior to the commencement of construction works and allied activities, the applicant shall appoint an ecological clerk of works or similar to oversee the production and implementation of all the necessary mitigation /management plans.

REASON: To oversee the whole process from pre-construction activities through construction to restoration in the interests of environmental protection.

18. Prior to the commencement of construction works and allied activities, the applicant shall prepare an Environmental Management Plan (EMP) as promoted within the South-West Scotland Renewables Project Environmental Statement. The EMP shall include provision for, but not necessarily restricted to, the following matters as may be appropriate to construction works undertaken in implementation of the SWS Project:

    (i) Construction Method Statements as may be appropriate to construction works undertaken in implementation of the SWS Project.
    (ii) A Pollution Prevention Plan as may be appropriate to construction works undertaken in implementation of the SWS Project, with particular reference to the potential for escape of oil from transformer components.
    (iii) A Waste Management Plan.

REASON: In the interests of environmental protection.

19. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure to allow the safe passage of abnormal loads associated with the proposed SWS Project, for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Inspection and assessments shall be undertaken by the applicant of all known structures, pipes and culverts below the affected public roads to confirm their ability to carry abnormal loads and construction traffic and to determine all necessary repairs. Any resultant damage due to the applicant's construction traffic/abnormal loads shall require to be repaired at the applicant's expense

REASON: In the interests of public road safety.

20. Prior to the commencement of construction works and allied activities, the applicant shall provide details of any works necessary to road infrastructure relating to construction of permanent and temporary site accesses in respect of substation sites and construction compounds for the SWS Project, for the approval of Scottish

Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected. All work deemed necessary shall require to be carried out to the Specification for Highway Works at the applicant's expense prior to the commencement of construction work on site and delivery of any abnormal loads to the site. Any re-location of existing street furniture (street lighting columns, road signs. bollards etc) required as a result of the proposal shall be at the applicant's expense.

REASON: In the interests of public road safety.

21. A full structural assessment of the public section of the Gateside Road / Broomknowe and the C90 route from the B741 to Craigdarroch (6.99km) shall be undertaken by the applicant and agreed with East Ayrshire Council as Roads Authority. All identified necessary road works required (e.g. kerbing corners and road edges, drainage improvements, patching, widening, provision of additional passing places and structural strengthening of the road) shall be carried out and completed prior to commencement of any works on-site and at the applicant's expense.

REASON: In the interests of public road safety.

22. A regime of ongoing maintenance of roads affected by the proposed construction works shall be agreed between the applicant and the Scottish Ministers in consultation with East Ayrshire Council as Roads Authority prior to commencement of any work on site. The regime, as agreed shall thereafter be implemented at the applicant's expense,

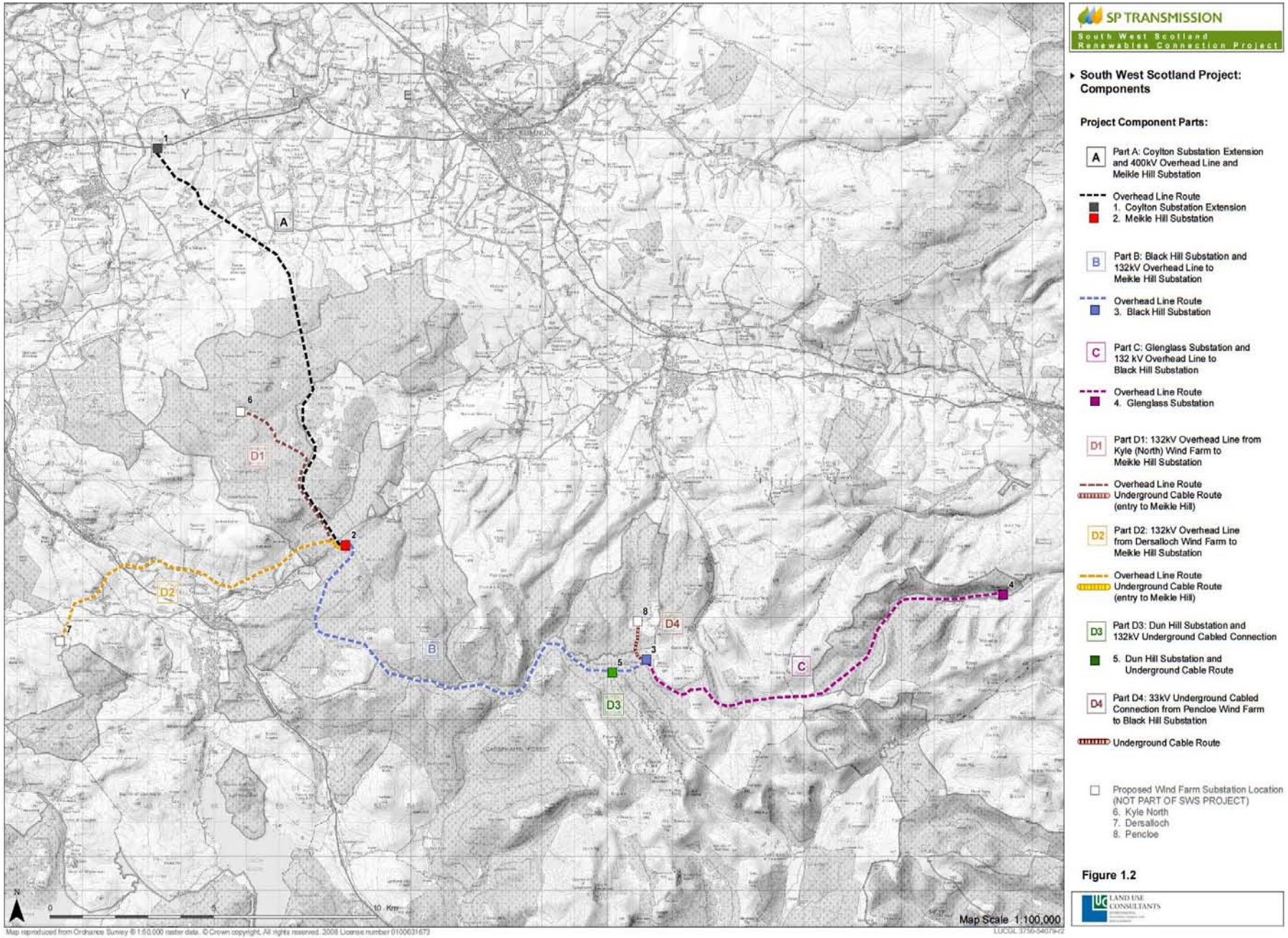
REASON: To ensure safe passage on the road by the public during the construction period

23. Following completion of all construction works associated with the SWS Project, traffic routes impacted by the development shall be reinstated to their former condition which would be determined by joint inspections prior to commencement of the project. Location, visibilities and standard of construction of any accesses from the public road system to the site will require to be agreed in advance with the Roads Authority and constructed prior to commencement of any work on the site in the interests of road safety.

REASON: To ensure safe passage on the road by the public after the construction period

24. Prior to the commencement of construction works and allied activities, the applicant shall prepare a Traffic Management Plan / Transportation Protocol which shall detail routing of vehicles, timing of deliveries and timber extraction, driver conduct, wheel washes at site accesses etc. for the approval of Scottish Ministers in consultation with East Ayrshire Council as Roads Authority where its interests are affected.

REASON: In the interests of public road safety.



Elizabeth Morton, Depute Chief Executive/Executive Director of Corporate Support