

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 12 NOVEMBER 2010

10/0485/PP: PROPOSED EXTENSION TO WHITELEE WINDFARM COMPRISING THE ERECTION OF SEVEN TURBINES, ASSOCIATED HARDSTANDING AREAS, ON SITE ACCESS TRACKS AND ANCILLARY WORKS COMPRISING THE FORMATION OF A TEMPORARY CONSTRUCTION COMPOUND, BORROW PITS AND ERECTION OF TEMPORARY METEOROLOGICAL MASTS ON LAND ADJACENT TO WHITELEE WINDFARM, NORTH EAST OF KILMARNOCK ON EAGLESHAM MOOR.

APPLICATION BY SCOTTISH POWER RENEWABLES

Click for Application Details: <http://eplanning.east-ayrshire.gov.uk/online/caseFile.do?category=application&caseNo=10/0485/PP>

Report by Head of Planning and Economic Development

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The development proposes the following:

- 7 wind turbines of up to 140 metres to tip height (i.e. height from ground level to the tip of the blade when vertical);
- a hardstanding area at each turbine base;
- on site access tracks and associated watercourse crossings; and
- on site underground cabling

In addition to the above components of the operational windfarm proposal, the construction phase proposals include:

- 71 hectares of forestry clearance;
- construction compounds and laydown areas;
- two temporary meteorological masts;
- one new borrow pit (areas of stone excavation); and
- an extension of the existing borrow pit at Larchet Hill

1.2 The applicant estimates that approximately 91,000 m³ of stone will be required for construction of the windfarm (including access tracks, structural fill beneath turbine foundations and hardstanding at turbine bases and compounds). An additional 2,400 m³ of harder Type 1 material will also be required on site.

1.3 One new borrow pit will be required and is located between the B764 and the Collorybog Burn. This new pit has been sited to avoid long haul distances within the site as it is near to the main development proposals. It is

additionally proposed to extract stone from one previously approved borrow pit location on the Whitelee Extension windfarm site by extending it should the new pit fail to produce the quantity or quality of stone required. Following cessation of construction work, borrow pits will generally be restored (part filled and contoured).

1.4 The principal access for construction and operations relative to the site would be from the consented site operations entrance from the B764 at Lochgoin and via the consented site spine road. The turbine towers, nacelles and blades will be delivered to Port of Ayr harbour or Glasgow's King George V Dock. These will then be transported to the site via the M77 and B764, which is the same route used for the delivery of turbines for the existing Whitelee windfarm.

1.5 The windfarm proposal comprises the erection of 7 three bladed horizontal axis wind turbines. It is proposed to finish the turbines in a semi matt pale grey colour. The turbines are computer controlled to ensure that at all times each turbine faces directly into the wind. Each turbine will reach a maximum height of 140 metres from base to blade tip. Turbines with a rating of up to 3 megawatts are under consideration for this proposed wind farm providing a potential maximum total generating capacity of 21 megawatts.

1.6 The proposed development includes the formation of approximately 4 kilometres of access tracks which come off of the previously consented spine road.

1.7 The proposed wind farm development will require the felling of the coniferous commercially forested area within the application site which amounts to approximately 71 hectares. This area will not be replanted during the operational life of the windfarm. The developer proposes to retain small areas of existing broadleaf woodland present on the site.

1.8 A temporary construction storage compound/laydown area will be required, providing site accommodation and staff welfare facilities, materials and small component storage and car parking facilities. The proposed compound will measure approximately 90 metres by 195 metres. No on-site concrete batching plant will be provided at this site given the relatively small scale of the development in comparison to the original Whitelee site and its extensions.

1.9 Two temporary meteorological masts are proposed for the site to a height of 80 metres. Both masts will be erected early in the construction programme to record data prior to turbine placement. One will be removed prior to turbine construction commencing and the other removed within two years following turbine commissioning.

1.10 The application promotes a 25 year period of operation, following final commissioning. The construction period for the proposed development is anticipated to be 10 months and decommissioning is expected to take a further six months.

1.11 The application is accompanied by a comprehensive Environmental Statement that covers a wide range of environmental considerations particularly in respect of landscape and visual impact, impact on the natural and built environment and cumulative impact.

1.12 The proposed development involves the generation of electricity from a renewable energy source that will reduce or avoid the use of fossil fuels. The applicant states that the East Kingswell windfarm extension development would deliver a net energy yield of up to 21 megawatt hours per year.

1.13 In terms of socio-economic benefit, the applicant indicates that beneficial effects have been identified during the construction phase for on site employment and service provision to the local and wider economy. The land use changes proposed are considered by the applicant to be of low significance locally and nationally.

1.14 The applicant anticipates that the proposed development would result in beneficial effects through its contribution to improved accessibility and recreation by integrating the development with the Whitelee Access Action Plan which provides a network of paths and viewpoints and a visitor centre.

1.15 There will be eight full time operational staff on site during the normal working hours for servicing and maintenance. The operational staff will be responsible for the operation of the Whitelee Windfarm, the Phase 1 and 2 Extensions and the current proposal for the lifetime of the windfarm.

1.16 The proposal has been the subject of pre-application consultation with the local community and other relevant stakeholders / interested parties. A Pre-Application Consultation Report accompanies the application that details the measures undertaken by the applicant to engage with the community, including a Public Information Day held on 03 March 2010 which was attended by approximately 62 people. The PAC report concludes that:

“A comprehensive consultation exercise has been undertaken in relation to the proposed Development in line with best practice for EIA and to fulfil the requirements of pre-application consultation. The consultation was effective in providing baseline data for the EIA and an opportunity for consultees to influence the proposed Development design throughout the development process prior to a planning application being submitted.”

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the decision notice is withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 7.1 of this report.

3. CONCLUSIONS

3.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. As indicated at Section 6 of the report, there are material considerations relevant to this application. It is considered that these are generally supportive of the application in terms of national policy, planning advice and the consultees. The objections to the proposal are the only material consideration clearly against the development.

3.2 The development generally complies with the approved Ayrshire Joint Structure Plan 2007 and the East Ayrshire Local Plan 2010. The development is within the identified area of search for wind farm development in the Structure Plan and Local Plan. The environmental impact on a national scale will be positive as the site contributes green energy. On a local scale the development will alter the existing environment through tree loss; however the Environmental Statement identifies significant benefits through mitigation which will encourage species of regional importance to the site. The site will predominantly offer no new significant visual impact given the presence of existing consented development and the design of the proposal which ties the scheme into the wider Whitelee and Extension windfarm.

3.3 It is noted that some key transport routes will experience a significant visual impact however given the short stretches of the routes, the fast transiting speed of vehicles and the presence of existing turbines, this is considered to be acceptable.

3.4 It is considered that the proposed development, together with other existing wind farm developments (existing and proposed) will provide a generating capacity that would meet a portion of the Scottish Government's renewable energy target and is in compliance with Scottish Planning Policy.

3.5 It is recognised that the proposed development would result in potential benefits to the natural environment and socio-economic benefits through the following:

- The securing of developer contributions to promote socio-economic benefit to local communities;
- The significant benefits accruing from the construction programme that potentially would generate substantial local output in the East Ayrshire economy.
- Mitigation measures that will improve the biodiversity of the site helping to make it more attractive to indigenous species of regional importance.
- The creation of a path network that will tie into the existing Whitelee access strategy thereby allowing greater public access through the site.

3.6 In terms of the material considerations, other than the letters of objection, none indicate that the application should be refused as conditions

and legal obligations can be used to address any outstanding issues. The letters of objection have raised various matters including the principle of wind farms and site specific objections concerning visual impact including cumulative impact, felling of forestry, the impact on the Rowallan Memorial and impact on cats and dogs/business. As noted at section 5 of the report, the principle of wind farm development is consistent with national and local objectives and as such is acceptable. In terms of the site specific matters raised, it is not felt that significant landscape damage will occur from the development although it is agreed that significant visual impact will occur when viewed from some transport corridors; albeit over a short period.

3.7 The information submitted by the developer does not suggest that adverse cumulative visual impact, noise or disturbance will occur from the development. This is considered to be accurate and it should be noted that Scottish Natural Heritage have no concerns in this respect. There is not considered to be any adverse impact to historic assets or their setting which is also confirmed through the consultation response from Historic Scotland. The points made with regard to animal behaviour are not material planning considerations.

CONTRARY DECISION NOTE

Should the Committee agree that the application should be refused contrary to the recommendation of the Head of Planning and Economic Development, and for reasons other than the principle of the development, then the application will not require to be referred to Council for a determination, as it would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

EAST AYRSHIRE COUNCIL

NORTHERN LOCAL PLANNING COMMITTEE: 12 NOVEMBER 2010

**10/0485/PP: PROPOSED EXTENSION TO WHITELEE WINDFARM
COMPRISING THE ERECTION OF SEVEN TURBINES, ASSOCIATED
HARDSTANDING AREAS, ON SITE ACCESS TRACKS AND ANCILLARY
WORKS COMPRISING THE FORMATION OF A TEMPORARY
CONSTRUCTION COMPOUND, BORROW PITS AND ERECTION OF
TEMPORARY METEOROLOGICAL MASTS
ON LAND ADJACENT TO WHITELEE WINDFARM, NORTH EAST OF
KILMARNOCK ON EAGLESHAM MOOR.**

APPLICATION BY SCOTTISH POWER RENEWABLES

Report by Head of Planning and Economic Development

1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination an application for planning permission, to be considered by the Northern Local Planning Committee under the current scheme of delegation as it is a Major Development as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site lies adjacent to the existing, operational Whitelee Windfarm and occupies an area of the Eaglesham Moor south of the B764 comprising commercial forestry and open moorland. The site area is approximately 435 hectares and is located immediately to the west and north west of the consented Whitelee windfarm and extensions but also incorporates elements of these developments including borrow pits and spine road access. The site is immediately bounded to the north by the B764 with commercial forestry across and the outer fringes of Glasgow approximately 8km to the north east. To the west of the site is moorland with the M77 approximately 775 metres distant at the nearest point. To the south is a large commercial forestry area and moorland with Kilmarnock approximately 5km to the south west. The east and south east of the site is dominated by the consented Whitelee windfarm and extensions including turbines, accesses, moorland and reservoirs.

2.2 The application is presented as the third phase extension to the existing Whitelee windfarm. Whilst the majority of the proposed site and all of the proposed turbines are located within East Ayrshire the proposal includes using the existing access at Lochgoin within East Renfrewshire. Furthermore the application boundary incorporates elements of the previously consented

developments including the site access, the use of the spine road, the substation of Whitelee Extension and the Larchet Hill borrow pit.

2.3 There are no major roads within the site, although there are forestry access tracks and access tracks for Whitelee Windfarm and Extension. There are small streams and drainage ditches throughout the site including Collorybog Burn, Greenfield Burn and Drumtee Water. Lochgoin and Craigendunton Reservoirs are located adjacent to the site boundary at Topfaulds Hill and Hareshaw Hill respectively.

2.4 There are no statutory landscape conservation designations and no Scheduled Ancient Monuments or Listed Buildings on the application site. However the site includes part of the Fenwick Moor (Greenfield Burn) Provisional Wildlife Site.

2.5 **Proposed Development:** The development proposes the following:

- 7 wind turbines of up to 140 metres to tip height (i.e. height from ground level to the tip of the blade when vertical);
- a hardstanding area at each turbine base;
- on site access tracks and associated watercourse crossings; and
- on site underground cabling

In addition to the above components of the operational windfarm proposal, the construction phase proposals include:

- 71 hectares of forestry clearance;
- construction compounds and laydown areas;
- two temporary meteorological masts;
- one new borrow pit (areas of stone excavation); and
- an extension of the existing borrow pit at Larchet Hill

2.6 The applicant estimates that approximately 91,000 m³ of stone will be required for construction of the windfarm (including access tracks, structural fill beneath turbine foundations and hardstanding at turbine bases and compounds). An additional 2,400 m³ of harder Type 1 material will also be required on site.

2.7 One new borrow pit will be required and is located between the B764 and the Collorybog Burn. This new pit has been sited to avoid long haul distances within the site as it is near to the main development proposals. It is additionally proposed to extract stone from one previously approved borrow pit location on the Whitelee Extension windfarm site by extending it should the new pit fail to produce the quantity or quality of stone required. Following cessation of construction work, borrow pits will generally be restored (part filled and contoured).

2.8 The principal access for construction and operations relative to the site would be from the consented site operations entrance from the B764 at Lochgoin and via the consented site spine road. The turbine towers, nacelles

and blades will be delivered to Port of Ayr harbour or Glasgow's King George V Dock. These will then be transported to the site via the M77 and B764, which is the same route used for the delivery of turbines for the existing Whitelee windfarm.

2.9 The windfarm proposal comprises the erection of 7 three bladed horizontal axis wind turbines. It is proposed to finish the turbines in a semi matt pale grey colour. The turbines are computer controlled to ensure that at all times each turbine faces directly into the wind. Each turbine will reach a maximum height of 140 metres from base to blade tip. Turbines with a rating of up to 3 megawatts are under consideration for this proposed wind farm providing a potential maximum total generating capacity of 21 megawatts.

2.10 The proposed development includes the formation of approximately 4 kilometres of access tracks which come off of the previously consented spine road.

2.11 The proposed wind farm development will require the felling of the coniferous commercially forested area within the application site which amounts to approximately 71 hectares. This area will not be replanted during the operational life of the windfarm. The developer proposes to retain small areas of existing broadleaf woodland present on the site.

2.12 A temporary construction storage compound/laydown area will be required, providing site accommodation and staff welfare facilities, materials and small component storage and car parking facilities. The proposed compound will measure approximately 90 metres by 195 metres. No on-site concrete batching plant will be provided at this site given the relatively small scale of the development in comparison to the original Whitelee site and its extensions.

2.13 Two temporary meteorological masts are proposed for the site to a height of 80 metres. Both masts will be erected early in the construction programme to record data prior to turbine placement. One will be removed prior to turbine construction commencing and the other removed within two years following turbine commissioning.

2.14 The application promotes a 25 year period of operation, following final commissioning. The construction period for the proposed development is anticipated to be 10 months and decommissioning is expected to take a further six months.

2.15 The application is accompanied by a comprehensive Environmental Statement that covers a wide range of environmental considerations particularly in respect of landscape and visual impact, impact on the natural and built environment and cumulative impact.

2.16 The proposed development involves the generation of electricity from a renewable energy source that will reduce or avoid the use of fossil fuels. The

applicant states that the East Kingswell windfarm extension development would deliver a net energy yield of up to 21 megawatt hours per year.

2.17 In terms of socio-economic benefit, the applicant indicates that beneficial effects have been identified during the construction phase for on site employment and service provision to the local and wider economy. The land use changes proposed are considered by the applicant to be of low significance locally and nationally.

2.18 The applicant anticipates that the proposed development would result in beneficial effects through its contribution to improved accessibility and recreation by integrating the development with the Whitelee Access Action Plan which provides a network of paths and viewpoints and a visitor centre.

2.19 There will be eight full time operational staff on site during the normal working hours for servicing and maintenance. The operational staff will be responsible for the operation of the Whitelee Windfarm, the Phase 1 and 2 Extensions and the current proposal for the lifetime of the windfarm.

2.20 The proposal has been the subject of pre-application consultation with the local community and other relevant stakeholders / interested parties. A Pre-Application Consultation Report accompanies the application that details the measures undertaken by the applicant to engage with the community, including a Public Information Day held on 03 March 2010 which was attended by approximately 62 people. The PAC report concludes that:

“A comprehensive consultation exercise has been undertaken in relation to the proposed Development in line with best practice for EIA and to fulfil the requirements of pre-application consultation. The consultation was effective in providing baseline data for the EIA and an opportunity for consultees to influence the proposed Development design throughout the development process prior to a planning application being submitted.”

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Environmental Health Service has provided comments relating to noise impact planning conditions, construction phase working hours, ensuring the integrity of private water supplies likely to be effected by the development are protected, all blasting, earth movements and groundworks should be conducted according to best practice with dust suppression measures and noise mitigation measures used and the submission (post completion) of noise impact assessment providing actual rather than predicted noise impact.

Conditions relating to noise impact, private water supplies, blasting, earth movements, ground works, noise mitigation and dust suppression measures can be attached to any grant of consent and would be similar in detail to previous conditions attached by Scottish Ministers at Whitelee and Whitelee

Extensions. In terms of the post completion noise impact assessment, it is considered that there would be no useful benefit of this unless noise impact is raised as an issue by a neighbouring property. The Whitelee Extension Phase 2 included a condition covering such a purpose where the developer would be required to demonstrate that the noise from the turbines was within set noise levels as established by ETSU-R-97 standards. If the noise levels fell outwith these standards the developer would be required to take remedial action to resolve the issue. In subsequent discussions on this matter the Environmental Health Service has intimated its agreement to such an approach.

3.2 East Ayrshire Council Roads and Transportation Service has no objections to the development and considers that the access is acceptable. The developer should liaise with the Roads and Transportation Service regarding a Section 96 agreement under the Roads (Scotland) Act 1984 and to finalise the agreement for any Construction Traffic Management Plan, both of which should be in place prior to commencement of work at the site.

The comments of the Roads and Transportation Service are noted and the requirements for a Section 96 Agreement and traffic management plans can be addressed separately from the planning process.

3.3 East Renfrewshire Council has approved the development in relation to the access subject to appropriate conditions and the concluding of a section 75 legal agreement.

3.4 Glasgow Prestwick International Airport (GPA) has reviewed the parameters of the proposed windfarm and, based on the information provided in the Environmental Statement, its analysis indicates that some of the turbines at East Kingswell windfarm may be detected by the primary surveillance radar at GPA. However, GPA further notes that whilst these are not welcome, they will be able to be accommodated safely as this is not key vectoring airspace. Therefore they have no objection to this proposed windfarm.

3.5 The Ayrshire Joint Structure Plan Team has considered this application and the supporting information and raises no objection to the principle of the proposed development. However further reflection on the following issues should be considered:

(i) Neighbouring Communities- Amenity, Noise & Shadow Flicker: The Guidance published by the joint steering group and subsequently approved by the three Ayrshire Councils highlighted the need to maintain a separation of 2km from towns and villages and a distance of 700metres or a distance of 10 times the turbine rotor blade diameter, in this case 1km, (which ever is the greater) from individual dwellings, work places or community facilities unless the developer can demonstrate the impacts are acceptable to the local community. Good acoustic design and siting of turbines is essential to ensure

that there is no significant increase in ambient noise levels such that it can affect amenity. PAN 45, paragraph 68 states clearly that if noise is limited to L A90, 10min 35db (A) up to wind speeds of 10 m/s at 10m height, then this condition alone would offer significant protection and amenity. As a number of receptors demonstrated by the Environmental Statement would appear to experience levels in excess of this threshold further guidance should be obtained on whether the projected (particularly cumulative impacts) are acceptable.

The development meets the separation distance from the nearest town or village although it does fall within the minimum distance to individual dwellings. In terms of noise impact, the developer has undertaken various noise impact tests in line with the recommendations of PAN 45 which have demonstrated that there will be no significant adverse effects in relation to noise or shadow flicker from the site or from cumulative impact with other wind farms.

(ii) Separation Distances: Attention is drawn to the need to maintain a minimum separation distance of 210 m from the nearest road network (1.5 X 140m).

The developer has advised that a minimum distance of 190 metres will be provided to the nearest road, in line with Highways Agency advice that distance is calculated through turbine height plus fifty metres. This is 20 metres short of the guidance provided by the Structure Plan Addendum.

(iii) Compensatory Planting: In line with Scottish Planning Policy SPP, paragraph 148, arrangements for compensatory planting should be made for the loss of some 77ha of woodland.

The developer has advised that the development is in accordance with the SPP as it states that “The criteria for determining the acceptability of woodland removal and further information on the implementation of the policy is explained in the Control of Woodland Removal Policy and this should be taken into account when preparing development plans and deciding applications”. This policy advises that compensatory planting is not required where the proposed change in use “enhances priority habitats and their connectivity”. Given the conclusions of the Environmental Statement and the lack of objection from Scottish Natural Heritage on this issue it is considered that compensatory planting would not be required or indeed beneficial.

3.6 Fenwick Community Council and Moscow and Waterside Community Council have not responded to the consultation request.

3.7 Scottish Water has no objection to this planning application.

3.8 NATS (En Route) has no objection to the development subject to planning conditions regarding the provision of a Primary Radar Mitigation Scheme and that no turbine blades be fitted until all measures approved in the Primary Radar Mitigation Scheme are implemented.

Appropriate conditions can be attached to any grant of planning consent to meet the requirements of NATS (En Route).

3.9 Scotland Gas Networks has no objection however have noted the presence of a high pressure gas transmission pipeline in the vicinity.

A note can be attached to any consent granted for the development to advise the applicant to make contact with SGN in this regard.

3.10 Scottish Natural Heritage has no objection to the development but is concerned that the proposal could have impacts of regional importance. Primarily these concerns relate to repeat bat and red squirrel surveys as surveys used for the purposes of Environmental Assessment were undertaken at a sub-optimal time of year or were not undertaken as part of this assessment. SNH recommends that further surveys are undertaken before grant of consent to establish if red squirrels are using the site and to determine the significance of impacts on bats.

Furthermore SNH have recommended various mitigation measures which should be incorporated into the mitigation strategy:

- Appointment of an Ecological Clerk of Works (ECoW)
- Provision of a Habitat Management Plan
- Provision of a Species Protection Plan
- A regime of predator control for a period of 3-5 years following construction completion.
- Management to improve connectivity of better quality habitat
- Post construction collision mortality rate monitoring
- Prevention of re-seeding of conifer post construction.
- Bog and heath land habitat restoration prescriptions should replicate and integrate with those of the Whitelee Habitat Management Plan
- Consider the relocation of turbines 219 and 220 due to the visual impact on major transport routes and potential safety implications as a result of their scale and proximity to the M77 and other major routes.

SNH welcomes the commitment to produce Habitat Management Plan and Protected Species Management Plans which could result in net gains for natural heritage as a result of the development. Such plans should be conditioned and should identify habitat and species enhancement opportunities, working practices and identifying mitigation requirements. The full range of identified ecological mitigation and enhancement measures described in the Environmental Statement should be adopted.

SNH also advise that a predator control regime should be put in place to support the recovery of moorland birds. They also consider that the proposal raises substantial sequential cumulative visual impact for travellers on the M77. Cumulative effects may be judged unacceptable on the basis of incompatibility in design of windfarms including where turbine heights contrast.

Following discussion between the applicant and SNH, SNH has advised that it would accept the imposition of planning conditions in relation to red squirrel which require pre-felling checks by the appointed Ecological Clerk of Works. Furthermore repeat bat surveys will be undertaken prior to the commencement of development which is also satisfactory to SNH.

The applicant has advised that they are willing to incorporate the comments raised by SNH in relation to the mitigation measures although they do not agree with the repositioning of turbines 219 and 220 as they consider that the impact on the majority of routes will not be significant. As advised elsewhere in this report, short sections of the M77, A77 and B764 will be subject to a fairly significant visual impact; however, given that these sections are short and are likely to be viewed at speed, such impact will be reduced.

The applicant has advised of its acceptance of the comments on predator control. The cumulative impacts mentioned by SNH are somewhat reduced given that East Kingswell is designed as an extension to the overall Whitelee windfarm with layout matching the full wind farm and heights matching the extensions to the original wind farm.

3.11 The Scottish Environment Protection Agency (SEPA) objects to the development unless planning conditions are attached to any grant of consent regarding the production of a site waste management plan and further information on borrow pit information, both prior to the commencement of construction works.

Conditions can be attached to any consent granted for the development to meet the requirements of SEPA.

3.12 Ministry of Defence has no objections to the development.

3.13 East Ayrshire Council Roads and Transportation Service(Flooding) Section has indicated that the site is not at risk of fluvial flooding and therefore has no comments to make on the application.

3.14 Historic Scotland has no objections to the development in terms of impact on scheduled monuments, 'A' listed buildings and gardens and designed landscapes.

3.15 West of Scotland Archaeology Service (WoSAS) has no objection to the development subject to the attachment of a planning condition to any grant of consent to ensure that a programme of archaeological works has been agreed for the site at Drumcloich Farmstead.

A condition can be attached to any consent granted for the development to meet the requirements of WOSAS.

3.16 Ayrshire Rivers Trust (ART) recommends the undertaking of electro-fishing surveys both pre and post development and the appointment of an Environmental Clerk of Works. Furthermore ART advises that water crossings must be installed correctly to maintain passage for fish, best practice in forestry felling operations should be followed, water abstraction from burns during low flow periods should be avoided and minimal disturbance to riparian habitats should remain a priority during construction.

A planning condition relating to the provision of electro-fishing surveys can be attached to any grant of planning consent. The other matters raised have been addressed through the Environmental Statement and through the relevant habitat management plan.

3.17 Scottish Power Distribution has raised no objections to the development.

3.18 Transport Scotland advises that there will be a minimal increase in traffic on the trunk road network and as such has raised no objections to the development.

4. REPRESENTATIONS

4.1 Three letters of objection have been received in connection with this application and the main points of objection are as follows:

Principle of the Development

4.2 The wind turbines are an eyesore in our countryside and I do not wish our rural areas covered with them.

4.3 Wind turbines are uneconomical and the only reason developers act is to obtain the substantial subsidy from government. To buy land, fell trees and erect turbines at a cost of about £2 million each then operate at no more than one third of the time shows an economical failure.

4.4 Other types of electricity generation must be continued and be available at the press of a button.

The Scottish Government is committed to promoting the increased use of renewable energy sources and has set clear targets for

renewable electricity including through the Climate Change (Scotland) Act 2009. On this basis wind farms are expected to contribute a significant proportion towards meeting this target. Furthermore, national policy requires Local Authorities to guide development to appropriate locations and in this respect the Local Plan designates the application site as an area of search for windfarm developments where the principle of the development is acceptable to the Council.

Landscape

4.5 Section 7.1 of the Environmental Assessment states that the landscape definition is 'Plateau Moorland with Windfarms' which is incorrect. It is defined as 'Plateau Moorland with Forest' in the Ayrshire Landscape Assessment (ALA) which has been accepted by EAC and this landscape classification has not changed. The objector then quotes from s5.203 of the ALA regarding the potential for development to conflict with the untamed nature of the moorlands, how the landscape is dominated by horizontal elements and wind infrastructure would contrast with this character and furthermore that given the visibility of such developments over considerable distance concerns would be raised about cumulative impacts.

The developer has considered the "Plateau Moorland" landscape character type in the ES. The ALA was produced before Whitelee windfarm was constructed and whilst the ES considers the content of the ALA, it updates the designation to take account of the windfarm development. SNH has considered the information provided and raises no objections to such an assessment by the applicant nor did SNH raise any objection to such an assessment under the Phase 1 and 2 Extensions or the original Whitelee consent.

4.6 The proposal should be considered as development on peat moorland and I refute the applicant's statement that "the sensitivity of this landscape is reduced by the potential for mitigation of the moorland which can be reinstated during the lifetime and decommissioning of the development". It is virtually impossible to recreate peat moorland and the sensitivity is now, not in the next 25 years.

The impact on the peat resource is fully considered in the ES which has been assessed by SNH and to which it has no objections. Planning conditions can be attached to any consent granted to further minimise peat disturbance and to secure implementation of the required Habitat Management Plan as referred to in section 7 of this report.

4.7 The skyline is mainly viewed from the A77, M77 and B764 road with 6 of the 7 turbines coming closer to these roads than those at Whitelee and will have an adverse impact on the skyline.

The ES identifies that significant effects on views and visual receptors will occur from a small number of viewpoints, predominantly the main road transport network. This is minimised somewhat by the relatively low change experienced when viewing the site given the adjacent large scale operational windfarm at Whitelee, the significant transiting speeds of vehicles on these routes and the short stretches of the routes that such views are experienced from.

4.8 It is submitted that the physical impact of a further 7 turbines on the north west edge of Whitelee will result in an unacceptable cumulative visual impact. Some turbines already line up geometrically: some overlap visually, causing visual distraction to both drivers and to walkers, cyclists and visitors entering Ayrshire from the east and north. The variable movement, sun reflecting off turbines, formation of mini rainbows around blades etc and to the visual clutter/distraction already without and further massing being permitted.

The developer has advised that East Kingswell has been designed as an extension of the consented Whitelee windfarm and as such is designed to integrate with the existing layout. There is no evidence to suggest that the existing turbines are causing distraction to drivers or cyclists as noted through the ES and in the consultation responses from the Environmental Health Service, the Roads and Transportation Service or Transport Scotland.

4.9 The 40 plus turbine development at Harelaw on the west side of the M77 has to be considered in connection with this development as both developments (if permitted) would result in drivers on main public roads having to travel through essentially one large windfarm. If the 19 turbines of Moorhouse Farmers were to be permitted, a similar effect would occur on the B764.

The cumulative impact of the development, taking cognisance of all other existing and proposed wind farms, was fully assessed by the developer. The ES concludes that such impacts are acceptable and the Planning Authority, in light of the consultation responses, concurs with this view given that it is a small extension to the existing windfarm. There is no evidence presented by the objector that drivers would be adversely affected whilst travelling through such a situation; however it should be noted that Harelaw and Moorhouse Farmers windfarms have not been consented by the Scottish Government or East Renfrewshire Council respectively at the time of writing this report.

4.10 To the west and northwest of East Kingswell;- Harelaw windfarm being possible, with Middleton and Neilston consented, together with Moorhouse to the north, then it would be a significant, not a slight linkage of turbines across a wide expanse of landscape.

The ES considers that if all windfarms were to be consented than an extensive windfarm landscape could be formed; however the proposed development itself, given its size and design, is considered to represent a relatively low change to the cumulative scenarios considered. This is considered to be accurate, particularly as it is fairly compact due to its size and position immediately adjacent to, and to a degree overlapping with, the constructed and consented windfarm.

Disturbance and impact on cultural heritage

4.11 The current proposal brings noise, disturbance and loss of amenity closer to houses, businesses and communities which is contrary to SPP s.187 and it also adversely impacts on the Rowallan Memorial at the Eaglesham Road end with views to and from this listed Lorimer carved sandstone cross compromised by intrusive turbines.

The development has been shown to be in compliance with the requirements of the SPP. The development is outwith the minimum distance to settlements and assessments have shown that noise impact will be within the limits considered acceptable by Scottish Government. Cultural heritage has been assessed through the ES and also by Historic Scotland through its consultation. The findings of the ES have been considered by the Planning Authority and it is considered that the development will not have an adverse impact on the settings of nearby listed buildings.

4.12 SNH advocates a cluster and space policy for windfarms in Ayrshire. We already have the largest windfarm in Europe; any further extensions are unacceptable as one wind farm will merge into another, with each then subject to extension.

As part of the pre application consultation, SNH confirmed that Cluster and Space should be considered for the East Kingswell proposal. The ES takes this into consideration and identifies only a minimal visual linkage as a result of the development and it should be noted that SNH has raised no particular concerns in this respect.

4.13 215 large turbines at Whitelee, together with those in the Cumnock and Doon Valley area are sufficient contribution already, when the landscape and habitats on which these developments are sited are unique and fragile.

As noted in the response to sections 5.2 to 5.4 below, renewable energy development is a priority for the Scottish Government and as such is considered to be acceptable in principle. If the objector is referring to cumulative impact of a number of turbine developments, the responses under sections 5.8 to 5.10 below are applicable.

Forestry

4.14 It is “not green” to fell 71ha of forest to accommodate 3 of the 7 turbines where both trees and peat act as carbon sinks. As the turbines are only 30% efficient, this will not compensate for this loss.

4.15 The forests have not matured and should not be felled yet. The plantation would have attracted public subsidy so if they are felled money will be wasted in addition to ecological impact.

4.16 In the section ‘Renewing Landscapes’ of the Ayrshire Woodland Strategy, the M77/A77 corridor is identified as presenting an opportunity for large scale woodland planting and such schemes should have regard to landscape character of the area and preserve important views. Extending turbines over the horizon goes against this proposal.

4.17 The Vision of the Ayrshire Woodland Strategy is ‘to develop the woodland of Ayrshire as a model of integrated and sustainable use of land that supports the local economy, contributes to well being and promotes environmental excellence’. If this area has been identified and accepted within this strategy, why should it be supplanted by a development which does not support the local economy, nor is locally sustainable?

The area of forest to be felled has been identified as having good potential for habitat enhancement particularity in relation to blanket bog as listed in the UK Biodiversity Action Plan. The felling therefore provides an opportunity for enhancing the environment for black grouse and other species as well as restoring additional habitat for open moorland species. SNH has been fully consulted on the felling of the trees and has raised no objection to the proposal and indeed has expressed a need for the new habitat type to be prioritised and restoration to be considered as enhancement or mitigation where appropriate.

Wildlife

4.18 The removal of the forestry would have a significant effect on landscape and it is not devoid of wildlife and may be one of the few wildlife corridors left near Whitelee windfarm.

4.19 The proposal is contrary to ENV13(v) as Whitelee and planting at Kingswell and on Fenwick Moor are used as migration routes, not only for birds, but for animals: breaking the chain will have a knock on ecological impact.

The ES has fully considered the impact of the felling on wildlife and advises that “the proposed development does not appear to be located on a regularly used migration route or corridor”. There were no objections or adverse comments to this interpretation from SNH.

Roads

4.20 If turbines are to be shipped from Ayr there is no slip road off the M77 to allow vehicles to access the site at East Kingswell. They would require to leave the M77 at Fenwick and use the A77 which is unsuitable given the single carriageway and three roundabouts.

The developer has advised that the preferred route for turbine delivery is from Glasgow where all turbines to date have been delivered from. However, should the turbines require to be delivered from Ayr docks, a programme of road improvements would be designed in consultation with the Councils Roads and Transportation Service.

Other

4.21 The Council should be asking what economic benefits accrue to Ayrshire residents.

As identified through the ES, there is scope for the creation of construction jobs during the construction and decommissioning of the development with a small number of full time jobs required during the full lifetime of the entire windfarm site, including East Kingswell. Furthermore, under policy CS15 of the Local Plan, the developer is required to contribute to the Renewable Energy Fund which is used to finance community environmental projects and in this respect the developer has indicated support for the concept of community benefit and will adhere to such recommendations.

4.22 Policy CS14 of the EALP 2010 requires the Council to prepare supplementary planning guidance on cumulative impacts of wind farm developments. On this basis the assessment of this and other windfarm developments should be continued until the guidance is prepared and becomes a material consideration.

The requirement for Supplementary Planning Guidance is contained as a note of this policy which advises that the Council will prepare such guidance with the view to it being a material consideration in the determination of applications. It is not reasonable however to delay the determination of an application on the basis that further guidance will be prepared in the future but rather it should be determined now against all information currently available.

4.23 The applicant incorrectly concludes that the existing Whitelee windfarm affords a reduced sensitivity to the general nature of further windfarm development. This is clearly not so: the limit of acceptable impact has already been reached by the developer erecting 140 metre turbines nearer

communities in the Ayrshire Basin, rather than having lower turbines where the greatest impact is perceived.

The objector appears to make reference to the previous extensions of Whitelee which were subject to Section 36 Applications under the electricity Acts and determined by Scottish Government. With regard to the current development it is considered that the applicant's conclusions are reasonable given the small extension of the existing windfarm which is well designed to have minimal impact on landscape and communities.

4.24 The proposed wind turbines would be detrimental to the welfare of the animals in the objectors care, compromising their mental and physical well being. The objector has included a report supporting this position in which it is argued that behaviour changes in dogs occur as the wind turbines are approached and the vision and hearing of cats and dogs is adversely affected. Specifically this relates to the adverse effect on highly sensitive animals, the unpredictable nature of the noise and the vibration associated with the close proximity of the wind turbines which may trigger unwanted behaviours that compromise the animals welfare. Various recommendations are made in the report that may help alleviate the potential concerns.

In response to the issues raised by the objector, the applicant has submitted a report in support of their application which indicates that the sound of the wind turbines will appear less audible to the animals than it does to humans and further advises that other ambient sounds may mask the sound of the wind turbines, further improving the situation. It further advises that there are unlikely to be sounds emitted by the wind turbines which are detectable by dogs and cats but which are not detectable to humans. The operation of wind turbines is such that sound varies slowly and as such the sounds from turbines typical at residential dwellings is unlikely to contain sudden startle generating sounds which might give rise to adverse reactions from animals.

As advised in the Scottish Planning Policy, "The planning system operates in the long term public interest. It does not exist to protect the interests of one person or business against the activities of another". In this instance the objector and applicant have both submitted reports that to a large degree contradict each other. On balance, and noting that behaviour of cats and dogs or indeed any animal as a result of such developments is beyond the scope of the planning system, it is considered that there would be no adverse impact on the public interest meriting refusal of the application.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 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 assessing the proposed development, the development plan comprises the Approved Ayrshire Joint Structure Plan (2007) and the Adopted East Ayrshire Local Plan 2010.

Ayrshire Joint Structure Plan

5.2 Policy ECON 7 (Wind Farms) states that:

A) In 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.

In terms of the Structure Plan, the indicative Key Diagram indicates that the proposed windfarm is located within the Fenwick Moor Broad Area of Search for large scale windfarms.

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

The proposal neither impinges on, nor is adjacent, to any areas subject to national or international natural heritage designations or green belts.

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

No areas with statutory national or international designations would be compromised by the proposal.

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.

The proposed windfarm is located west of the constructed Whitelee Windfarm and north west of the approved Extension. Harelaw Windfarm is located to the north west with Moorhouse Farmers to the north and north east which are application stage developments. The Cowan's Law development to the south was recently recommended for refusal at the Northern Local Planning Committee and was at the time of writing referred to Council for final consideration.

When considering the Whitelee Windfarm and Extension together with the development, the proposal will introduce more significant visual impacts from the immediate west and north, generally within 3km of the development. The development also therefore results in localised significant effects on parts of the M77, A77 and B764.

When all windfarms including those at application stage are considered, the development does have the potential to reduce the space slightly between windfarms and therefore slightly increase the visual linkage between them. However, it is considered that the development will be read as part of the Whitelee Windfarm including extensions due to its design and siting adjacent to these sites and the compatibility with existing turbines and the areas landscape character and does not particularly lead to an adverse material cumulative impact.

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

- a. Historic environment;
- b. Areas designated for their regional and local natural heritage value;
- c. Tourism and recreational interests;
- d. Communities;
- e. Buffer zones;
- f. Aviation and defence interests;
- g. Broadcasting installations.

As the turbines are located within the Structure Plan 'Areas of Search' the above criteria are not relevant to the proposal.

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.

The proposed windfarm would not be located within a Sensitive Landscape Character Area nor be viewed across such designated areas.

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

Taking each point in turn:

- ***The development will utilise existing infrastructure consented during the Whitelee Extension to ensure that connection can be made to the grid.***
- ***Given the large number of constructed and consented windfarms in this location, the Environmental Assessment predominantly categorises this area as Plateau Moorland with wind farm. This is considered to be accurate and as such, seven additional turbines would be read as part of the Whitelee scheme and whilst creating some localised visual impact, will not significantly or adversely alter the landscape character of the area.***
- ***There will be no adverse impact to the historic environment as a result of the development as indicated by the response of Historic Scotland.***
- ***The Environmental Assessment has considered ecology, biodiversity and nature conservation. Whilst existing features such as commercial forestry will be removed, the impact of the development as a whole will either be not significant or indeed positive given the habitat modification and mitigation measures proposed which will for example improve the regional populations of some birds of high and moderate conservation concern.***
- ***The proposed development has been designed to minimise water crossings and also proposes various mitigation measures to minimise impact on ground water, private water and surface water. These can be further safeguarded through the use of appropriate planning conditions regarding on site works etc.***
- ***The proposed development is considered to offer a positive impact for the local community. Some short term construction jobs will be created as a result of the development and a financial contribution based on Policy CS15 of the Local Plan will be paid which will have a direct beneficial impact for the community. It is considered that this adequately offsets any short term development disruption they may experience.***
- ***The statutory consultees for aviation have no objection to the development subject to appropriate conditions.***
- ***Telecommunication links will not be adversely effected by the development as turbines have been placed to avoid known links. In terms of television and radio signals, any issues that occur will be resolved through a technical approach on a case by case basis and a section 75 agreement on this matter can be agreed should consent be granted.***
- ***The Environmental Assessment indicates that noise from the proposed development, the cumulative effect with Whitelee and Extension as well as all windfarms at application stage will be within noise limits deemed by***

national guidance to be acceptable for wind energy developments.

- **The proposal has been assessed for shadow flicker based on guidance within PAN 45 and is not expected to generate significant effects at any of the three dwellings that could be affected. In the event that an impact does occur, turbine management can be used to mitigate the impact or through other measures which can be controlled through planning condition.**

5.3 Under Policy ENV1 (Landscape Quality) the quality of Ayrshire's landscape and its distinctive local characteristics shall be maintained and enhanced. In providing for new development, particular care shall be taken to conserve those features that contribute to local distinctiveness including:

- A) settings of communities and buildings within the landscape;

It is considered that as the turbines of the windfarm would be located further than the 2 km accepted by Scottish Planning Policy as a minimum reasonable distance from communities the proposal would not have any adverse effects on local communities.

- B) patterns of woodland, fields, hedgerows and tree features;

There are no Ancient or Semi-natural Woodlands within the proposal site.

- C) special qualities of rivers, estuaries and coasts;

The proposal would not have an effect on such features.

- D) historic landscapes;

It is not considered that any Historic Gardens and Designed Landscapes would be adversely affected by the proposal.

- E) skylines and hill features, including prominent views;

When considered together with the turbines of the original Whitelee development and Extensions, the cumulative visual impact of the wind farm, particularly from the west and north at distance, is likely to be minimal although will be more significant around 3kms distant and on parts of the M77, A77 and B764 it is likely to be considerable.

However, the grouping is compact and, for the size of the overall development, would not be read separately from the existing windfarms and in some directions will be behind them. The significant visual impacts on key transport routes will be very significant over short stretches however given the sections are

small, traffic is transiting at speed and there is an existing visual impact of the Whitelee turbines, the effect is considered to be acceptable.

East Ayrshire Local Plan 2010

5.4 Under Policy ENV 13 the Council will encourage and support:

(v) in accord with Article 10 of the Habitats and Birds Directive and the provisions of the Ayrshire Local Biodiversity Action Plan (LBAP), the management, conservation, enhancement or restoration, as considered appropriate, of existing landscape features which are of major importance for wild fauna and flora, including linear features such as rivers and existing field boundaries and other features such as ponds and small woods which are essential for the migration, dispersal and exchange of wild species.

Planning conditions and a Section 75 legal agreement should be used to ensure that the requirements as set out are achieved and that the mitigation measures identified in the Environmental Assessment are implemented in full.

5.5 Policy ENV17 states that in assessing development proposals relating to land within the rural area which has not been identified as specific development opportunity sites on the Local Plan maps, the Council shall ensure that these have minimum impact on the rural environment. There will be a general presumption against any development which would:

(i) cause the permanent and irreversible loss of prime quality agricultural land (i.e. Classes 1, 2 and 3.1 in the Macaulay Land classification System);

None of the land on which the proposal is situated is prime quality agricultural land.

(ii) have significant unacceptable adverse impact or cause irreparable damage to built heritage resources requiring conservation or their settings including listed buildings, conservation areas, historic gardens and designed landscapes, scheduled ancient monuments, archaeological and industrial archaeological sites;

It is considered that the proposal would not result in any adverse impact to built heritage resources.

(iii) have significant unacceptable adverse impact or cause irreparable damage to natural heritage resources requiring conservation and to existing species and habitats;

There are no identified significant adverse impacts however planning conditions and a legal obligation through a Section 75 agreement should be attached to any consent granted for the development to address the above issues in more detail.

(iv) have significant unacceptable adverse visual impact or cause irreparable damage to the landscape character and scenic quality of the area within which it is proposed;

Given that the current proposal is set within the backdrop of the consented Whitelee windfarm and its Extensions, it is not considered that the proposal will result in an unacceptable adverse visual impact or cause irreparable damage to the landscape character of the area.

(v) adversely affect the quality of water resources, water catchment areas, land drainage or flood protection interests or create water pollution problems;

The proposal has not identified any significant adverse impacts however planning conditions should be attached to any consent granted for the development to address the above issues in more detail.

(vi) result in the destruction of any areas of peat which are considered to be of significant ecological value.

There are no areas of peat considered to be of significant ecological value which will be lost as a result of the proposed development.

5.6 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

There are no identified statutory or non statutory sites of nature interest that would be affected by the proposal.

(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;

The Environmental Health Section of the Council has not offered any objection to the proposal in terms of noise emissions but has indicated that a condition should be attached to any consent granted to address the issue of private water supplies.

(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 and their individual settings;

The proposal would not adversely affect any Listed Buildings, Conservation Areas, Historic Gardens and Designed Landscapes or Scheduled Ancient Monuments and their settings.

(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

The application site is not within a Sensitive Landscape Character Area as delineated in the Ayrshire Joint Structure Plan. The proposed windfarm is located west of the Whitelee Windfarm and north-west of the Extension.

When considered together with the turbines of the original Whitelee development and Extension, the cumulative visual impact of the development is likely to be negligible given the grouping is compact and is designed to be read as part of the existing Whitelee windfarm development. It is noted that some sections of the surrounding transport network will be subject to significant visual impact but this is balanced by the short exposure time and the existing impact of the Whitelee windfarm.

It is therefore considered that the proposal generally respects landform and contours to the extent that it does not obtrude significantly on local skylines and therefore does not have an adverse effect on the landscape character and scenic quality.

(v) on existing infrastructure

The proposal would not result in any significant adverse effect on existing infrastructure.

5.7 Policy CS14 states 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. Policy ECON7 states:

A) In 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.

In terms of the Structure Plan, the indicative Key Diagram indicates that the proposed windfarm is located within the Fenwick Moor Broad Area of Search for large scale windfarms.

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

The proposal neither impinges on, nor is adjacent to any areas subject to national or international natural heritage designations or green belts.

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

No areas with statutory national or international designations would be compromised by the proposal.

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.

The proposed windfarm is located west of the constructed Whitelee Windfarm and north-west of the approved Extension. Harelaw Windfarm is located to the north west, Moorhouse Farmers to the north and north east and Cowan's Law to the south, all of which are at application stage. When considering the Whitelee Windfarm and Extension together with the development, the proposal will introduce more significant visual impacts from the immediate west and north, generally within 3km of the development. The development also therefore results in localised significant effects on parts of the M77, A77 and B764.

When all windfarms including those at application stage are considered, the development does have the potential to reduce the space slightly between windfarms and therefore slightly increase the visual linkage between them. However, it is considered that the development will be read as part of the Whitelee Windfarm including extensions due to its design, number of turbines and siting adjacent to these sites and the compatibility with existing turbines and the areas landscape character and does not particularly lead to an adverse material cumulative impact.

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

- a. Historic environment;
- b. Areas designated for their regional and local natural heritage value;
- c. Tourism and recreational interests;
- d. Communities;
- e. Buffer zones;
- f. Aviation and defence interests;
- g. Broadcasting installations.

As the turbines are located within the Structure Plan Areas of Search the above criteria are not relevant to the proposal.

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.

The proposed windfarm would not be located within a Sensitive Landscape Character Area nor be viewed across such designated areas.

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

Taking each point in turn:

- ***The development will utilise existing infrastructure consented during the Whitelee Extension to ensure that connection can be made to the grid.***
- ***Given the large number of constructed and consented windfarms in this location, the Environmental Assessment predominantly categorises this area as Plateau Moorland with wind farm. This is considered to be accurate and as such seven additional turbines would be read as part of the Whitelee scheme and whilst creating some localised visual impact, will not significantly or adversely alter the landscape character of the area.***
- ***There will be no adverse impact to the historic environment as a result of the development as indicated by the response of Historic Scotland.***
- ***The Environmental Assessment has considered ecology, biodiversity and nature conservation. Whilst existing features such as forestry will be removed, the impact of the development as a whole will either be not significant or indeed positive given the habitat modification and mitigation measures proposed which will, for example, improve the regional populations of some birds of high and moderate conservation concern.***

- ***The proposed development has been designed to minimise water crossings and also proposes various mitigation measures to minimise impact on ground water, private water and surface water. These can be further safeguarded through the use of appropriate planning conditions regarding on site works.***
- ***The proposed development is considered to offer a positive impact for the local community. Some short term construction jobs will be created as a result of the development and a financial contribution based on Policy CS15 of the Alteration to the Local Plan will be paid which will have a direct beneficial impact for the community. It is considered that this adequately offsets any short term development disruption they may experience.***
- ***The statutory consultees for aviation have no objection to the development subject to appropriate conditions.***
- ***Telecommunication links will not be adversely affected by the development as turbines have been placed to avoid known links. In terms of television and radio signals, any issues that occur will be resolved through a technical approach on a case by case basis and a planning condition on this matter can be attached to any grant of planning consent.***
- ***The Environmental Assessment indicates that noise from the proposed development, including the cumulative effect with Whitelee and Extension as well as all windfarms at application stage, will be within noise limits deemed by national guidance to be acceptable for wind energy developments.***
- ***The proposal has been assessed for shadow flicker based on guidance within PAN 45 and is not expected to generate significant effects at any of the three dwellings that could be affected. In the event that an impact does occur, turbine management can be used to mitigate the impact or through other measures which can be controlled through planning condition.***

5.8 Policy CS15 states that the Council will, if mindful to grant planning permission for a commercial wind farm development, require applicants to contribute to a dedicated Renewable Energy Fund which will be used to finance sustainable community environmental projects, particularly those designed to help reduce carbon emissions and counteract global warming. For a period of 10 years from the commencement of construction work on the wind farm, all contributions will be directed exclusively to local projects within 10 kilometres of the boundary of the wind farm. Thereafter, 50% of the contributions received will be directed towards local projects with 50% being reserved for use in the wider East Ayrshire area. Contributions will be payable annually and be set at a standard rate of £2500 per megawatt of installed capacity per annum, index linked to 1 January 2008.'

Scottish Power Renewables has stated that they are committed to the concept of community benefit and will adhere to the recommendations set out by East Ayrshire Council in relation to this issue. Consequently the applicant will require to enter a Section 75 legal agreement with the Council in terms of securing a developer contribution to accord with adopted Local Plan policy.

5.9 Policy CS16 advises that where a wind turbine is not in operation producing electricity for a continuous period of six months, the operator will be required to provide evidence to the Council that the apparatus is in the process of being repaired or replaced. Otherwise, the Council will deem the turbine to be surplus to requirements and require its removal, with the land restored to its original condition within an appropriate period to be agreed with the Council.

A planning condition can be attached to any grant of consent to ensure that the terms of this policy are met.

5.10 Policy CS 17 advises that where a wind farm development is already in operation or has received authorisation from the Council, the Council will presume against any other development in the vicinity of the site which would significantly compromise or inhibit the efficient operation of the development itself.

The applicant has advised that there will be no conflict between the proposed development and the Whitelee windfarm and Whitelee Extension as it is all within the operational control of Scottish Power Renewables and will be operated as a single windfarm site. As this policy is only relevant to development in the vicinity of the site that would compromise or inhibit the efficient operation of the development itself it is not relevant to consider other, more distant developments.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the appraisal of the application are the consultation responses, the representations received, Scottish Planning Policy (SPP), Planning Advice Note 45: Renewable Energy Technologies (PAN45) and the Addendum to the Ayrshire Joint Structure Plan Technical Report TR03/2006: Renewables.

Consultation Responses

6.2 There are no significant adverse comments received from consultees that cannot be addressed either through the imposition of appropriate conditions in any consent granted or by means of legal obligations secured through a Section 75 Agreement in terms of the Town and Country Planning (Scotland) Act 1997.

Representations

6.3 The key points raised by the objectors primarily relate to the principle of the development, the adverse impact on the landscape, cumulative impact, impact on wildlife and forestry, impact on cultural heritage and the adverse effect on cats and dogs associated with a local business. As noted at section 4 above, the advice from Scottish Government generally supports the principle of the development which is also acceptable in terms of Local Plan policy. The other issues raised are not borne out by the findings of the Environmental Statement which has been fully assessed by statutory consultees such as Scottish Natural Heritage who have raised no objections or adverse comments to the development. Turning to the impact on cats and dogs, it should be noted that the planning system protects the long term public interest and as such the impact on animals is not a significant material consideration.

Scottish Planning Policy (SPP)

6.4 SPP was published in February 2010 and set out Scottish Planning Policy on renewable energy developments amongst other subjects. The Scottish Ministers have set a target of generating 50% of Scotland's electricity from renewable sources by 2020 and confirmed that this target should not be regarded as a cap. The commitment to increase the amount of electricity generated from renewable sources is a vital part of the response to climate change.

6.5 The SPP sets out how the planning system 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. When granting planning permission, authorities should include conditions for the decommissioning of developments, including their ancillary infrastructure, and for site restoration. Authorities should ensure that sufficient finance is set aside to enable operators to meet their restoration obligations and should consider financial guarantees through a section 75 agreement.

6.6 The SPP goes on to specifically address wind farms advising that planning authorities should support the development of wind farms in locations where the technology can operate efficiently and environmental and cumulative impacts can be satisfactorily addressed. The design and location of any wind farm development should reflect the scale and character of the landscape and the location of turbines should be considered carefully to ensure that the landscape and visual impact is minimised.

PAN 45: Renewable Energy Technologies

6.7 Originally produced as an accompaniment to SPP 6, PAN 45 provides information on renewable energy technologies and advice for dealing with these as planning issues in both development plans and planning applications. In relation to wind energy developments, issues include safety, proximity to roads, electro-magnetic interference, noise, shadow flicker, birds and habitats,

cumulative effects, siting in the landscape, visual impact, decommissioning and the EIA process requirement.

The proposed East Kingswell development has taken into consideration the provisions of PAN 45 in terms of addressing the issues arising from renewable energy technologies and indeed promotes good practice developed since the publication of PAN 45 (revised)in January 2002.

Addendum to the Ayrshire Joint Structure Plan Technical Report TR03/2006: Renewables.

6.8 The Addendum document offers guidance for all wind energy developments within Ayrshire. The document provides developers with greater clarity regarding those areas where the principle of development is likely to be acceptable and where it is not and to provide further explanation regarding the criteria against which new development will be assessed. These criteria include international and national designations, cumulative impacts, landscape and visual impacts, aviation impact, historic environment, regional and local heritage and biodiversity, tourism, recreation, communities and various other issues.

The information provided by the developer generally meets with the guidance of the Addendum and the developer has acknowledged that the Addendum was taken into account in the design and layout of the proposal. Planning conditions, legal obligations and the implementation of mitigation strategies address key areas and ensure that the development will not have an adverse impact. On this basis it is considered that the development is broadly compliant with the Addendum.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial implications for the Council in the determination of this application. Legal implications will arise through the requirement for a Section 75 Agreement under the Town and Country Planning (Scotland) Act 1997 should members be minded to grant consent for the proposed development. Heads of Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, to be concluded prior to the issue of consent, should comprise the following:

- Appropriate developer contributions for the purpose of enabling mitigation measures and community improvements within East Ayrshire consistent with Council policy.
- No section of the development hereby authorised shall be commenced until a restoration bond is provided by the developer and agreed by the Planning Authority and East Renfrewshire Council that will secure restoration of the site following decommissioning of the turbines.

- The developer shall provide a Planning Monitoring Officer for the development which shall be integrated with the existing arrangements at Whitelee. The costs of providing this position shall be incurred by the developer.
- The development site shall be made available during the operation of the windfarm for safe public access in accordance with the Council's Core Path Plan and the Whitelee Access Strategy except during periods of maintenance/servicing where restrictions may be required for public safety.
- The maintenance of television signals in surrounding properties and the restoration of any disrupted television signal at those properties.
- The Habitat Management Plan for the site including its integration into the existing arrangements at Whitelee.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, the application is considered to be in accordance with the development plan. As indicated at Section 6 of the report, there are material considerations relevant to this application. It is considered that these are generally supportive of the application in terms of national policy, planning advice and the consultees. The objections to the proposal are the only material consideration clearly against the development.

8.2 The development generally complies with the approved Ayrshire Joint Structure Plan 2007 and the East Ayrshire Local Plan 2010. The development is within the identified area of search for wind farm development in the Structure Plan and Local Plan. The environmental impact on a national scale will be positive as the site contributes green energy. On a local scale the development will alter the existing environment through tree loss; however the Environmental Statement identifies significant benefits through mitigation which will encourage species of regional importance to the site. The site will predominantly offer no new significant visual impact given the presence of existing consented development and the design of the proposal which ties the scheme into the wider Whitelee and Extension windfarm.

8.3 It is noted that some key transport routes will experience a significant visual impact however given the short stretches of the routes, the fast transiting speed of vehicles and the presence of existing turbines, this is considered to be acceptable.

8.4 It is considered that the proposed development, together with other existing wind farm developments (existing and proposed) will provide a generating capacity that would meet a portion of the Scottish Government's renewable energy target and is in compliance with Scottish Planning Policy.

8.5 It is recognised that the proposed development would result in potential benefits to the natural environment and socio-economic benefits through the following:

- The securing of developer contributions to promote socio-economic benefit to local communities;
- The significant benefits accruing from the construction programme that potentially would generate substantial local output in the East Ayrshire economy.
- Mitigation measures that will improve the biodiversity of the site helping to make it more attractive to indigenous species of regional importance.
- The creation of a path network that will tie into the existing Whitelee access strategy thereby allowing greater public access through the site.

8.6 In terms of the material considerations, other than the letters of objection, none indicate that the application should be refused as conditions and legal obligations can be used to address any outstanding issues. The letters of objection have raised various matters including the principle of wind farms and site specific objections concerning visual impact including cumulative impact, felling of forestry, the impact on the Rowallan Memorial and impact on cats and dogs/business. As noted at section 5 of the report, the principle of wind farm development is consistent with national and local objectives and as such is acceptable. In terms of the site specific matters raised, it is not felt that significant landscape damage will occur from the development although it is agreed that significant visual impact will occur when viewed from some transport corridors; albeit over a short period.

8.7 The information submitted by the developer does not suggest that adverse cumulative visual impact, noise or disturbance will occur from the development. This is considered to be accurate and it should be noted that Scottish Natural Heritage have no concerns in this respect. There is not considered to be any adverse impact to historic assets or their setting which is also confirmed through the consultation response from Historic Scotland. The points made with regard to animal behaviour are not material planning considerations.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet, but that the issue of the decision notice is withheld until the Solicitor to the Council has satisfactorily concluded a formal Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 with the applicants in respect of the matters detailed in Paragraph 7.1 of this report.

CONTRARY DECISION

Should the Committee agree that the application should be refused contrary to the recommendation of the Head of Planning and Economic Development, and for reasons other than the principle of the development, then the application will not require to be referred to Council for a determination, as it would not be a significant departure from Council policy.

Alan Neish
Head of Planning and Economic Development

DW/HM
02 November 2010

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application form, plans and statutory notices/certificates;
2. Public Advertisements;
3. Consultation responses;
4. Letters of representation
5. Adopted East Ayrshire Local Plan (2003)
6. East Ayrshire Local Plan 2010
7. Approved Ayrshire Joint Structure Plan (2007)
8. East Kingswell Environmental Statement
9. East Kingswell Planning Statement
10. East Kingswell Pre application consultation report
11. East Kingswell Design and Access Statement
12. East Kingswell Report "Audibility of wind turbine noise by cats and dogs"
13. Scottish Planning Policy
14. PAN 45: Renewable Energy Technologies (as revised)
15. Addendum to the Ayrshire Joint Structure Plan Technical Report TR03/2006: Renewables.

Anyone wishing to inspect the above background papers should contact David Wilson on 01563 576779.

Implementation Officer: Dave Morris

East Ayrshire Council

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

Application No: 10/0485/PP

Location	East Kingswell Windfarm Adjacent To Whitelees Windfarm Entrance On Eaglesham Moor East Ayrshire
Nature of Proposal:	Proposed extension to Whitelee Windfarm comprising the erection of 7 turbines, associated hard standing areas, on site access tracks and ancillary works comprising the formation of a temporary construction compound, borrow pits and erection of temporary meteorological masts on land adjacent to Whitelee Windfarm, north east of Kilmarnock on Eaglesham Moor
Name and Address of Applicant:	Scottish Power Renewables Per Ms Helen Peake 1 Atlantic Quay (4Th Floor) Glasgow G2 8JB
Name and Address of Agent	Nigel Weller 160 Dundee Street Edinburgh EH11 1DQ

Officer's Ref: David Wilson
01563 576779

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

General

1. The commencement of the development shall be no later than the date occurring 3 years after the date of this consent. If commencement of the development does not occur by such date, then by no later than the date occurring 6 months after such date (or the nearest appropriate planting season as agreed with the Planning Authority), the site and the ground shall be fully reinstated by the developer to the specification and satisfaction of the Planning Authorities.

Reason: To ensure the commencement of the development is undertaken within three years.

2. This consent is for a period from the date of this consent until the date occurring 25 years after the date of final commissioning of the development. For the purposes of this condition, final commissioning shall be the earlier of, final commissioning or 17 months after the first commissioning. Not later than 12 months before the expiry of the consent, the developer shall submit for the approval of the East Ayrshire Council a written scheme providing for the

removal of all surface elements of the development and the foundations of the wind turbines to 1 metre below ground level and for the environmental restoration of the site. The scheme shall be implemented as approved.

Reason: To define the duration of the consent.

3. The Development shall be undertaken in accordance with the Application Form and Environmental Statement, (except in so far as amended by the terms of this consent and direction or as subsequently agreed in writing by the Planning Authorities in consultation with SNH and SEPA).

Reason: To ensure the Development is implemented in accordance with the provisions of the application

4. If any wind turbine which has commenced generation to the grid fails to generate electricity for a continuous period of 6 months then, unless otherwise agreed in writing with East Ayrshire Council, the wind turbine (including its foundation to 1 metre below ground level and its ancillary equipment) shall be dismantled and removed from the site no later than six months after the end of said continuous six month period and the ground fully reinstated to the satisfaction of East Ayrshire Council.

Reason: To meet with the requirements of Policy CS16 of the East Ayrshire Local Plan 2010 to ensure the removal of non-functional equipment and plant.

5. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 no part of the development shall display a name, logo, sign or advertisement unless such signage is required under other legislation.

Reason: To prevent advertisements being displayed on the turbines, buildings and structures, in order to protect the amenity of the area.

6. The site shall not be illuminated by lighting unless:
 - (i) The Planning Authority has given prior written approval;
 - (ii) Lighting is required during working hours which has been approved by the planning authority; or
 - (iii) An emergency event requires the provision of lighting to resolve.

Reason: To ensure the site is not illuminated unless necessary, in the interests of amenity.

7. No turbine, crane pad, meteorological mast or access track shall be sited except:
 - (a) In the positions shown on Figure 4.1 of the Environmental Statement;
 - (b) In a position not more than 50m from the position shown on Figure 4.1. with the approval of the Ecological Clerk of Works and the site archaeologist.

Any movement greater than 50m shall require the prior written approval of the planning authority. No turbine shall be erected under (b) if its new position is closer to any residential property that was within 500m of the original position of the turbine as indicated on Figure 4.1 or within the distance equal to turbine tip height plus fifty metres from any part of the B764 public road.

Reason: To restrict the micro-siting of tracks and turbines in the interests of residential amenity and road safety.

8. A wheel and chassis wash facility which operates on a closed cycle shall be installed at a location(s) to be agreed by the Planning Authority and shall be operated throughout the construction period. The public roads adjacent to the site access shall be kept free from mud, dirt, stones and other deleterious material arising from construction activities (utilising mechanical brushes where appropriate).

Reason: To ensure public roads are kept free of material arising from construction activities.

Aviation mitigation

9. No development shall commence unless and until East Ayrshire Council has approved in writing a Primary Radar Mitigation Scheme proposed by the developer and agreed by the Operator of the Lowther Hill Primary Radar. For the purposes of this condition "Primary Radar Mitigation Scheme" means a scheme for the action to be taken to mitigate the impact of the development upon the Lowther Hill Primary Radar and the operations of the Operator by ensuring that by appropriate measures, including provision of additional radar coverage, any adverse impacts of the development on the Lowther Hill Primary Radar and the Operator's operations is avoided.

Reason: To ensure that mitigation measures are in place to avoid adverse impact on radar coverage in the interests of aviation and public safety.

10. No turbine blades shall be fitted to any turbines unless and until all measures required to implement the approved Primary Radar Mitigation required under condition 9 above have been carried out and approved by East Ayrshire Council in consultation with the Operator. The applicant shall thereafter comply with all ongoing obligations contained within the approved Primary Radar Mitigation Scheme.

Reason: To ensure that mitigation measures are in place to avoid adverse impact on radar coverage in the interests of aviation and public safety.

Ground Conditions

11. Prior to the commencement of the development, the developer shall contract the services of an appropriately experienced and professionally qualified engineering geologist or geotechnical engineer, whose appointment has been approved by the Planning Authority. The specification and duration of this appointment shall be submitted to East Ayrshire Council for their approval.

Reason: To mitigate peat slide risk and minimise environmental impacts arising from peat slide.

12. The developer shall undertake on-going assessment of ground conditions as construction progresses. The results of this monitoring shall be fed into risk analysis reports to be submitted to the Planning Authority on a quarterly basis. On-going assessment and call out services shall be provided by suitably qualified geotechnical personnel whose appointment has been approved by the Planning Authority. If a risk of peat failure is identified, the developer shall install and monitor ground conditions using suitable geotechnical instrumentation as recommended by the approved geo-technical personnel. This may take the form of a line of stakes, levelling points or more complex installations such as inclinometers. Any remediation considered necessary (other than that identified in the Contingency Plan, Condition 14) shall be approved in writing by the Planning Authority prior to implementation.

Reason: To mitigate peat slide risk and minimise environmental impacts arising from peat slide.

13. The Company shall develop and adopt a formalised reporting procedure which records site workings, monitoring results and any observations that may be pertinent to the stability of the works.

Reason: To mitigate peat slide risk and minimise environmental impacts arising from peat slide.

14. Prior to the commencement of the development the developer shall submit to the Planning Authority in consultation with East Renfrewshire Council, for their written approval, a Contingency Plan for its response to unexpected adverse ground conditions. Any alterations to this contingency plan shall be notified to and approved in writing by the Planning Authority.

Reason: To mitigate peat slide risk and minimise environmental impacts arising from peat slide.

15. The geotechnical personnel approved in terms of Condition 11 shall undertake an annual inspection of the site commencing at a date not exceeding one year from the date of this consent. Such inspection shall be carried out annually until the site has been decommissioned and then restored in accordance with Conditions 34-36. This inspection shall include a walkover inspection of the site, with a report produced and submitted to the Planning Authority within 3 months of the inspection. Where the report identifies a risk of peat failure, measures shall be implemented in accordance with the Contingency Plan approved in terms of Condition 14. East Renfrewshire Council shall also receive a copy of the annual inspection report for information.

Reason: To mitigate peat slide risk and minimise environmental impacts arising from peat slide.

16. Excess peat excavations shall not be placed onto the peat surface until the adequacy of the ground to support the load has been determined and the Planning Authority has given its written approval.

Reason: To mitigate peat slide risk and minimise environmental impacts arising from peat slide.

17. All water discharged from excavations shall be directed into suitably designed or natural drainage lines.

Reason: To mitigate peat slide risk and minimise environmental impacts arising from peat slide.

18. All release of water shall be into a formalised drainage path which shall form part of a Site-wide drainage network.

Reason: To mitigate peat slide risk and minimise environmental impacts arising from peat slide.

19. All excavation shall be suitably supported to prevent collapse and development of tension cracks.

Reason: To mitigate peat slide risk and minimise environmental impacts arising from peat slide.

20. No work shall commence on any turbine foundation, crane hardstanding or track construction until the developer has produced a Factor of Safety and Geomorphologic map for the approval of the Planning Authority following consultation with SNH.

Reason: To mitigate peat slide risk and minimise environmental impacts arising from peat slide.

Construction Method Statements

21. No construction work shall commence until a method statement for track construction work has been submitted to and approved by the Planning Authorities in consultation with SEPA and SNH. Thereafter, the approved method statement shall be implemented by the developer. The method statement shall fully detail the following considerations:

- The role of the appointed Ecological Clerk of Works (ECoW) in decisions over location and construction methodologies for each section of track;
- Method of defining track route and location (track corridors should be pegged out 500-1000m in advance of operations);
- Track design approach: Maps of tracks indicating double and single tracks and position of passing places. Full extent of anticipated track "footprint(s)" including extent of supporting "geogrid" below roadstone and cabling at edges of the track;
- Track construction: Floating track construction over peat >1m deep and gradients of 1:10 or less;
- Track construction for peat <1m deep, or on gradients of >1:10, cross slopes or other ground unsuitable for floating roads. Where it is concluded that there is a high risk of instability, identification of the circumstances under which non engineering solutions such as alternative routes would be considered;

- Procedures to be followed when, during track construction, it becomes apparent that the chosen route is more unstable or sensitive than was previously concluded, including ceasing work until a solution, informed with reference to advice from ECoW, is identified;
- Timing and extent of any necessary re-instatement;
- Extent, design, treatment and reinstatement of embankments, track edges and other areas affected by track construction;
- Drainage treatments;
- Design of crossing points for water courses such as culverts and bridges;
- Methods to deal with failing roads, sinking/sunken roads, peat rotation at road edges etc; and
- Procedure for early reporting to the planning authorities of all major departures from the agreed method statement and design parameters for the tracks.

Reason: To ensure compliance with commitments made in the Environmental Statement and subsequent schemes developed following the consultation process.

22. No development shall commence until a Construction Method Statement(s) (which shall be implemented as approved) has been submitted in writing to and approved by the Planning Authority. The scheme shall include provisions relating to:

- the period of construction;
- protection of groundwater and surface water;
- the sequence of development (including especially the creation of the on site tracks);
- the location, design and external appearance of the proposed buildings and associated compounds including fencing and surfacing;
- those mitigation measures described in the Environmental Statement submitted with the planning application.

Reason: To ensure compliance with commitments made in the Environmental Statement and subsequent schemes developed following the consultation process.

23. Prior to the commencement of development, a monitoring plan shall be submitted for the approval of the Planning Authority setting out the steps that shall be taken to monitor the environmental effects of the development during the construction phase and the operational phase. Additionally the plan shall outline a methodology for developing avoidance and mitigation measures to address any adverse environmental effects identified during the course of the monitoring. Thereafter the monitoring plan as approved, and if necessary as amended, shall be implemented.

Reason: To ensure appropriate mitigation measures to address any adverse environmental effects.

24. At intervals to be agreed by the Planning Authority, the monitoring plan shall be reviewed and amended where necessary by the developer and such amended plan shall be submitted for approval of the Planning Authority. The plan shall make specific reference to ground water, surface water, noise and dust. Thereafter, the plan as approved or amended as the case may be, shall be implemented within the timescales to be approved by the Planning Authority.

Reason: To ensure the continued relevance of the monitoring plan.

25. Prior to the commencement of the development, a scheme showing the details of peat/soil stripping at the site and the storage and proposed use and replacement of peat, topsoil, and subsoil, shall be submitted to the Planning Authority and East Renfrewshire Council. All soil stored on site shall be stored in accordance with BS3882. Thereafter, all soil stripping and storage and replacement operations shall accord with the details as approved. In particular the scheme shall incorporate a method statement setting out the measures to protect and store peat. If the content of the method statement proposed is the same as the approved Prior to Commencement Document Issue 01 for Condition 7.13 of the Whitelee Windfarm Section 36 Consent (Ref IEC 3/33), then approval under this condition shall be deemed to be granted.

Reason: To ensure appropriate treatment of peat on site.

26. A Desk Study of the whole Site (and particularly the Borrow Pit locations) is required to confirm no previously potentially contaminating use of land. If any such previous use is confirmed, then a Phase 2 intrusive investigation and risk assessment is required. This should detail any methods of proposed remediation required. This is required to be submitted to the Planning Authority in consultation with East Renfrewshire Council for approval prior to the commencement of development.

Reason: To ensure adequate assessment of potentially contaminating land use.

Borrow Pits

27. No development shall take place within each of the borrow pits identified on Figure 4.1 of the Environmental Statement until a scheme of working for each borrow pit has been submitted to, and received the written approval of the Planning Authority after consultation with SNH and SEPA. The scheme shall then be implemented as approved, or as may subsequently be approved in writing, by the Planning Authority. The scheme shall make provision for:
- Details including their location, size and nature including depth of the borrow pit floor and the final reinstated profile
 - method of working (to include blasting as set out in Condition 28-30);
 - soil handling
 - drainage including measures to prevent drying out of surrounding peatland
 - demarcation of the site

- programme of implementation and
- programme of restoration and aftercare.

Reason: To ensure a scheme is in place to control the use of borrow pits.

28. No blasting shall take place except between 10.00-12.00 and 14.00-16.00 Monday to Fridays and 10.00-12.00 Saturdays.

Reason: To ensure blasting times are limited for reasons of public amenity.

29. No blasting shall take place until a scheme to address Site blasting has been submitted to, and received the written approval of, the Planning Authority. The scheme shall be implemented as approved, or as may subsequently be approved, in writing by the Planning Authority. This scheme shall make provision for the following elements. If the content of the method statement proposed is the same as the approved Prior to Commencement Document Issue 01 for Condition 7.30 of the Whitelee Windfarm Section 36 Consent (Ref IEC 3/33), then approval under this condition shall be deemed to be granted:

- blasting monitoring locations
- type of monitoring equipment to be used
- frequency of monitoring
- the methods to be employed to minimise the effects of overpressure arising from the blasting, having regard to blast design, methods of initiation and the weather conditions prevailing at the time
- limits on air overpressure levels at specified properties; and
- submission of blasting records to the relevant planning authority

Reason: To ensure a scheme is in place to control blasting.

30. Ground vibration from blasting shall not exceed a peak particle velocity of 6mm/second at the blasting monitoring locations identified for Condition 29 above. The measurement to be the maximum of three mutually perpendicular directions taken at the ground surface.

Reason: To ensure ground vibration from blasting is kept to a minimum.

31. Prior to the commencement of the development, the Company shall submit for the approval of the Planning Authority a management plan for minimizing the emission of dust from the construction and operation of the development hereby authorised. The dust management plan shall specify the following matters and, after its approval shall be implemented in full by the Company. The content of the method statement shall be the same as the approved Prior to Commencement Document Issue 02 for condition 7.44 of the Whitelee Wind Farm Section 36 Consent (Ref IEC 3/33).

- The water spraying of internal roads and stockpiles of materials to suppress dust in periods of prolonged dry weather;
- The means to ensure that an adequate water supply is available at all times for dust suppression purposes;
- The steps to be taken to improve efficiency of dust suppression measures in the event of the failure of the regime to prevent the emission of wind

borne matter from the whole road falling out onto the adjacent peat land and associated habitats;

- The operation of the Site so as to ensure that adequate steps are taken at all times to minimise dust propagation from unsurfaced access tracks within the Site;
- Provision of safe drainage for waste water used in dust suppression in order to prevent drainage directly to water courses.

Reason: To minimise the emission of dust in the interests of public amenity.

Operations and Maintenance

32. No servicing, maintenance or testing of plant shall take place other than within designated areas, as approved by the Planning Authority prior to commencement of development.

Reason: To ensure appropriate noise levels are maintained and areas used for maintenance or testing are limited in the interests of public amenity.

33. Efficient silencers shall be fitted to, used and maintained in accordance with manufacturers' instructions on all vehicles, plant and machinery used on the site. Save for the purposes of maintenance, no machinery shall be operated with the covers open or removed.

Reason: To ensure appropriate noise levels are maintained and areas used for maintenance are limited in the interests of public amenity

Decommissioning

34. Within 36 months following the end of the period of consent as detailed in Condition 2 all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site and the land shall be restored and subject to aftercare, in accordance with the restoration and aftercare scheme. For the purposes of this condition "restored" means the removal of all wind turbines, turbine pads, initial layer of foundation and all buildings and ancillary development. Notwithstanding this requirement, no later than one year prior to commencement of the restoration and aftercare scheme, the Planning Authority after consultation with SNH, shall review the retention of pads, cable/ducts and access tracks as are located within their administrative area within the context of the restoration strategy and access strategy to identify any elements to be retained on site or requiring alternative reinstatement.

Reason: To ensure that the site is restored to the satisfaction of the Planning Authorities.

35. No section of the development hereby authorised, shall be commenced until a strategy for the restoration of the Site has been submitted by the developer and approved by the Planning Authority with respect to the activities within its administrative area, after consultation with such other parties they consider appropriate. The restoration strategy shall set out the means of reinstating the site, following the removal of the components of the development as agreed. In particular the restoration strategy shall detail the principles of subsoil, topsoil and peat replacement required over the site. No section of the development shall be commissioned until details of all seed mixes proposed to be used are submitted by the developer to the Planning Authority for

approval after consultation with SNH. The restoration strategy shall be implemented in full by the developer.

Reason: To ensure that a plan is in place for the restoration of the site.

36. No later than 3 years prior to the decommissioning of the development, and in any event no later than 3 years prior to the end of the period of this consent as detailed in Condition 2, a restoration and aftercare scheme shall be submitted for the approval of East Ayrshire Council and East Renfrewshire Council with respect to the activities within their administrative area, after consultation with SNH and such other parties as they consider appropriate. The scheme shall subsequently be implemented as approved, unless otherwise agreed in writing by East Ayrshire Council and East Renfrewshire Council following consultation with SNH and other relevant bodies.

Reason: To ensure that a plan is in place for the restoration and aftercare of the site.

Ecology

37. Prior to the commencement of the development, an Ecological Clerk of Works (ECoW) shall be in place. The ECoW shall be appointed by the Company and approved by East Ayrshire Council in consultation with SNH, for the period from commencement of development to final commissioning of the development. The scope of work of the ECoW shall include:
- monitoring compliance with the ecological mitigation works that have been approved in this consent;
 - Pre-felling checks for red squirrel in accordance with Forestry Commission Scotland Guidance Notes 31 and 33.
 - Advising the Company on adequate protection of nature conservation interests on the Site in accordance with the Wildlife & Countryside Act 1981 (as amended).
 - directing the micro-siting and placement of the turbines and tracks, as referred to in Condition 7 of this consent; and
 - monitoring compliance with the scheme of working for each borrow pit required by conditions 27-30.

Reason: To minimise disturbance to nature conservation interests within the wind farm site.

38. Prior to any construction works, including deforestation, an ecologist appointed by the Company following approval by East Ayrshire Council after consultation with SNH, shall carry out a protected species survey and based on the findings of this survey, the Company shall submit a management plan for the approval of the East Ayrshire Council. This plan shall include further mitigation measures designed to safeguard protected mammals within and adjacent to the operational areas of the Site. East Renfrewshire Council shall receive a copy of the approved management plan for information. During the course of construction, regular monitoring of the proposed mammal mitigation measures shall be carried out by the ECoW (as referred to in Condition (37)) to ensure best practicable mitigation is carried out to the written satisfaction of

the Planning Authority. Should such survey or ongoing monitoring work identify impacts from any part of the works proposed for this development on European Protected Species (EPS), SNH will be informed and will advise on the need for a licence application to disturb EPS, damage or destroy their place of shelter. No work which could cause disturbance to EPS may go ahead unless a licence is obtained from the Scottish Ministers.

Reason: To ensure the protection of European Protection Species.

39. All construction works and the movement of plant, vehicles and machinery shall be carried out in such a way as to avoid encroachment onto undisturbed bog the location of which shall be identified by the ECoW and agreed with the Planning Authority after consultation with SNH.

Reason: To ensure the protection of bog.

40. Three months prior to the commencement of decommissioning as set out in Conditions 34-36 an Ecological Clerk of Works shall be appointed by the Company and approved by the Planning Authority after consultation with SNH until the completion of aftercare or such earlier date as may be agreed in writing by the Planning Authority. The scope of work of the Ecological Clerk of Works shall include those elements identified in Condition 37, with the exception of the second, fourth and fifth bullet points of that paragraph.

Reason: To minimise disturbance to nature conservation interests during wind farm construction.

41. Pre and post construction works electro-fishing surveys shall be undertaken by a suitably qualified consultant, whose appointment shall be approved in writing by the Planning Authority. Following the post works survey should the assessment identify that further mitigation is required, these shall be agreed in consultation with the Planning Authority and shall be implemented in full by the developer.

Reason: To ensure that the effects of the development on fish species are known and reductions in populations can be mitigated against.

Pollution Prevention

42. Prior to commencement of construction, a full site waste management plan waste streams and proposals for their management shall be submitted for the written approval of East Ayrshire Council, in consultation with SEPA, and all work shall be carried out in accordance with the approved plan, unless agreed otherwise by East Ayrshire Council in consultation with SEPA.

Reason: To meet with the objectives of Scottish Planning Policy and the National Waste Plan to minimise waste production and reduce landfilling, in the interests of the environment.

43. No work shall commence on Site until the developer has submitted and obtained written approval from the Planning Authority for a method statement for oil spill contingencies and foul drainage arrangements. This method statement shall be approved by the Planning Authority after consultation with SEPA. Thereafter, this method statement, as amended by the Planning Authority, shall be implemented in full by the developer. If the content of the

method statement proposed is the same as the approved Prior to Commencement Document Issue 01 for Condition 7.10 of the Whitelee Windfarm Section 36 Consent (Ref IEC 3/33), then approval under this condition shall be deemed to be granted.

Reason: To safeguard and protect the local environment.

44. No fuel, oil, lubricant, paint or solvent shall be stored on site other than within bunds or double skin tanks which must be locked and capable of containing at least 110% of the largest capacity vessel stored therein and any spillage of any oil shall be cleaned-up immediately. Any electrical equipment utilising oils or organic fluids should similarly be in a bunded area sufficient to contain any spillage. Details of the arrangements for such storage and contingency plans for dealing with spillages are to be submitted to the Planning Authority for approval prior to the commencement of the development, unless the Planning Authority agreed otherwise. If the content of the method statement proposed is the same as the approved Prior to Commencement Document Issue 04 for Condition 7.16 of the Whitelee Windfarm Section 36 Consent (Ref IEC 3/33), then approval under this condition shall be deemed to be granted.

Reason: To safeguard and protect the local environment.

Financial Provision

45. At least one month prior to the commencement of development, the developer shall provide the Planning Authority with details of the bond or other financial provision in favour of East Ayrshire Council and East Renfrewshire Council which has been approved in writing by or on behalf of the Councils and is to be put in place to cover all borrow pit restoration and aftercare costs at the completion of extraction and all site restoration costs and aftercare costs on the expiry of consent. No work shall commence on the site until the company has provided documentary evidence that such approved bond or other financial provision is in place. The company shall ensure that the approved bond or other financial provision is maintained throughout the duration of the consent and the bond or other financial provision will be indexed linked and subject to five yearly review, to be conducted by the developer, East Ayrshire Council and East Renfrewshire Council, from the commencement of the development.

Reason: To ensure financial security for the cost of the site reinstatement to the satisfaction of the Planning Authorities.

Noise

46. At the reasonable request of the Planning Authority, following a complaint to the Planning Authority from the occupier of any dwelling relating to noise emissions from the wind turbines, the developer will demonstrate (in accordance with methodology set out in ETSU) that, at the dwelling in question, the noise levels experienced as a result of the wind turbines, do not exceed:
- (i) During Night Hours, the greater of the Night Hours LA90 10min Background Noise Level Plus 5 dB(A) or 43 dB LA90 10min at Wind Speeds not exceeding 12 metres per second;

and at all other times:

- (ii) The greater of the Quiet Waking Hours LA90 10min Background Noise Level plus 5 dB(A) or 40 dB LA90 10min at Wind Speeds not exceeding 12 metres per second.

In evaluating a complaint relating to one of the dwellings specified in Table 13.3 of the Environmental Statement, noise emission levels shall where appropriate be compared with the relevant ETSU-R-97 derived "quiet waking hours" or "night hours" noise limits defined in Chapter 6 of ETSU-R-97, derived from the measured background noise levels recorded in the Environmental Statement Appendix 13.3. In the event of a complaint from any property not specified in paragraph Table 13.3 of the Environmental Statement, the measured wind farm noise level shall be compared to the prevailing background noise level at the property specified in Table 13.3 of the Environmental Statement which is most likely to experience background noise levels similar to the complainant property. In the event the noise emission levels are found to have been exceeded any corrective action shall be submitted to and approved by the Planning Authority and implemented in full by the developer.

Reason: To control construction and decommissioning noise, in the interests of residential amenity.

- 47. Prior to the commencement of the development, the developer shall submit to the Planning Authority a method statement for addressing noise emission issues in and around the site. Specifically the method statement will set out the cumulative effects of concurrent construction, tree felling and operation of the development and thereafter predict the likely noise impacts from such events both singularly and cumulatively. The method statement will include the means to ensure that noise generated by the construction and operation of the wind farm complies with the guidance set out in ETSU-R-97 as well as advice contained within Planning Advice Note 56 (PAN56) "Planning and Noise". The agreed proposals within the method statement shall be implemented by the applicant (or other body appointed by the applicant) to the satisfaction of the Planning Authority. A copy of the agreed proposals shall be provided to East Renfrewshire Council for information.

Reason: To assess operational noise in the interests of residential amenity.

- 48. No fixed or mobile plant used within the site during the construction period shall incorporate bleeping type warning devices that are audible outwith the site boundary.

Reason: To control construction and decommissioning noise, in the interests of residential amenity.

- 49. Construction work on site, save for the erection of turbines, maintenance, emergency works, dust suppression and the testing of plant and equipment, or construction work that is not audible from any noise sensitive property outwith the site, shall be confined to 07:30 - 19:30 Monday to Friday and 08:00 - 13:30 on Saturdays with no work on Sunday or Public Holidays. If any noise nuisance arises outwith these times such work shall cease forthwith until suitable mitigation measures are in place. The receipt of materials and

equipment other than turbine blades, nacelles, and towers shall not take place except during the hours of 07:00 - 19:00 Monday to Fridays.

Reason: To control construction noise, in the interests of residential amenity.

Traffic

50. Prior to the commencement of development the developer shall erect signs on the access routes to the main site entrance at Lochgoin and for the removal of timber as identified in the Environmental Statement and thereafter maintain the signs advertising drivers of heavy goods vehicles to remain on specified access routes.

Reason: In the interests of road safety and the free flow of traffic in the vicinity of the site.

Private Water Supplies

51. Prior to the commencement of the development, the developer shall submit to the Planning Authority an assessment of the effects of the development on the quantity and quality of water supplied to all properties with private water supplies that may be affected by the development. Thereafter, any mitigation measures as identified in the risk assessment, amended, as the case may be by the Planning Authority shall be implemented and agreed by the Planning Authority in order to maintain a secure and adequate quality water supply to all properties with private water supplies that may be affected by the development.

Reason: To ensure the protection of private water supplies.

Access

52. Public access shall be maintained to the Core Path Network and the Whitelee Access Network during the operational period of the Windfarm, except during periods of maintenance/ servicing where restrictions are required to safeguard public safety.

Reason: To ensure adequate provision for public access across the site, in the interests of amenity.

Archaeology

53. No development shall take place in and around identified archaeological site number 5 (Drumcloich Farmstead) identified within the Environmental Statement until the developer has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant, agreed by the West of Scotland Archaeology Service and approved by the Planning Authority. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording and recovery of archaeological resources within the development site is undertaken to the satisfaction of the Planning Authority in consultation with the West of Scotland Archaeological Service.

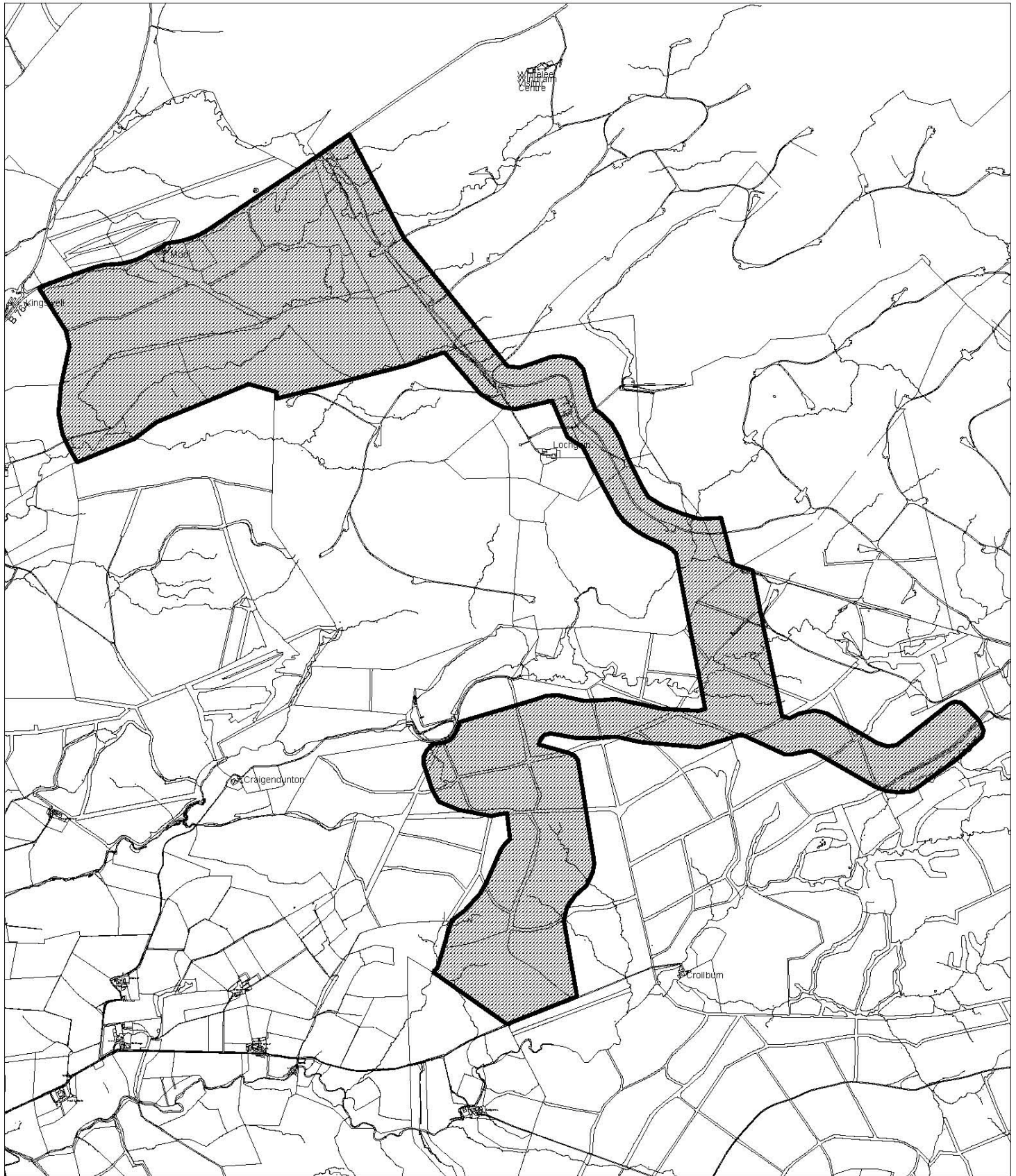
Reason: To ensure that all potential archaeological resources are adequately considered and recorded.

ADVISORY NOTE TO APPLICANT

1. The developer is advised to note the presence of a high pressure gas transmission pipeline in the vicinity of the application site and should make reference to the Scotland Gas Networks document "UKOPA; requirements for the siting of wind turbines close to pipelines containing hazardous fluids".

Reason for the decision:

The proposal is compliant with the provisions of the development plan and the material considerations in this instance do not carry sufficient weight to justify a recommendation of refusal contrary to the provisions of the development plan.



Title/Location **Whitelees Wind Farm**
Eaglesham
Application No. 10/0485/PP

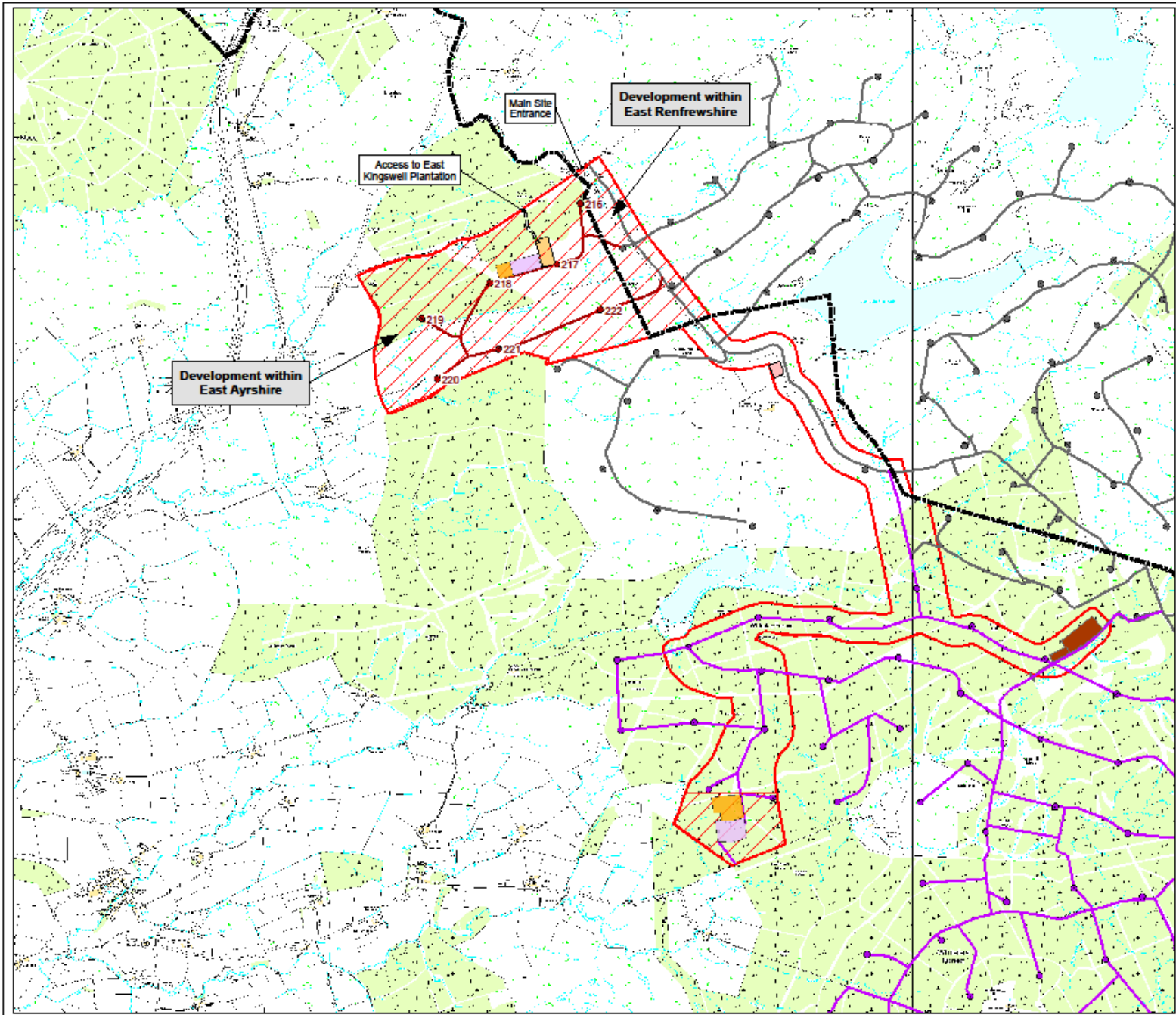
Key  **Application Site**

East Ayrshire Council

Department of Neighbourhood Services
 Planning & Economic Development Service.
 6 Croft Street
 Kilmarnock KA1 1JB
 Tel: (01563) 576790 Fax: (01563) 576774
 E-Mail : Planning@east-ayrshire.gov.uk

Com Date: 12/11/2010





Key

East Kingswell Features

- Application boundary
- Development area
- Proposed turbines
- Proposed access tracks
- Construction compound

Indicative Borrow Pit Areas

- Borrow pit
- Storage area

Existing / Consented Features

- Whitelee turbines
- Whitelee access tracks
- Control room compound
- Whitelee Extension consented turbines
- Whitelee Extension consented access tracks
- Whitelee Extension compound and substation
- Existing forestry access track
- Local authority boundaries

Proposed Turbines
(Turbine reference numbers are continued from Whitelee Extension)

216	251711	648315
217	251548	647897
218	251087	647770
219	250618	647522
220	250725	647109
221	251149	647314
222	251849	647585

Scale: 1:25,000 @ A3
0 0.2 0.4 0.8 Km

Rev: FINAL Date: May 2010 Drawn: GSF Checked: FB Approved: [Signature]

Site Layout
Figure 2

East Kingswell (Whitelee Extension)
Planning Application

This map is based on Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Scottish Power 100043331, 2010.