

EAST AYRSHIRE COUNCIL

DEVELOPMENT SERVICES COMMITTEE: 09 MARCH 2005

ADDENDUM TO WHITELEE WINDFARM PROPOSAL BY CRE ENERGY (A SUBSIDIARY OF SCOTTISH POWER)

Report by Head of Planning, Development and Building Standards

1. PURPOSE OF REPORT

1.1 This report is to update Members about amendments proposed by CRE Energy (the applicants) to their application under Section 36 of the Electricity Act 1989 for a Windfarm at Whitelee which is currently being considered by the Scottish Executive.

2. APPLICATION DETAILS

2.1 **Background:** A report was submitted to the Development Services Committee in June 2002 on the proposal for a Windfarm at Whitelee. East Ayrshire, along with East Renfrewshire and South Lanarkshire Councils as the 3 Authorities within whose boundaries the windfarm is proposed, were consulted by the Scottish Executive on the Windfarm proposal. The proposal is considered by the Scottish Executive under the Electricity Act 1989 rather than by the Local Authorities under the Planning Acts given the size and output of the Windfarm.

2.2 East Ayrshire Council's response to the Scottish Executive on the consultation was that it offered no objection in principle subject to matters regarding a legal agreement, environmental and habitat improvements, public access and recreational facilities, vehicle delivery routes, contributions enabling mitigation measures and community improvements and there being no consequent alterations to the height and flight path or number of aircraft movements such as to impact adversely on communities of East Ayrshire being resolved. In addition, there was the outstanding matter of the objection from BAA over radar disturbance which required further discussion. To date no decision has been issued by the Scottish Executive and the Windfarm is still under consideration.

2.3 **Addendum Submission:** CRE Energy are now proposing amendments to the Windfarm. The following is a summary of the proposed minor amendments:-

- i) Changes in turbine rotor diameter to optimise wind energy capture. This would increase rotor blade diameter from 80 m to 83 m. Overall, the height of the turbines will remain unchanged at 110 m;
- ii) Minor changes to turbine and track layout. A total of 7 turbines are proposed to be re-located as a result of site investigations and comments from Scottish Natural Heritage. This would result in an additional 3 turbines within East Ayrshire bringing the total number in the District to 26. The track length has also been increased from 76 km to 78 km;
- iii) Changes to the construction programme from 24 to 31 months and resulting traffic flow to allow flexibility of construction during periods of severe weather; and
- iv) Minor changes to construction compound and workshop at Lochgoin Farm within East Ayrshire and the sub-station at Ardochrig within South Lanarkshire. The dimensions of the compound and laydown area have increased from 100 x 100 m to 165 x 165 m. The operations building and workshop were originally proposed to be 12 x 8 m and 23 x 12 m respectively and a hardstanding of 50 x 20 m. Proposals now relate to a permanently fenced compound approximately 70 m by 90 m within which there will be an office 31 m by 10 m and a portal frame workshop of 15 m by 10 m within an apex height of approximately 7 m. It is proposed that these buildings will be of a style to match the existing buildings at Lochgoin Farm.

2.4 In addition to the above minor changes, CRE Energy is also proposing a significant change to the scale of the proposed 'borrow pits' within the site. The original Environmental Statement proposed that the stone required for the turbine bases and site access tracks would be sourced on site and 0.75 million m³ of stone would be required. It was considered appropriate to source the stone on site if possible to reduce the amount of heavy vehicle trips on the surrounding road network. Further investigation by CRE Energy has now resulted in the amount of stone required for the turbine bases and tracks being 2.8 million m³.

2.5 In the original Environmental Statement 18 small borrow pits were proposed throughout the large Windfarm site, 5 of these within East Ayrshire, and it was considered that these would have no significant adverse effect on the landscape or visual amenity of the area. The current proposals are for a total of 13 borrow pits of which 2 are within East Ayrshire at Crook Hill and Quarry Hill.

2.6 A summary of the amount of rock proposed to be removed and the visual changes are detailed below.

i) Borrow Pit N - Crook Hill

The site of this borrow pit is currently under coniferous plantation which will be de-forested as part of the windfarm development. The site area is 3.3 ha (disturbed area 280 m x 116 m, working area 220 m x 70 m). The extent of the borrow pit has been reduced to avoid Scottish Water catchment area. The estimated period of operations is October - March to avoid the bird breeding period. The maximum depth of excavation is 8.0 m (average 4.0 m) with an overburden depth of 1.5 m. It is intended to strip, store and replace a total of 23,000 m³. It is proposed to restore the site to provide valuable habitat for black grouse.

ii) Borrow Pit P - Quarry Hill

This is an existing Forest Enterprise Borrow Pit. The site area is 5.1 ha (disturbed area 245 m x 210 m, working area 240 m x 200 m). The estimated period of operations is February - October. The maximum depth of excavation is 17.0 m (average 16.0 m) with an overburden depth of 0.9 m. It is intended to strip, store and replace 45,000 m³. Since this is an existing borrow pit it is considered that the existing disturbed nature of the ground reduces the potential visual intrusion.

2.7 The Environmental Statement has also considered the impact of the borrow pits in terms of landscape resource and visual amenity, ecology, archaeology and cultural heritage, noise, ornithology and hydrology. There are no significant adverse effects on the landscape or visual amenity as a whole nor in terms of archaeology and cultural heritage or noise. In terms of ornithology, the Environmental Statement notes in relation to Borrow Pit N that there is still the potential for disturbance to lekking grouse during particularly noisy operations (eg blasting) and for disturbance to any nesting birds that may use the open moorland habitats adjacent to this area of plantation. It is likely in any case that black grouse will be displaced from this area due to disturbance from the construction of the access tracks and turbine bases. It is unlikely that any important black grouse habitat will be directly affected by the borrow pit proposals.

2.8 With regard to Borrow Pit P there are no significant adverse effects, particularly due to its location within a commercial conifer plantation and the fact that it is an existing borrow pit. However, in terms of ornithology, the operation of the borrow pit will result in the temporary displacement of one pair of curlew. This pair would not otherwise be displaced by the construction of access tracks and turbine basis. However, these effects are not considered significant as displacement effects will be mitigated by the creation of new habitat for curlew as part of the deforestation/habitat management proposals.

3. CONSULTATIONS AND ISSUES RAISED

3.1 The Scottish Environment Protection Agency (SEPA) have advised that they have no objection in principle to the increase in volume of material removed by use of borrow pits although they would still wish to emphasise the importance of the points made in previous consultation responses, ie SEPA are of the opinion that it will be very difficult to restore the natural vegetation and the ecological potential of the area will be reduced as a result of the proposals. SEPA have requested consultation on the restoration proposals.

3.2 The Royal Society for Protection of Birds Scotland (RSPB) does not object to the proposed borrow pit layout, proposal subject to (i) adoption of mitigation measures to minimise impacts on black grouse; (ii) approval of the habitat management plan by SNH and RSPB Scotland; (iii) inclusion of the condition requiring a lay programme of breeding bird monitoring; and (iv) annual surveys of black grouse lek for the duration of the habitat management plan.

3.3 JMP Consulting, Term Consultants to the Scottish Executive Trunk Road Network Management Division (TRNMD) have no comments to make on the supplementary information supplied in support of the above development.

3.4 The Crown Estate have confirmed that their current interests remain unaffected by these proposals.

3.5 The Association of Salmon Fishery Boards (ASFB) notes that the Clyde River Foundation and the Ayrshire Rivers Trust should be consulted at an early state in the development in order to avert or overcome any problems relating to potential impacts on watercourses, water quality and migratory and other fish species.

3.6 Scottish Natural Heritage confirm that they did not object to the overall proposal in 2002 subject to a number of matters which required to be addressed through modifications, the imposition of conditions and securing of legal agreements. In relation to this addendum the following additional matters need to be addressed:-

- i) There is insufficient information to fully assess the potential impacts on important natural heritage interests. SNH therefore objects until additional information is provided and an outcome could be assured to safeguard the natural heritage interests affected ie blanket and modified blanket bog;
- ii) The location of newly created leks sites and restored leks sites for black grouse must be informed by a collision risk assessment prior to their creation and prior to the operation of Borrow Pits M, N and Y. Where results indicate that the Whitelee population would be adversely affected,

alternative compensatory lek sites must be identified and agreed with the Planning Authorities in consultation with SNH;

- iii) Prior to development commencing, method statements for Borrow Pits B, M, U and V should be finalised and agreed in consultation with SNH; and
- iv) Prior to development commencing, a full survey and assessment of the relevant habitats located within and adjacent to new access track corridors, turbine bases and borrow pit locations is carried out to identify populations of the liverwort, veilwort and any subsequent mitigation should be put in place to conserve populations.

In addition to the above SNH have also recommended removal of Borrow Pit A and re-location of Borrow Pit V.

4. REPRESENTATIONS

4.1 No representations have been received in respect of this Second Borrow Pit Addendum with the exception of those noted in Section 3 of the report.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Both the Ayrshire Joint Structure Plan and the Adopted EALP are generally supportive of renewable energy proposals. The site is not subject to any national or regional nature conservation designations and, as such the Whitelee area is a 'preferred' area for this type of development in the Ayrshire Joint Structure Plan.

6. RECOMMENDATION

6.1 It is recommended that the Development Services Committee recommend to the Scottish Executive:

- i) that the contents of this report should be fully considered;**
- ii) that the issues of mitigation measures, use of best practice guidelines and preparation of a Method Statement raised by SEPA are submitted to and agreed by the Executive prior to development commencing;**
- iii) that the further information and conditions requested by SNH relating to protection of the natural heritage be submitted to and agreed by the Executive prior to development commencing;**

- iv) that the Clyde River Foundation and the Ayrshire Rivers Trust are consulted prior to development commencing;
- v) that the RSPB's proposed conditions be taken into consideration;
- vi) that details of the external materials and finishes to all buildings and fencing/walls for the construction compound, office and control building and workshop and layout area at Lochgoin be submitted to and approved by the Scottish Executive prior to commencement on site.

Alan Neish
Head of Planning, Development and Building Standards

01 March 2005
(YN/MMM)

LIST OF BACKGROUND PAPERS

1. EIA.
2. Second Borrow Pit Addendum 2004.

Anyone wishing to inspect the above papers please contact Yvonne Nisbet on 01563 576771.

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