EAST AYRSHIRE COUNCIL

PLANNING COMMITTEE: 3 SEPTEMBER 2014

11/0983/PP – ERECTION OF 7 WIND TURBINES WITH A MAXIMUM TIP HEIGHT OF 116 METRES AND ASSOCIATED INFRASTRUCTURE

AT ASHMARK HILL
SOUTH WEST OF NEW CUMNOCK, EAST AYRSHIRE

APPLICATION BY RWE INNOGY UK LTD

Report by Acting Head of Planning and Economic Development

Click for Application Details: http://eplanning.east ayrshire.gov.uk/online/applicationDetails.do?activeTab=summary&keyVal=LWK74SGF20000

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 The development proposes the following:

- 7 wind turbines of up to 116 metres to tip height, (71 metres to hub height and a 90 metre rotor diameter) with a hardstanding area and transformer at each turbine base;
- Formation of new access to the C90;
- Approximately 4.6km of on site access tracks with passing places and arrestor beds and associated watercourse crossings;
- substation building and substation compound;
- one 71m high meteorological mast;
- five potential borrow pits;
- on site underground cabling

In addition to the above components of the operational wind farm, the construction phase proposals include:

- a temporary construction compound
- one temporary anemometry mast

The application also promotes:

- a 12 month construction period
- a 25 year operational period
- a 12 month decommissioning period
1.2 The windfarm proposal comprises the erection of 7 three bladed turbines with an individual rating of up to 3 megawatts (providing a maximum total capacity of 21 megawatts). The principal access for the turbine components will be from the Port of Ayr and utilising the A77, the A76, the B741 and the C90 Afton Road to reach the site access.

1.3 The applicant proposes the creation of a new access off the C90 Afton Road and will be of a bellmouth configuration with visibility splay. The access then travels in a general south west direction connecting together the various turbine locations and other infrastructure with a loop off the main track direction to accommodate turbine 1, the control building and a borrow pit. The applicant envisages approximately 4.6km of new or upgraded track which would have a minimum running width of 5m excluding track shoulders although could be wider at bends etc. Passing places will be required and a trench adjacent to the track will accommodate cabling.

1.4 Five borrow pits are proposed within the site, located adjacent, or in close proximity to, the site access track. The applicant expects these pits to provide between 60% and 100% of the stone requirement with any balance sourced offsite. Concrete will be delivered to the site ready mixed which is then used in combination with steel reinforcement to form the foundations for the turbines. The excavated area for the turbine and the foundations are then capped with peat or soil.

1.5 The applicant has noted it may be necessary to microsite turbines and infrastructure up to 50 metres from the locations indicated within the submission. This is to account for any poor localised ground conditions or sensitivities encountered during construction.

1.6 A permanent on site substation and control building is required and would be set within a compound of 45m by 30m. The building would measure 20m by 10m and would be 5.5m high and would be located adjacent to the access track west of turbine 1. A temporary construction compound will also be required, providing site accommodation, welfare facilities, parking and storage provision and would measure 40 metres by 80 metres.

1.7 One permanent meteorological mast up to 71m in height is proposed and is of lattice type construction. The mast would be located north west of turbine 1. The temporary anemometry mast would record data for three to six months during the construction period. It will be located as close as practicable to the test turbine(s) and its location is shown at each of the proposed turbine locations and would be removed prior to the final turbine being erected.

1.8 The proposed development will require a connection to the main electricity grid. This requires a separate application under s37 of the Electricity Act but the applicant envisages either a connection being made a new substation associated with the SWS Interconnector project or by a 33kv wood pole line to New Cumnock.
2. **RECOMMENDATION**

2.1 It is recommended that the application be refused for the reasons on the attached sheet.

3. **CONCLUSIONS**

3.1 As indicated in section 5 of the report, this application is not considered to be in accordance with the development plan. As indicated at Section 6 of the report, there are a number of material considerations relevant to this application. It is considered that the material considerations are, on balance, not supportive of the application particularly in terms of national policy, national planning advice, the Structure Plan Addendum, the EALWCS 2013, the representations and the findings of the planning authority’s landscape consultant.

3.2 The proposed Ashmark Hill wind farm development does not comply with policies ECON6, ECON7 parts (D), (E), (F) & (G) and ENV1 parts (A) and (E) and ENV2 of the Ayrshire Joint Structure Plan 2007.

Furthermore the proposal does not comply with policies SD1 (i), (ii) and (iii), CS12 (ii) and (iv), CS14 (D), (E), (F) and (G); ENV3, ENV15 (i), (v) and (vi); ENV16 and ENV 17 (iv) of the East Ayrshire Local Plan 2010.

In relation to the development plan it is considered that the proposal:

- Has a significant adverse impact on the landscape character of the surrounding area including impacts on Glen Afton, the landscapes to the north of the site and on the upland landscapes above Glen Afton.

- Is very visually intrusive with extensive visibility across the populated area to the north which includes large parts of settlements such as New Cumnock and the small settlements along the B741, across the rural area and from parts of Cumnock and Auchinleck.

- Contributes significantly to cumulative landscape and visual impacts through its addition to existing and consented schemes already in the area, its location nearer to populated areas, its design conflict with other windfarms and its scale/height.

- Would adversely affect the setting and appearance of the Sensitive Landscape Character Area including by its contribution to cumulative effects on the SLCA.

- Has an adverse visual effect on local recreational routes including hilltops, rights of way and core paths.

- The turbine layout responds well to the application site characteristics, notwithstanding the adverse impacts the development has on visual receptors noted above.
• The development has minimal adverse impact on natural and cultural heritage features, transport and access matters would be considered acceptable subject to appropriate planning control and tourism related impacts, excepting where this may cross over with the recreational impacts noted above, are likely to be negligible.

3.3 Turning now to the material considerations, it is considered that a number of these offer support for the proposal although others do not, often reflecting fully or partly the findings of the development plan position outlined above. In this respect the concerns of the objectors, the findings of the Council’s landscape consultants and the East Ayrshire Landscape Capacity Study all highlight the significant landscape and visual impacts and cumulative landscape and visual impacts of the development.

3.4 It is noted that no consultee has objected to the development, subject to planning conditions and that the local community council has expressed its support for the proposal. In relation to national energy and planning policy and guidance, the benefits of the scheme and in particular the benefits of renewable electricity generation are given particular importance although it is made clear that this must still be balanced against impacts on various other matters which include landscape and visual impacts and the impacts on communities. The representations submitted in support of the application make clear reference to a number of these benefits.

3.5 Some of the key benefits of the scheme include:

• The contribution that the development makes towards the Scottish Governments renewable energy 2020 target by the generating capacity of up to 21MW of renewable electricity and would result in a reduction in greenhouse gas emissions;

• Providing a better degree of public access to the application site, once constructed;

• Benefits accruing from the significant investment that potentially would generate economic benefits and temporary and longer term employment opportunities in the East Ayrshire economy;

• On site environmental improvement works such scattered woodland planting.

3.6 Taking all matters into account the potential benefits to be accrued from the proposed development do not in this instance outweigh the significant adverse and unacceptable impacts of the proposal due to its landscape and visual impact and its contribution to cumulative landscape and visual impacts and the resultant adverse impacts on local recreational routes.
CONTRARY DECISION NOTE

Should the Committee agree that the application be approved contrary to the recommendation of the Acting Head of Planning and Economic Development the application would not require to be referred to Council as it would not represent a significant departure from Council policy.

David McDowall
Acting 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.
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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 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 is located 3km to the south west of New Cumnock. It encompasses an area of approximately 539ha and currently accommodates livestock farmland. The site ranges from a low point of approximately 220m AOD in the north east adjacent to the C90 Afton Road to 465m AOD at the highest point located at the south western corner of the site. For comparison the Castle (A76) in New Cumnock is approximately 185 AOD.

2.2 The site is bounded to the north and north west by farmland similar in nature to the application site. To the east is the floor and eastern side of the Afton Valley including the Afton Road and Glenafton Caravan Park with Harehill windfarm located beyond. Commercial forestry forms the majority of the southern and south western boundary running into Dumfries and Galloway Council area and includes the operational windfarm of Windy Standard.

2.3 The application site is wholly located within the Southern Uplands Sensitive Landscape Character Area (SLCA) which extends to the south and east towards the Council border with Dumfries and Galloway as well as to the north and west. The Connel Burn/Benty Cowan and Glen Afton Provisional Wildlife Sites are partly within the application site. A section of a public right of way crosses the north eastern part of the application site.
2.4 **Proposed Development:** The development proposes the following:

- 7 wind turbines of up to 116 metres to tip height, (71 metres to hub height and a 90 metre rotor diameter) with a hardstanding area and transformer at each turbine base;
- Formation of new access to the C90;
- Approximately 4.6km of on site access tracks with passing places and arrestor beds and associated watercourse crossings;
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In addition to the above components of the operational wind farm, the construction phase proposals include:

- a temporary construction compound
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The application also promotes:

- a 12 month construction period
- a 25 year operational period
- a 12 month decommissioning period

2.5 The windfarm proposal comprises the erection of 7 three bladed turbines with an individual rating of up to 3 megawatts (providing a maximum total capacity of 21 megawatts). The principal access for the turbine components will be from the Port of Ayr and utilising the A77, the A76, the B741 and the C90 Afton Road to reach the site access.

2.6 The applicant proposes the creation of a new access off the C90 Afton Road and will be of a bellmouth configuration with visibility splays. The access then travels in a general south west direction connecting together the various turbine locations and other infrastructure with a loop off the main track direction to accommodate turbine 1, the control building and a borrow pit. The applicant envisages approximately 4.6km of new or upgraded track which would have a minimum running width of 5m excluding track shoulders although could be wider at bends etc. Passing places will be required and a trench adjacent to the track will accommodate cabling.

2.7 Five borrow pits are proposed within the site, located adjacent, or in close proximity to, the site access track. The applicant expects these pits to provide between 60% and 100% of the stone requirement with any balance sourced offsite. Concrete will be delivered to the site ready mixed which is then used in combination with steel reinforcement to form the foundations for the turbines. The excavated area for the turbine and the foundations are then capped with peat or soil.
2.8 The applicant has noted it may be necessary to microsite turbines and infrastructure up to 50 metres from the locations indicated within the submission. This is to account for any poor localised ground conditions or sensitivities encountered during construction.

2.9 A permanent on site substation and control building is required and would be set within a compound of 45m by 30m. The building would measure 20m by 10m and would be 5.5m high and would be located adjacent to the access track west of turbine 1. A temporary construction compound will also be required, providing site accommodation, welfare facilities, parking and storage provision and would measure 40 metres by 80 metres.

2.10 One permanent meteorological mast up to 71m in height is proposed and is of lattice type construction. The mast would be located north west of turbine 1. The temporary anemometry mast would record data for three to six months during the construction period. It will be located as close as practicable to the test turbine(s) and its location is shown at each of the proposed turbine locations and would be removed prior to the final turbine being erected.

2.11 The proposed development will require a connection to the main electricity grid. This requires a separate application under s37 of the Electricity Act but the applicant envisages either a connection being made a new substation associated with the SWS Interconnector project or by a 33kv wood pole line to New Cumnock.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Environmental Health Service has advised that to protect residential amenity, cumulative noise impact of this development should not be measurable above those cumulative levels with or predicted to be emitted from operational and consented developments as measured at the noted noise sensitive receptors. Where those levels at the noted receptors fall, or are predicted to fall below the recognised limits at the recognised time periods, the proposed development should ensure that noise from its operation should not allow the cumulative noise impact to exceed those levels. Additionally, Environmental Health has provided comments relating to dust suppression, construction phase working hours and protection of private water supplies.

The Council has engaged a noise consultant to provide detailed comments on the operational noise and cumulative operational noise of windfarm proposals, the details of which are noted below. The remaining comments of Environmental Health would be addressed through planning conditions should the Council be minded to grant consent.

3.2 East Ayrshire Council Roads and Transportation Division (Ayrshire Roads Alliance) has no objections subject to a number of matters being addressed by the applicant which includes:
• a structural assessment of the public section of the C90 and all works identified by the survey to be agreed with EAC and carried out by the applicant;
• Details to be submitted of any alterations required to the horizontal and vertical alignments of public roads and improvements/alterations to the road, road infrastructure and street furniture for EAC approval and carried out by the applicant to accommodate construction traffic and abnormal loads;
• Ongoing road maintenance;
• Reinstatement of public road once complete;
• Agreement of the access details;
• Construction traffic routing;
• Provision of a Transportation Protocol for construction traffic;
• The submitted Traffic Management Plan and Mitigation measures to be implemented in full and subject to various other provisions to the Roads Department requirements including wheel washing and emergency vehicle movement.

These matters can be accommodated through the provision of appropriate planning conditions should the Council be minded to grant consent.

3.3 Glasgow Prestwick International Airport (GPA) has no objection to the proposal subject to planning conditions.

Appropriate conditions can be attached to any grant of planning consent to address the concerns of Glasgow Prestwick Airport.

3.4 NATS (En Route) has no objection to the development subject to conditions.

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

3.5 Glasgow Airport has no objection to the development.

3.6 The Defence Infrastructure Organisation (Ministry of Defence) has raised no objection to the development but has requested that all turbines be fitted with 25 candela omni-directional red lighting or infrared aviation lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point. Furthermore, if consent is granted they wish to be informed of the date construction will start and end, the maximum height of construction equipment and the latitude and longitude of every turbine.

Planning conditions to address these matters could be attached to any grant of planning consent.

3.7 New Cumnock Community Council are in favour of the development.
3.8 Transport Scotland has no objections to the development.

3.9 Scottish Natural Heritage (SNH) has no objection to the development but has concerns that the proposal would have adverse impacts on natural heritage interests of local and regional importance.

SNH considers that the proposal would cause significant adverse landscape, visual and cumulative effects of local and regional significance, especially in views from the north which they consider to be a function of the windfarm’s design, layout and location. They consider that Ashmark Hill is likely to have a greatly disproportionate visual impact for the size of the scheme. The windfarm is designed as a line of turbines which would be viewed face on from the north and would be visible on the skyline. It is located on a prominent ridge between the operational windfarms of Hare Hill and Windy Standard and SNH have concerns as to how well this proposal would integrate with the design of those other wind farms. It is SNH’s opinion that the landscape and visual impacts cannot be mitigated further than the design strategy has already achieved.

Additionally SNH have raised various matters that would require to be addressed through planning conditions. This includes:

- The appointment of an Ecological Clerk of Works (ECoW) to direct any micrositing, to implement the habitat and species plans and to oversee the proposed mitigation;
- The production of a Habitat Management Plan;
- The production of Species Protection Plans for bats and otters;
- The production of method statements and restoration plans for the individual turbine foundations, hard standings, borrow pits and access tracks.

SNH raise a number of other matters that should be incorporated into the ES’s proposed mitigation strategy and achieved through planning conditions. Beyond the above such matters include for example: Hairy Stonecrop Plan, ground clearance, post construction monitoring, water course detail, method statement for ground condition and drainage for areas receiving peat and inspection for signs of badger.

The concerns raised by SNH with respect to landscape and visual and cumulative landscape and visual matters are shared to a large degree by the Council’s consultants on such matters, detailed below. The other matters can be addressed through planning conditions should the Council be minded to grant consent. For the avoidance of doubt the surveys undertaken by the applicant to date have found no evidence of badgers within the site.

3.10 Historic Scotland offers no objections as they agree that there will be no significant adverse impacts on historic environment features.

3.11 Scottish Environment Protection Agency (SEPA) has no objection subject to conditions including the mitigation measures set out in the ES and the
additional mitigation measures set out in within the Technical Note submitted by the applicant in response to initial SEPA concerns.

Such conditions could be attached should the Council be minded to grant consent.

3.12 The Cumnock and Doon Valley Access Panel, East Ayrshire Council Outdoor Amenities section, West of Scotland Archaeology Service, Scottish Wildlife Trust, Royal Society for the Protection of Birds and The Forestry Commission have not returned a consultation response.

4. REPRESENTATIONS

4.1 Two hundred and seventeen (217) letters of objection and thirty six (36) letters of support have been received in connection with this application. For ease of reference, comments have been grouped under general topic sub headings within the objection and support headings. Comments have not been included where these duplicate or are similar to other points of objection/support which have been included. The points of objection and support are as follows:

OBJECTION

Landscape and Visual impact including cumulative impact

4.2 The proposed scheme is for 7 giant turbines with a tip height of 116m, equivalent in height to a 39 story office block. The scheme would dominate the beautiful landscape of Afton Glen and the Nith Valley.

4.3 By the applicants own admission, the adverse visual effect on our landscape and houses would be ‘significant’. The proposed turbines would have a significantly adverse visual impact on the East Ayrshire ‘Sensitive Landscape Area’, including Glen Afton, immortalised by Robert Burns. By the applicants own admission, the proposed turbines would have a significant and adverse visual impact on Core Paths C10, C11, C12, C13 and C14, as well as on cyclists using many local roads. As regeneration gathers pace, more and more visitors are likely to wish to come and walk, cycle or ride along the footpaths. This contributes to the local economy. However, walkers, horse riders and cyclists will be deterred by wind turbines.

4.4 As stated in the non technical summary, residents in Auchinleck, Cumnock, Barshare, New Cumnock, Mansfield, Burnside, Connel Park/Bankglen, Connelburn Bridge and Legate would suffer a severe visual impact from the proposed giant turbines.

4.5 The proposal is contrary to the European Landscape Convention.

4.6 These turbines would be located in an extremely inappropriate and obtrusive site for a windfarm. The area around Glen Afton is especially beautiful, lying at the edge of the Southern Uplands, and it would be appalling to have 7
huge turbines towering above such a valley. Made famous by Burns, the valley of the Afton Water is a magical and special place, surrounded by spectacular rolling hills. By its very nature, an upland glen is an area that is very sensitive to change - it is a landscape that would be considerably damaged by the introduction of large scale white wind turbines, with strong and dominant vertical lines and moving blades. Such structures would be totally out of keeping and out of scale with the narrow valley, and completely change the character of this landscape. Ayrshire has very few upland glens, and Glen Afton the only example in East Ayrshire, so it is important that this Landscape Character type, being so rare in the county, should be preserved unspoilt by any nearby development. According to the Blade Tip ZTV map (fig 6.5d in the Environmental Statement) the lower, narrower end of the glen would be adversely affected by at least 1-2 of the turbines.

4.7 All 7 turbines would be extremely visible from the whole of the town of New Cumnock, standing tall along the skyline, and from the A76 and the A741, standing out prominently against the backcloth of the forested area behind.

4.8 The proposal would contravene policy ENV2 of the Ayrshire Joint Structure Plan which states that in Sensitive Landscape Areas the protection and enhancement of the landscape shall be given full consideration.

4.9 It should also be considered to add to the adverse cumulative impact of the areas current major wind farms which are already covering so many hills. Windy Standard windfarm, Hare Hill windfarm and its proposed extension, and the proposed Afton windfarm are all within 4km of the site. It contravenes Policy ECON 7 of the AJSP which states that where the limit of acceptable cumulative impact has been reached the area will be afforded significant protection. The hills of eastern and southern Ayrshire are steadily being ruined by major industrialisation and it cannot be right that more and more of the beautiful countryside of our county should continue to be defaced and degraded.

4.10 The cumulative impact of wind farms in Ayrshire, and the Scottish Borders, has reached breaking point. The location of these 7 turbines is too open, so that they will be too dominant in the landscape.

4.11 Once again we see an application for a small windfarm which will blight the local landscape. Does it not make more sense to have a few very large windfarms in areas that don't have much natural beauty like Whitelee? Just add the 7 wind Turbines to Whitelee and you won't have to desecrate another area and it will be a whole load cheaper to connect them to the grid as all the infrastructure is already in place.

Tourism, recreation and economy

4.12 This part of East Ayrshire is attracting increasing numbers of visitors. Landmark developments include the mighty works at Dumfries House, the new model village at Knockroon and the impending UNESCO designation of the Biosphere. They are helping to bring recognition and a new future to the area.
4.13 I am lodging a formal objection on the grounds of the effect on residential and tourist amenities of the completed turbines – and the noise and traffic disruption to the village and Glen Afton during their years of construction.

- For the first 150 years of the past 200 years, the parish was blighted by the debris of coalmining; then suffered great hardship and deprivation when the pits closed – with a drop of 70% in its population.

- For the past 50 years, the surrounding countryside has been ravaged by opencast mining while the post industrial village slowly tried to re-invent itself.

- People are beginning to build new houses, settle in the village and set up small businesses – attracted by the lovely countryside.

- New Cumnock does not deserve to be blighted for another 50 years by wind turbines.

- One of the main thrusts of the East Ayrshire Council regeneration initiative is to use its fine natural assets to encourage birdwatching, fishing, hillwalking, mountain-biking and horse riding tourism.

- The jewel in New Cumnock’s crown – and that of East Ayrshire – is Glen Afton, with its beautiful scenery and romantic connections with Robert Burns, Bruce and Wallace. It is visited by hundreds, possibly thousands of people every year, many of them Burns enthusiasts or hillwalkers from the towns.

- It is the bonniest hill glen in Ayrshire and the only one that is easily accessed by the public by car, train or bus.

- In fact it is the only hill glen of any note in the whole of East Ayrshire.

- Building 7 x 385ft high wind turbines above Ashmark Farm only 2.5km form the village of New Cumnock will dominate the village and the entrance to Glen Afton.

- They will destroy the beautiful open panoramic landscape as seen from the A76 west of Lochhill and from the Boig Road above the Ha’Runnel.

- The visual impact will be terrible.

- As an environmentalist, I have nothing against windfarms when situated sensitively with regards to the landscape.

- For example, the turbines away in the distance on the Windy Standard do not jar the senses.

- But those crowning the summit of the Knipes like the spikes on the Statue of Liberty certainly do – and the even larger ones proposed for the Glen Afton would be a hundred times worse.

- Do we really want our East Ayrshire landscape of beautiful rolling hills to look like a family of giant hedgehogs?

- In addition the picturesque old winding road up Afton and its hump backed bridges would be torn up and replaced with an ugly highway for huge construction trucks, which by their presence alone would destroy all tourist traffic for years to come.

- The inevitable result of granting this planning application will be to open the floodgates to E-on and others to desecrate Robert Burn’s ‘Sweet Afton’. Top, bottom and sides – and few people will ever want to visit Glen Afton for the ‘beauty’ and noise of its wind turbines.
There are plenty of remote empty hills beyond the glen which cannot be seen from public roads and which could accommodate future windfarms without destroying our beauty spots.

4.14 The only jobs created would be short term during the construction phase. It was noted that construction of Arecleoch and Mark Hill windfarms was largely carried out by people from outside the area, many from abroad, and brought little local employment.

4.15 The Ashmark Hill wind farm proposal will completely destroy the beauty and uniqueness of Glen Afton. The jewel in New Cumnock’s crown - and that of East Ayrshire - is Glen Afton, with its beautiful scenery and romantic connections with Robert Burns, Bruce and Wallace. It is visited by hundreds, possibly thousands of people every year.

4.16 Turbines only benefit their owners and the local tourism economy will suffer.

4.17 We are exceptionally concerned at the comments from our holiday cottage tenants who feel that Scotland will fall from their favourite holiday destination list because of the ruination of the coastline and countryside by turbines and more turbines. It is madness - they are ‘popping up’ everywhere and more and more research is proving how detrimental they are to the health of those living in close proximity too.

4.18 I object to the proposal as it will have a detrimental impact on the tourism of the Afton Valley and the Burns memorial.

4.19 It will provide little, if any, local employment which in any case would be only temporary and render any prospective tourist attractions, e.g. mountain biking, hill walking etc. unattractive to any visitors, therefore reducing future income to the local community. This will hit businesses, local shops that rely on passing trade to survive.

Natural heritage

4.20 This proposal will have a detrimental effect on local Scottish wildlife, in particular, birds.

4.21 Protected species living within the site of the proposed development include otters and bats. The lungs of bats literally implode as they are sucked into the low pressure airspace next to the turbine blades. Incredibly, the applicant describes the potential effects on them as ‘not significant’.

4.22 There are birds of conservation importance in the area such as whooper swans, Pink-footed and Grey Geese, white fronted geese, black grouse, peregrine and hen harrier. There have been signs of active barn owl and long-eared owl roosts were also found.
Noise and shadow flicker

4.23 I am also concerned about the effect of noise on neighbouring properties and on livestock and wild animals. Increasingly the impact of turbine noise on health is being investigated and reported.

4.24 The noise and shadow flicker cause ill health and the turbines damage flora and fauna.

Other

4.25 I live just below the proposed site and have been told it might affect my water supply and be noisy.

4.26 The applicant states that the site will be open to walkers when the proposed development is operational. With recent evidence of turbines catching fire and scattering flaming debris and ice which has formed on blades being hurled to the ground, public access is clearly not safe.

4.27 There are far less damaging and more reliable methods of reducing the country’s carbon emissions and the environmental damage to this particular landscape far outweighs the insignificant benefit of these 7 turbines.

4.28 Our country roads do not need hundreds of lorries carrying in tons of concrete and the turbines and all that goes with them. Most of them have barely survived 2 hard winters.

4.29 The photo montages provided by the proposer are very poor and do not give a realistic idea of how the project would look.

4.30 We have more than enough wind turbines on the west coast, why not invest in wave tidal power to generate commerciality in these products. We have plenty of accessible coast line which would reduce the impact to areas of beauty such as this location.

4.31 It is a proven fact that properties will devaluate. New Cumnock is a town in urgent need of regeneration but the resultant devaluation of property will certainly be detrimental to the re-development of Cumnock/New Cumnock. With the proposed proliferation of wind farms and open cast mines, New Cumnock must have reached and exceeded its acceptable cumulative effect of exploitation of the environment.

4.32 The proposal is contrary to the Ayrshire Joint Structure Plan policies:

STRAT 1, ECON 6, ECON 7, ECON 11, ECON 14 and ENV 1 as it is outwith the preferred areas of search, it would have a significant adverse effect on communities, on tourism and recreation interest which are vitally important for regeneration, it would fatally undermine the plan for the regeneration of this part of East Ayrshire and it would seriously damage the quality of Ayrshire’s landscape, include the Sensitive Landscape.
4.33 The proposal is contrary to the East Ayrshire Local Plan.

4.34 The proposal is contrary to the guiding aim of developing strong vibrant communities by realising their potential for regeneration and growth.

4.35 East Ayrshire has paid a very high price in contributing a disproportionate amount to the nation's energy needs, both through coal and renewable energy. We need to be given a break to continue the restoration of scarred landscapes and to build a new sustainable future. We should not be asked to do more when we have already sacrificed so much.

SUPPORT

4.36 We have worked closely with the company over several months and have been assured that the investment into the local community would benefit all. The windfarm is likely to affect my business more than most, as a caravan park we are involved with tourism and the leisure industry. As the licensee of the caravan park I find we are affected more by the non-investment in the village as people have to drive through to get to Afton Road. This will affect us more than a windfarm which is unlikely to be seen from the park.

4.37 In my view those people who object have no valid reason to do so, as the village needs investment and if the only way to obtain this is to allow the windfarm to go ahead, that should happen. Those with objections could make applications to these funds for their projects.

4.38 Scottish Ministers have set a target of generating 100% of Scotland’s electricity from renewable sources by 2020. NFUS believes that this development complements the Scottish Government’s promotion of the increased use of renewable energy sources. The use of renewable energy generation is an important means of reducing carbon emissions and is an important part of Scotland’s efforts to tackle climate change. The proposed farm diversification project comes at a time when, because of continuing economic difficulties in the industry, farmers are looking for other ways to supplement their incomes. The proposed wind farm project will help sustain a local farm business.

4.39 The Scottish Planning Policy Guideline for renewable energy developments seeks to ensure that the Scottish Government’s commitment to renewable energy is supported through development plan policies and development control decisions. The planning framework set out in the Guideline is intended to help the delivery of renewable energy targets as well as supporting the development of a viable renewables industry in Scotland.

4.40 In their review of the priorities and direction of Scottish agriculture, “Forward Strategy for Scottish Agriculture”, Scottish Ministers state that farming must play its part in the economic, social and environmental wellbeing of our rural areas, but to do this, it must be treated as part of a wider rural development, not separate. The aim must be healthy, growing rural communities, with farming playing its part. This means making the most of farm
businesses and their links with other rural businesses and developing new employment opportunities.

4.41 I think that they are a welcome addition to the landscape and I know that many communities welcome the investment and jobs that they can bring. Turbines are the next evolution of our landscape and I applaud Scotland’s commitment to renewable energy. When we come to visit my kids think the turbines are great and add another interesting factor to the trip.

4.42 I have lived at Ashmark Farm for the past 40 years and have a holiday cottage which I have rented out for 13 years. The cottage is situated opposite Harehill windfarm and I received a telephone call from a gentleman who was conducting research into the impact windfarms had on tourism in Scotland. I said I would put this question on my ‘feed back form’ which I give to all my guests to complete at the end of their stay. “From a tourist point of view, what are your feelings regarding the windmills on the hill opposite Ashmark. Are you for or against them?”. I handed out 30 forms and received 28 positives and only 2 negatives.

4.43 Over these years I have watched the village of New Cumnock deteriorate to the sad state it is today but seeing the size and quality of the renovation works at the local school is giving security to the future generation New Cumnock children. New Cumnock needs funding and the only source of income I can see is from the Minerals Trust and future windfarms which will guarantee income for the next 15 years.

4.44 The surrounding area of Cumnock has been disfigured by opencast coal mining and the employment levels are now low. The windfarms will bring a revenue back to the area and hopefully help regenerate the town of New Cumnock. Why can wind farms and tourism not work together like the success of Whitelee visitor centre at Fenwick. Make an outdoor class room and the turbines and embrace the science of it to our children as it is them who are growing up with them.

4.45 I live approximately 2km from the established Harehill site and have not experienced any noise pollution issues. I do not find the windmills intrusive, they are just part of the landscape, infact I find watching the turbines relaxing so feel a windfarm at Ashmark Hill would not be detrimental to the area or our property.

4.46 I have seen other windfarms from construction to full production and how nature has regenerated and created new habitat for birds and wildlife. The access roads would open up the areas to hill walkers of all capabilities to enjoy. As far as the wildlife is concerned, I live in a SSSI area & have turbines on our land & have never seen any dead wildlife killed by them.

4.47 I don’t believe that erecting the proposed wind turbines will have a negative effect on the community or affect tourism. My understanding of funding from this type of project benefits communities and this can only be good for the community of New Cumnock. My personal opinion is that I would rather see wind turbines in use than see huge ugly steel pylons spoiling the landscape. My
recollected of the size of the area leads me to believe that 7 wind turbines does not seem to be a number which would be intrusive for this area.

4.48 Having visited Whitelee I find these turbines less noisy than the wind in the trees at my home on a mildly windy day. There is no vibration unless you are touching the structure and though they may not be as efficient as we would all like it takes time to perfect a design. There are financial benefits available to the community which are much needed to help kick start any regeneration which tourism in the area cannot even begin to match. They are elegant to look at and the noise of the blades as they pass is quite relaxing.

4.49 The installation of this windfarm will open up an area, which at present is inaccessible to all but dedicated hill walkers, through the implementation of good quality access routes, which will have minimal impact on the daily business of Ashmark Farm.

4.50 Farming has seen a decline in recent years, it is important to safeguard farming in this area for the future by encouraging diversification. Windfarms have little impact, in comparison, to the rough grazing and thus allow present stocking densities to be maintained therefore ensuring livestock farms remain viable thanks to the additional revenue stream wind farms provide.

4.51 Up grading of the Afton Road is well overdue and could only be considered as a benefit to all who use it.

4.52 The hospitality sector in the area will benefit short term at least through an increase in demand for accommodation and food outlets.

The comments of those objecting to and supporting this proposal are noted. Most matters of concern are addressed in more detail below in relation to the Development Plan position and various material considerations including landscape and visual impacts, cumulative impacts, the built and natural environment, communities, tourism and recreation and access. Additionally, the benefits of the development are also highlighted within these sections including the contribution towards renewable electricity generation, jobs and investment and access. A number of matters are not material considerations such as the value of property or the merits of the contribution of wind energy generally to reducing carbon emissions.

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 (AJSP) (2007) and the East Ayrshire Local Plan (EALP) 2010.
5.2 Policy ECON 6 Renewable Energy advises that proposals for the generation and utilisation of renewable energy should be promoted and will conform to the plan both in stand along locations and as integral parts of new and existing developments where it can be demonstrated there will be no significant adverse impact, including adverse cumulative impact or infrastructure constraints, and where the design of the development is sensitive to landscape character, biodiversity and cultural heritage.

Through ECON6, all renewable energy proposals shall be supported where they are deemed appropriate in terms of a number of key considerations. These considerations are dealt with in substantial detail under ECON 7 below, which deals specifically with large scale wind farm developments. In summary it is considered that this proposal will result in unacceptable significant adverse impacts on landscapes and visual receptors. Additionally, the development contributes to unacceptable adverse cumulative impacts on landscape and visual impact in combination with existing, consented and application stage windfarms.

5.3 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.

The proposed wind farm is not within either of the two areas of search identified in the AJSP.

(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 proposed windfarm is not located in an area with any national or international designations or green belt. There are two SSSI’s within 5km of the site boundary. Fountainhead SSSI at 4km east is notified for its mineralogy interest and Nith Bridge SSSI at 3.2km north is notified for its geology and geomorphological interest. On this basis the windfarm will offer no adverse impact. The Muirkirk Uplands SPA and SSSI, which support a range of important breeding bird species, is approximately 6km distant however the ES and the views of statutory consultees is that this proposal offers no adverse impact.

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

As stated above, the proposal is considered to not adversely impact on the SSSI’s or the SPA. There are no direct impacts on nationally
important built heritage features although there may be a degree of indirect effects on the setting of these features. As noted below, these are not considered to be significant and do not compromise the integrity of such features.

(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.

Cumulative impact can be in terms of landscape and visual impacts as well as cumulative impacts on other features such as cultural and natural heritage and routes. In this case it is considered that cumulative impact is almost exclusively related to landscape and visual impacts.

There are a number of built or consented schemes near to the development (approximate distances). The most relevant include:

- Windy Standard and Extension 2.8km south (built and under construction respectively)
- Harehill 3.5km east (built)
- Sanquhar 8km east (consented)
- Whiteside Hill 10km south east (consented)

There are a large number of application stage wind farms in close proximity to the site (approximate distances). The most relevant include:

- South Kyle 1.8km south west (s36)
- Afton 2.5km south east (s36)
- Harehill Extension 4.3km east (planning application EAC)
- High Cumnock 6.6km north (planning application EAC)
- Garleffan 7.2km north (planning application EAC)
- Sandy Knowe 7.2km east (s36)
- Ulzieside 12.5km south east (planning application D&G)

The operational and consented windfarms offer certainty or a high degree of certainty when considering cumulative impacts and could largely be described as the ‘existing’ cumulative baseline. The application stage windfarms offer less certainty but must still carry strong weighting given their advanced positions. It should be noted that the final decision on these proposals do not lie with the Council but rather Scottish Ministers for the S36 proposals, Dumfries and Galloway Council for application stage schemes in that area and the Department of Planning and Environmental Appeals for any
planning proposals that the Council (or D&G Council) chooses to refuse.

The development is considered to contribute significantly to cumulative effects, particularly cumulative visual impacts. The existing and consented windfarms tend to be seen, from the majority of receptors, to be located in an upland area or, in the case of Harehill, as small turbines on a large hill. Turbine presence is noticeable from the lowland areas around Cumnock and New Cumnock but it is not a dominant feature. The Ashmark development brings larger scale turbines into a more transitional location, somewhere between the lowland landscape around the towns and the more elevated landscapes beyond Glen Afton. The design of the windfarm adds to this dominating effect as it is regularly viewed as a string of turbines occupying a large proportion of the view and is completely different in appearance to the existing and consented schemes as well as application stage schemes. Whilst this design on an individual basis does have merits which are discussed below, it adversely affects the existing cumulative windfarm scenario. When considered in relation to application stage windfarms, receptors in the lowland areas around Cumnock and New Cumnock would experience a degree of encirclement from windfarms and even more so if open cast developments are taken into account. The Ashmark scheme, by its location, design and scale contributes very significantly and adversely to this situation.

(e) Outside the 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:

Historic Environment

There are relatively few historic environment features within 5km’s of the site. This includes a number of B and C listed buildings within New Cumnock and non designated archaeological and historic sites within or near to the application site. Some visual impact will be experienced at the Dumfries House Garden and Designed Landscape, in particular from the northern parts of the GDL. The ES finds that impacts on the historic environment are not significant and proposes a planning condition to ensure that the archaeological resource is recorded where it would otherwise be lost by the development. The Planning Authority is in agreement with the findings of the ES on this matter.

Areas designated for their regional and local natural heritage value

There are a number of such designations in the surrounding area including one located along the western part of the application site, the Connel Burn/Benty Cowan Provisional Wildlife Site. Such sites
were designated for their contribution to local biodiversity. The applicant has not taken account of this local designation in the ES. Notwithstanding this, the actual wind farm development footprint avoids this area and as such it is considered that impacts on this local designation are likely to be minimal or none.

Tourism and recreational interests

There are a number of tourism and recreational resources in the surrounding area. This includes tourist accommodation, sites of cultural/social interest and recreational routes.

The Glenafton Caravan Park is located in close proximity to the site and the ES provides a viewpoint from the Park (VP5). Intervening landform and tree's provide a good degree of screening however during winter months this screening is reduced. The impact on the Park is likely to comprise of the blades of turbine 1 and as such is considered to be limited. There are a number of smaller scale local accommodation providers along and near the Afton Valley with impacts likely to be similar to the Caravan Park. On gaining distance from the site, the majority of receptors are located to the north. This includes the Lochside House Hotel at approximately 5.3km north. This hotel and its grounds offer views towards the application site and the upland landscape beyond which includes views of existing windfarms. The proposed development would be the closest and most prominent development (excluding application sites particularly High Cumnock and Garleffan) from the Hotel and occupy a significant proportion of the view due to its linear design. Whilst views generally are not protected by the planning system, there is research (The economic impacts of wind farms on Scottish tourism, March 2008) which suggests that patrons would be willing to pay less for a room with a view including windfarms than one without and it is likely that views and setting feature in the consideration of patrons when considering such places as a venue for events, such as weddings. If this is correct the development could have a degree of impact on the financial viability of the Hotel.

The Afton Valley has a connection to Robert Burns, as evidenced by the cairn and associated garden located within the Afton Valley. Impacts on this area would be visual impacts and disturbance impacts from construction traffic. Turbines would be visible from the cairn although would be heavily filtered by vegetation although less so in the winter. Closer to the river itself a degree of landform screening will occur in addition to the vegetation. Whilst visual impact at the cairn will occur, it is not considered to be particularly intrusive nor will it affect the use and understanding of the site. Construction traffic will offer a more significant impact given its close proximity to the Afton Road. It is likely that the use and ability to access the cairn site will be reduced, particularly during peak construction times. When construction is complete such impacts
will cease. The applicant has committed within the draft Traffic Management Plan (TMP) in the ES to ensure that this area remains accessible and that impacts from construction traffic are minimised. Control over these matters can be achieved through a condition that requires a detailed and finalised TMP.

The Afton Valley and surrounding hills is an important walking and recreational area and includes a number of rights of way and core paths and the coalfield cycle route. The windfarm has the potential to directly affect one path through separation during the construction period. The applicant proposes to either temporarily close the path or to divert it during construction works. Diversion of the path is the only one of these options considered acceptable to the Planning Authority. This, or other suitable mitigation to maintain the operation of the route, could be achieved through planning condition.

Construction traffic along the Afton Road has strong potential to effect cyclists using the coalfield cycle route and walkers using the road. Although these impacts are largely restricted to the construction period (and decommissioning period) and are therefore temporary, the scale and nature of the works would result in significant impacts. There is also potential for cumulative impacts resulting from a number of other large developments seeking to utilise the Afton Road. This could disrupt the use of the Afton Road and reduce the quality of the experience for users. The applicant advises in the draft TMP that such impacts have been taken into account and offers various mitigation measures including the provision of passing places, road widening, control of construction traffic and signage. This is considered to offer an acceptable degree of mitigation which reduces potential conflict with other road users. Notwithstanding this however it acknowledged that the route along the Afton Road will be less desirable during the construction period.

Indirect affects resulting from the visual impact of the development on receptors using local routes will be significant is some cases, particularly those closest to the site and from local hilltops. From local hilltops, more elevated routes and routes within the upland basin area to the north the development would be prominent and have significant affects. From the Afton Valley floor there would be significant screening of the windfarm by topography and vegetation with views becoming more obvious on routes to the north of the site near to the towns. On balance, it is considered that visual impacts on recreational routes and the users of those routes would be unacceptable.
The relevant local settlements are listed below as are a number of individual rural properties. The approximate separation distance from the edge of each settlement, group of properties (g) or individual property to the nearest turbine is as follows with a representative viewpoint number from the ES:

<table>
<thead>
<tr>
<th>Settlement</th>
<th>Distance</th>
<th>Viewpoint</th>
</tr>
</thead>
<tbody>
<tr>
<td>Burnside</td>
<td>2.5 km's</td>
<td>VP 14</td>
</tr>
<tr>
<td>Bank Glen</td>
<td>3.0 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>Connel Park/Leggate</td>
<td>3.0 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>New Cumnock</td>
<td>3.1 km's</td>
<td>VP 2 and VP 3</td>
</tr>
<tr>
<td>Cumnock</td>
<td>9.3 km's</td>
<td>VP 19</td>
</tr>
<tr>
<td>Dalmellington</td>
<td>10.3 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>Caravan Park (g)</td>
<td>0.94 km's</td>
<td>VP 5</td>
</tr>
<tr>
<td>Pencloe (g)</td>
<td>0.96 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>Laglaff</td>
<td>1.00 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>Brockloch (g)</td>
<td>1.69 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>Ashmark (g)</td>
<td>1.20 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>Carco House</td>
<td>1.28 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>Glenshee</td>
<td>1.28 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>Dalhanna Farm</td>
<td>1.59 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>Lochbrowan</td>
<td>1.30 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>Lochingerroch</td>
<td>1.39 km's</td>
<td>none provided</td>
</tr>
<tr>
<td>Meadow View</td>
<td>1.60 km's</td>
<td>none provided</td>
</tr>
</tbody>
</table>

Wind farm developments pose a number of different impacts on communities. These include shadow flicker, noise and visual impact amongst others. Through the ‘Addendum to the Ayrshire Joint Structure Plan Technical Report TR03/2006: Guidance on the Location of Windfarms within Ayrshire.’, a 2km separation distance to towns is required and a distance of 10 times the turbine rotor blade diameter (whichever is the greater) (in this case approx. 900m) from an individual dwelling, work place or community facility should be observed.

However, Scottish Planning Policy does not advocate such a prescriptive approach and considers that the 2km separation distance should be treated as a guide rather than a rule with specific local circumstances to be considered in each case.

The closest settlement to the application site is Burnside which is located more than 2km from the nearest turbine. There are no residential properties within 900m of a turbine therefore shadow flicker is not predicted to have an impact on any property.

The Council’s noise consultants have considered the submitted information and have advised that subject to the adoption of the proposed noise limits as identified by ACCON there would be no over-riding reason for refusal in respect of noise.
The smaller settlements to the north of the development run largely parallel with the linear layout of the Ashmark development with houses therefore perpendicular to the development in orientation and as such the views from these settlements would mostly be of all 7 turbines strung along the ridge adjacent to, and above, the Afton Valley. The combination of the development layout, the height of the turbines, the location of the site and the location of most receptors in the lower landscapes to the north ensure that visual impacts are significant and experienced by a large number of receptors.

The windfarm will be very prominent from New Cumnock and the settlements along the eastern part of the B741. This includes parts of the town centre of New Cumnock as well as the more peripheral residential areas and higher areas. Some of these impacts are demonstrated by the various viewpoints. In the smaller settlements along the B741, the houses tend to be orientated north/south or north west/south east meaning that the development will occupy, and be prominent in, key views to the south and south east. Like any windfarm, visual impacts tend to lessen as distance increases and in this respect what could be described as ‘significant’ visual impacts largely extend to Cumnock with effects lessening with distance thereafter. These significant effects are also not experienced from all parts of the settlements with built form, vegetation and topography often offering screening effects.

The windfarm would bring larger turbines much closer to settlements than existing developments and it would be a very prominent feature in views towards the south from the settlements listed above. Many of these views will see the turbines appearing on the skyline. The windfarm, by its design, occupies a large proportion of the field of view compared to existing and consented windfarms and would be a significant presence in the local area. Whilst the design of the windfarm increases its visual presence it does offer a more simplistic and visually understandable layout than other windfarms.

Turning now to individual and groups of properties that are in closer proximity to the windfarm, a number of these will experience significant affects. The ES does not incorporate an assessment of these properties. Many of the properties are well screened from the windfarm by topography, built form and vegetation. Where more open views are available the impacts are often tempered by distance and/or the extent of the development actually visible. On balance, it is considered that whilst some properties would experience significant visual impacts, none of these are to the extent that would be described as overbearing or unacceptable.

Buffer zones
The Structure Plan guidance requests a 30km buffer around the Areas of Search unless detailed analysis can show that development proposals of more limited scale are acceptable in terms of visual and cumulative impact. The proposed site is partially located within the 30km buffer from the northern search area. The applicant has submitted their environmental statement and other relevant information to try to show that the development is acceptable in terms of visual and cumulative impact. Such information is assessed throughout this report.

Aviation and defence interests

The consultations undertaken by the Council indicate that:

- Glasgow Prestwick Airport has no objection subject to planning conditions.
- NATS has no objection subject to planning conditions.
- The MoD has no objections subject to conditions which include the infrared lighting of the turbines.

Broadcasting issues

The ES advises that no properties will receive adverse impacts on their television reception. Microwave and telemetry communication are not expected to be impacted upon. The ES advises that a planning condition would be suitable which would set out proper assessment and mitigation measures should impacts occur.

(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 application site is within an area designated by the AJSP as a SLCA. Whilst this does not in itself present a barrier to the proposal, it does require that greater consideration be given to the impact on the landscape.

The full application site is within the SLCA. This Area incorporates the whole of the Afton Valley and extends beyond the A76 east of New Cumnock including the Muirkirk Uplands area, stretches into the Kyle Forest area to the west and is generally contained by the B741 to the north. Its southern and eastern boundaries are defined by the Council boundary with Dumfries and Galloway.

The Ashmark windfarm would be located wholly within the SLCA and offers extensive visibility over large parts of this area including from most higher ground and from areas up to, around and to the north of New Cumnock. The windfarm, as noted above, is a very prominent feature due to its location, design and characteristics and
as such it would constitute a significant impact on the character of the SLCA.

This proposal would have the greatest impact on the SLCA of all of operational or consented windfarms in the area and would ensure that windfarm influence is significantly increased across the SLCA. Similarly, Ashmark would be one of the most prominent windfarms even when considered against the number of application stage windfarms currently under consideration.

(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.

Connection to the grid is outwith the scope of this application however the applicant has advised that connection could be achieved at a substation associated with the Interconnector works or via a wooden pole line to New Cumnock. As noted above, there will be an adverse impact on the landscape however impacts on the historic environment will be minimal. The development will be out of scale with the environment and will be a major adverse influence on its appearance.

In relation to ecology, biodiversity, nature conservation and the water environment, it should be noted that SNH and SEPA have raised no objection to the development. However they have recommended that certain works be secured through planning condition should the development be consented.

As noted above, it is considered that the development will offer significant adverse impact on local communities primarily through visual impacts.

There are no outstanding concerns regarding aviation and adverse impact on telecommunications is not expected. The Council’s noise consultants have considered the submitted information and have advised that subject to the adoption of the proposed noise limits as identified by ACCON there would be no over-riding reason for refusal in respect of noise. Additionally, no impacts are expected from shadow flicker.

5.4 Policy TRANS5 ensures the Ayrshire Councils shall work in partnership to promote the appropriate movement of freight transport. Of particular relevance to this application, TRANS5 directs the councils to:

(c) promote road freight movement in a manner that minimises disruption to local communities and use of inappropriate public roads.
The erection of the wind turbines themselves, as well as the associated access tracks and infrastructure, will result in significant additional road traffic in the local area. The applicant has advised that turbines will be delivered via Port of Ayr Docks and travel to the site via the A77, A76, B741 and the C90 Afton Road. This minimises the distance that the turbine components require to travel and represents best practice. The Roads Division has raised no objection to the development but has proposed a number of planning conditions, the topics of which are set out at section 4 above. Transport Scotland has no concerns regarding the trunk road network.

Given the scale of works associated with windfarm developments it is inevitable that a degree of disruption will occur. To minimise this, the applicant has produced a draft Traffic Management Plan which would be refined and put into place should consent be granted. The TMP includes matters such as road improvements, delivery control methods, the use of borrow pits and liaison with the New Cumnock cemetery to avoid conflicting with funerals.

5.5 Through ENV1 of the Structure Plan, the quality of Ayrshire’s landscape and its distinctive local characteristics shall be maintained and enhanced. In providing for new development, particular care will be taken to conserve those features that contribute to local distinctiveness including, or particular relevance to this application:

(a) settings of communities and buildings within the landscape;
(e) skylines and hill features, including prominent views

As noted above, the linear layout of the development, the height of the turbines and the location of the development results in a significant visual impact over the more populated area to the north of the development including a number of settlements. The windfarm will be a significant visual intrusion for local communities, bringing large scale turbines much closer to their location than existing or consented sites do.

The turbines will often be seen as occupying a skyline location which results from the location of the turbines on the ridge line of the site. This is particularly noticeable around the New Cumnock area as shown by the viewpoints.

5.6 Policy ENV2 requires that in Sensitive Landscape Character Areas the protection and enhancement of the landscape shall be given full consideration in the preparation of local plans and the determination of planning applications.

As stated in relation to ECON7(f), the proposed development will have a significant adverse impact on this area, identified as being of particular value to the landscape of Ayrshire as a whole.
5.7 Through Policy ENV6, development proposals considered to have an adverse effect on specified heritage resources shall not conform to the structure plan:

(a) listed buildings of architectural and historic interest;
(b) designated conservation areas;
(c) historic gardens and designed landscapes; and
(d) archaeological locations and landscapes

As stated above, it is considered that this development offers relatively minimal impacts on built heritage. There is a degree of impact on the northern parts of the Dumfries House Garden and Designed Landscape (GDL) where the windfarm would be visible and would effect the setting of the GDL. However, this impact is to be found generally away from key features of the GDL and limited to what could be described as a less sensitive part of the Estate. Additionally, it does not interrupt or intrude on important views or on the ability to understand the GDL.

The ES finds that there will be negligible adverse impact on listed buildings or conservation areas with which the Planning Authority agrees. Direct impacts on archaeology is relatively limited and the ES advises that archaeological works to record such resource would be acceptable mitigation in addition to fencing/visual marking of sites near to, but not required to be disturbed by, the works. The Planning Authority agrees that this is appropriate and should be addressed through planning condition.

Adopted East Ayrshire Local Plan

5.8 Policy SD1 states that the Council will adhere to the principles of sustainability in its consideration of all development proposals and will seek to ensure that all new development contributes positively to the environmental quality of the area. In this regard, the Council will ensure that all new development does not have any unacceptable adverse impact on:

(i) The character and appearance of the particular location in which it is proposed.

It is considered that the proposal will result in a significant change in the character and appearance of the local area including nearby settlements and local landscapes. It is accepted that wind farms, by their very nature, are prominent features in the landscape and will offer a degree of visual intrusion. However in this case it is considered that the impacts on the landscape and visual receptors including towns, rural properties, transport routes and tourism and recreational locations are significantly adverse and result in fundamental changes to the character and appearance of the area.
(ii) The environment and amenity of local communities and residents of the area;

The proposal offers no adverse impact by way of noise or shadow flicker. Visual impact will be experienced by local communities with impacts on the settlement of New Cumnock and the smaller settlements along the B741 considered to be most significant. The separation distance between the development and these areas is relatively minimal (although beyond the 2km minimum recommended distance of the Structure Plan Addendum) and the height of the turbines reinforces the effect. In combination with the linear design which ensures that a wide field of view results, these effects are experienced by the majority of receptors who would often be located perpendicular to the development in the case of their dwelling. On this basis the development will adversely affect the local environment and level of amenity enjoyed by these communities.

(iii) Landscape character and quality;

The proposal sits within and will adversely affect the Sensitive Landscape Character Area as set out at policy ECON 7 of the structure plan. As noted previously, the development is considered to offer an unacceptable adverse impact on the SLCA and the setting that this provides to the local settlements.

(iv) Natural or built heritage resources.

An assessment of impacts on the natural and built heritage resources is provided through Structure Plan policies above.

5.9 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;

(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;

(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;

(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

(v) on existing infrastructure

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

Policy CS12 provides a general support for renewable energy proposals provided that it does not have significant adverse impact on a number of different criteria. This reflects the position set out within SPP. As noted elsewhere, it is considered that there are significant adverse impacts on local communities by way of visual impact from the development which is most particularly felt in New Cumnock and the small settlements along the B741 but also in a number of other settlements and rural properties. The SLCA experiences direct and indirect unacceptable adverse impacts and local landscapes, which help to form the setting of settlements, are adversely affected.

Additionally, the development contributes to cumulative impacts from a number of windfarms in the surrounding area. The development brings windfarm development involving large turbines much closer to receptors and does not relate particularly well to operational and consented developments. This results in significant adverse cumulative landscape and visual impacts in particular on the area to the north of the development but also from high points including a number of popular walking routes/destinations such as Blackcraig Hill.

5.10 Policy CS14 advises 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 the Areas of Search, proposals for large and small wind farm developments will be supported subject to specific proposals satisfactorily addressing all other material considerations.
(b) Areas designated for their national or international heritage value, and green belts, will be afforded significant protection from large scale wind farms.

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

(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 afforded 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.

(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:

(i) Historic environment;
(ii) Areas designated for their regional and local natural heritage value;
(iii) Tourism and recreational interests;
(iv) Communities;
(v) Buffer zones;
(vi) Aviation and defence interests;
(vii) Broadcasting installations.

(f) Proposals affecting Sensitive Landscape Character Areas shall satisfactorily address any impacts on the particular interests 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;

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

Note (i):

In order to assist in the assessment process, the Rural Area Proposals Map defines an Area of Search for large scale wind farm development. This defines the boundaries of the Area of Search indicated in the structure plan Key Diagram and referred to in parts A and E of Policy ECON7.

Note (ii):

In order to help developers minimise the environmental and visual impact of their wind farm proposals, the Council intends, in conjunction with North and South Ayrshire Councils, to prepare detailed supplementary guidance pertaining to the cumulative impacts of wind farm developments. The supplementary guidance to be prepared will be adopted by the Council, following discussion
and engagement as a material consideration in the assessment of all new wind farm proposals and developers will be expected to pay due regard to the provisions of the guidance in the formulation of their proposed developments.

This policy largely replicates the content of policy ECON 7 of the Ayrshire Joint Structure Plan and a full response to that policy is provided above.

5.11 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.

The applicant has indicated through correspondence submitted to the Planning Authority that they will contribute to the Renewable Energy Fund. The applicant advises that it will match this payment with funds direct to the local community through a community benefit fund.

5.12 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.

Should planning consent be granted it is recommended that a planning condition be attached to address the requirements of this policy.

5.13 Through Policy T3 the Council will require developers, in formulating their development proposals to meet all of the requisite standards of the Council as Roads Authority. Developments which do not meet these standards will not be considered acceptable and will not receive Council support. Of particular relevance to this application developers should ensure that their proposed developments (iii) incorporate all necessary measures to minimise pedestrian and vehicular conflict.

Details of the proposed access and transport arrangements and the comments and position of the Roads Division and Transport Scotland have been set out above. Subject to appropriate planning
conditions the proposal meets the requisite standards of the Roads Division.

5.14 Through ENV1, the Council will seek to protect, preserve and enhance all built heritage resources requiring conservation including Listed Buildings and Conservation Areas, together with their respective settings, Historic Gardens and Designed Landscapes, Scheduled Ancient Monuments and Archaeological and Industrial Archaeological Sites and Landscapes.

A detailed position on the relevant built heritage resource is set out above. As noted, it is considered that there will be no unacceptable adverse impacts on the settings of such resources.

5.15 Policy ENV3 gives prime consideration to the protection and enhancement of the landscape in the consideration of development proposals within the Sensitive Landscape Character Area. The Council will ensure all development proposals in these areas respect, in terms of design, size, scale, and location, the local landscape characteristics of the particular area.

The application site is wholly within the Sensitive Landscape Character Area and the development exerts influence over a large section of this area. Detailed comments are provided above.

5.16 Through ENV8, developments affecting Historic Gardens and Designed Landscapes shall protect, preserve and enhance such places and shall not impact adversely upon their character, upon important views to, from and within them, or upon the site or setting of component features which contribute to their value.

The development will be visible from parts of the Dumfries House Garden and Designed Landscape and will have an impact on its setting. The Planning Authority agrees with the findings of the ES that such impacts are minor, as set out above.

5.17 Through Policy ENV15, the Council will not be supportive of development which would cause unacceptable and irreparable damage to important landscape features within rural areas. Developers will be expected to conserve and enhance those features that contribute to the intrinsic landscape value and quality of the area concerned and which are likely to be adversely affected by the particular development proposed including, of relevance to this application,

(i) existing setting of settlements and buildings within the landscape;

As noted above, this proposal is considered to have significant and unacceptable impacts on New Cumnock and the settlements along the B741.

(v) existing Public Rights of Way, footpaths and bridleways;
The development will have direct and indirect effects on such routes, as explained above. Direct impacts can be addressed through temporary reroutting of a right of way and through control of construction traffic via a TMP. Indirect impact will occur on stretches of local routes, particularly to the north and on section of the Afton Road and from hilltop and elevated locations. The location, scale, design and height of this development ensures that the presence of the wind farm becomes a key element when moving around the local area and as such the outlook from such routes and the quality of the recreational experience would likely be appreciably diminished.

(vi) existing skylines, landform and contours.

Windfarm developments often occupy, to some degree, a skyline location. In this case and as demonstrated by the supporting graphics, the skyline will be noticeably affected, as described above.

5.18 Local Plan policy ENV16 states that the Council will not be supportive of development that would create unacceptable visual intrusion or irreparable damage to the landscape character of the rural area. Development should be in keeping with, have minimal visual impact and reflect the nature and landscape character of the rural areas in which it is located, in terms of layout, materials uses, design, size, scale, finish and colour.

It is considered that the proposed development will create significant visual intrusion to the landscape for the duration of the operation of the wind farm. As set out elsewhere in this report, there is significant visual intrusion from this development particularly when it is considered that the development is for seven turbines and the landscape character of the area will be significantly adversely affected.

5.19 Policy ENV17 relates to land within the rural area that has not been identified as specific development opportunity sites. It lists six requirements, the most relevant of which are considered to be whether the proposal would have significant unacceptable adverse impacts on (ii) built heritage (iii) natural heritage (iv) visual, landscape and scenic quality (v) water resources and (vi) peat. There will be a general presumption against development which would cause such impacts.

Detailed responses on these matters have been provided above.

5.20 Policy ENV20 states that the Council will ensure, wherever possible, that the environmental quality of the main strategic access and tourist routes through East Ayrshire is not compromised by inappropriate, unacceptable or insensitive development. All developers whose proposals lie adjacent to these routes will be required to demonstrate to the Council that their developments are
adequately screened and landscaped so as to minimise any adverse impact they may otherwise have on their environmental setting.

The site sits some distance from the A76 which is a strategic access location and a trunk road but not an identified tourist route. Visual influence from the windfarm will encompass large parts of this route running between Mauchline and New Cumnock. When travelling north the turbines will largely be behind the receptor and offer little or no impact. However, when travelling south the windfarm will be a prominent feature, when natural and built screening does not intervene. The most significant impacts are likely to be experienced from the southern edge of Cumnock until the receptor turns onto the Afton Bridgend section of the A76. These impacts are likely to be similar to those of the settlements and other receptors in this area however views are transient and often at considerable speed with the focus rarely solely on the windfarm location. On balance, whilst the windfarm would be a prominent feature and the visual impacts significant at times, it is not considered to compromise the access route to the extent that it would be incompatible with this policy.

6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS


Scottish Government National Energy Policy

6.2 The Climate Change (Scotland) Act 2009 sets out the Scottish Government’s key commitments in terms of environmental legislation which promotes reductions in greenhouse gas emissions. Part 1 of this Act creates the statutory framework for reduction of greenhouse gas emissions in Scotland by setting an interim 42% reduction target for 2020 and an 80% reduction by 2050. The Act also requires Scottish Ministers to set annual targets for Scottish emissions from 2010 to 2050.
6.3 The Scottish Government’s Renewable Electricity Generation Policy Statement (REGPS) June, 2013 sets out the Scottish Government’s plans for renewable energy and fossil fuel thermal generation in future energy mixes. The EGPS indicates the Scottish Government’s amended target of delivering the equivalent of at least 100% of gross electricity consumption from renewable by 2020. It is confirmed that this target does not mean that Scotland will be 100% dependent on renewable generation; renewable will form part of a wider, balanced electricity mix, with thermal generation continuing to play an important role.

6.4 National energy policy in Scotland, through the planning framework, indicates that the aim of national planning policy is to develop Scotland’s renewable energy potential whilst safeguarding the environment and communities. In this case, the significant adverse landscape and visual impacts of the wind turbines on the surrounding environment outweighs the contribution of the proposed scheme towards national energy targets.

**National Planning Framework 3 (NPF3)**

6.5 NPF3 is a long term strategy for Scotland. It is the spatial expression of the Government Economic Strategy, and its plans for development and investment in infrastructure. As part of the transition to a low carbon economy it advises that the ambition is to achieve at least an 80% reduction in greenhouse gas emissions by 2050 and looks to achieve the generation equivalent of at least 100% of gross electricity consumption from renewables by 2020. NPF3 recognises that an energy generation mix will continue to be required.

6.6 Section 3.23 of NPF3 advises that onshore wind will continue to make a significant contribution to diversification of energy supplies. It notes that windfarms should not be located in national parks or national scenic areas. It advises that the required spatial framework will be set out in SPP to guide new energy developments to appropriate locations, taking into account important features.

6.7 Whilst NPF 3 offers a general support for on shore wind as part of Scotland’s energy mix, it does note that there are areas where developments are unacceptable and, through the SPP spatial strategy, areas where they may be appropriate but ‘taking into account important features’. As such it is clear that NPF 3 does not offer unequivocal support to onshore wind proposals but rather it requires that full consideration of all developments against appropriate criteria takes place. In this respect the development is not considered to be an appropriate location as it does not reflect the scale and character of the landscape and results in significant adverse landscape and visual impacts, including cumulative impacts, especially on local landscapes and receptors.

6.8 Consequently the proposal is inconsistent with the provisions of NPF 3.
Scottish Planning Policy (SPP)

6.9 SPP advises at part 154 that the planning system should support the transformational change to a low carbon economy, consistent with national objectives and targets. It should support the development of a diverse range of electricity generation from renewable energy technologies – including the expansion of renewable energy generation capacity and should guide development to appropriate locations and advise on the issues that will be taken into account when specific proposals are being assessed.

6.10 Part 161 regarding onshore wind advises that Planning authorities should set out in the development plan a spatial framework identifying those areas that are likely to be most appropriate for onshore wind farms as a guide for developers and communities. The SPP includes a spatial framework made up of three ‘groups’ of areas.

6.11 Group 1 relates to National Parks and National Scenic Areas where wind farms will not be acceptable. Group 2 relates to areas of significant protection and includes designations and interests where wind farms may be appropriate in some circumstances and consideration will be required to demonstrate that any significant effects on the qualities of these areas can be substantially overcome by siting, design or other mitigation. Such designations include, amongst others, SSSI’s, Gardens and Designed Landscapes, areas of wild land and separation of up to 2km from cities, towns and villages with the extent of the separation determined by the planning authority based on landform and other features which restrict views out of the settlement. In group 3 areas wind farms are likely to be acceptable, subject to detailed consideration against identified policy criteria.

6.12 Part 163 advises that the spatial framework approach should be followed in order to deliver consistency nationally and additional constraints should not be applied at this stage. The spatial framework is complemented by a more detailed and exacting development management process where the merits of an individual proposal will be carefully considered against the full range of environmental, community, and cumulative impacts. It notes that individual properties and settlements not identified in development plans will be protected through local development plan policy (part 164).

6.13 Part 169 sets out the likely considerations that should be taken into account in the determination of wind farm proposals. These include a large number of issues but particularly relevant to this proposal are net economic impact, the scale of contribution to renewable energy generation targets, effect on greenhouse gas emissions, cumulative impacts, impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker, landscape and visual impacts, impacts on the historic environment, impacts on tourism and recreation, impacts on aviation, impacts on road traffic, the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration and the
need for a robust planning obligation to ensure that operators achieve site restoration.

6.14 Finally, paragraph 173 on community benefit advises that where a proposal is acceptable in land use terms, and consent is being granted, local authorities may wish to engage in negotiations to secure community benefit in line with the Scottish Government Good Practice Principles for Community Benefits from Onshore Renewable Energy Developments document.

6.15 The provision of a spatial framework for wind farm development provides clearer guidance on areas where windfarm development may or may not be acceptable. The group 1 areas are not applicable to East Ayrshire however the areas of significant protection set out within group 2 will be relevant in many cases. Group 2 highlights the sensitivity of the designations and interests contained within it and requires that significant effects on the qualities of these areas can be substantially overcome therefore providing a stricter test for wind farm acceptability than group 3 areas where assessment will take place against identified policy criteria. Notwithstanding this however, the considerations laid out at part 169 of SPP would be relevant to groups 2 and 3.

6.16 The development plan for East Ayrshire preceded the updated SPP. Despite this it complies with the key requirements of SPP in that it has identified areas of search where large and small scale windfarms will be suitable in principle and also sets out the criteria against which windfarm proposals will be assessed, as noted at section 6.

6.17 This development falls within group 3, areas with potential for windfarm development. The proposal results in a significant adverse impact on a number of the considerations set out in SPP including: landscape and visual impacts, communities, tourism and recreation features and contributes to adverse cumulative impacts on settlements, landscapes and routes. These matters are set out through the development plan policies at section 6. Whilst its contribution to renewable energy targets, effect on greenhouse gas emissions and socio economic benefits are noted and carry strong weighting they are not considered to outweigh the significant harm associated with this proposal.

**Scottish Government Guidance – On Shore Wind Turbines**

6.18 This guidance is updated periodically by the Scottish Ministers and is an online resource that provides Planning Authorities with guidance in the consideration of proposals. It was last updated on 28 May 2014. Within the snapshot section it advises that there are approximately 80 operational onshore wind farms generating some 2784MW at 29 November 2011. It also advises that Planning Authorities more frequently have to consider turbines within lower lying more populated areas, where design elements and cumulative impacts need to be managed.

6.19 Amongst others, this Government guidance lists criteria to be considered in the determination of planning applications for on shore turbines. In the case
of this proposal the significant criteria to be assessed are; landscape and visual impact and cumulative landscape and visual impacts.

6.20 In terms of landscape and visual impact and cumulative impacts it has been noted at section 6 that the development is considered to offer unacceptable significant adverse impacts. The local landscape will suffer significant effects and cumulative effects particularly over the southern uplands and those landscapes around New Cumnock. Such impacts compromise the purpose and integrity of the Sensitive Landscape Character Area. The nearby settlements including New Cumnock experience extensive visual impacts including within the town centre area. In relation to cumulative landscape and visual impact, the settlement of New Cumnock will experience adverse effects due to the proximity of Ashmark which brings existing and proposed windfarm development closer to the town and would not be visually cohesive due to its unique design in this area when compared to other schemes. Such impacts will be experienced from the smaller local settlements along the B741 and, at greater distances and more localised, from Cumnock and Auchinleck.

6.21 The relevance of On Shore Wind Turbine Guidance is considered in the context of the Ayrshire Joint Structure Plan 2007 and the East Ayrshire Local Plan 2010. The proposal fails to comply with the criteria of on shore wind turbine guidance in terms of the significant unacceptable adverse landscape and visual impacts and cumulative impacts.

Scottish Historic Environment Policy (SHEP)

6.22 The SHEP sets out Scottish Ministers’ policies for the historic environment, provides policy direction to Historic Scotland and provides a framework that informs the day to day work of a range of organisations that have a role and interest in the historic environment. SHEP advises that the historic environment gives us a sense of place, well being and cultural identity and advises that the historic environment requires careful and active management to ensure its survival. The context or setting in which specific historic features sit and the patterns of past use are part of our historic environment. The historical, artistic, literary, linguistic, and scenic associations of places and landscapes are some of the less tangible elements of the historic environment. These elements make a fundamental contribution to our sense of place and cultural identity.

6.23 As set out above, the development is considered to have a relatively minimal impact on the historic environment. There is potential for some direct impacts on some minor historic assets and the undiscovered archaeological resource however it is considered that appropriate recording of such features would be appropriate, secured through planning conditions, to ensure the archaeological resource is recorded where it would otherwise be lost to the development.

6.24 There will be a degree of indirect impact largely resulting in a change to the setting of a number of different resources. These impacts have been found to be negligible in relation to listed buildings taking account of various factors
such as the listed building itself, distance to the windfarm and intervisibility. Dumfries House Garden and Designed Landscape (GDL) will experience a degree of impact on the northern parts of the estate where the windfarm would be more visible and would, to a degree, affect the setting of the GDL. However, this impact is to be found generally away from key features of the GDL and limited to what could be described as a less sensitive part of the Estate. Additionally, it does not interrupt or intrude on important views or on the ability to understand the GDL.


6.25 All three Ayrshire Councils have agreed that this Addendum will be used in the assessment of wind farm applications. The purpose of the Addendum is to support the implementation of wind energy policy as set out in the Ayrshire Joint Structure Plan. The addendum provides developers with greater clarity regarding those areas where the principle of wind farm development is likely to be acceptable or unacceptable and to provide further explanation of the criteria against which new development will be assessed.

6.26 In terms of the Addendum the proposed site is partially located in an area afforded significant protection from the effects of large scale wind farms. This relates to the 30km buffer from the wind farm search areas. The Addendum requires that an assessment be undertaken against relevant development plan policies to protect the interests of designated sites. This assessment has been undertaken at part 6 of this report.

6.27 Part 14 of the Addendum refers to cumulative impacts and clarifies that these will frequently involve landscape and visual impacts but may also affect natural heritage designations. In this case there are issues of cumulative landscape and visual impact. Such impacts are from existing, consented and application stage proposals affecting the communities at New Cumnock, settlements along the B741, Cumnock, rural properties and the surrounding landscape. Such impacts come from different combinations of windfarms however this development plays a prominent part in each of these adverse cumulative impacts. Given this situation the proposal results in significant unacceptable adverse effects on the visual amenity of surrounding residential properties and on landscape character.

6.28 Part 18 of the Addendum indicates that establishing and maintaining visual separation from other wind farms will allow for a clear distinction to be perceived between the wind-farmed landscape and the landscape beyond. It is therefore appropriate to provide significant protection to the areas in the immediate vicinity of these newly created wind farm landscapes on visual grounds. Whilst the areas of search within Ayrshire are somewhat distant, there is an area of search located across the border into Dumfries and Galloway, into which the Windy Standard developments are located and is most relevant to this proposal. Additionally, and within East Ayrshire, the operational Harehill windfarm is located to the east of the site and a number of application stage windfarms such as Afton, South Kyle and Harehill Extension are all located in
close proximity. A number of further developments are consented or at application stage within 10km in East Ayrshire and Dumfries and Galloway.

6.29 This windfarm, as noted previously, is of a significantly different design to other consented and proposed windfarms in this area and brings larger typology turbines much closer to receptors than those further to the south such as the Windy Standard sites. In isolation the linear design of the Ashmark site takes account of the site characteristics however when considered cumulatively it introduces a contrast in design which is visually confusing. In relation to cumulative landscape effects it will impact on the small scale Glen Afton landscape and the surrounding southern uplands character type when considered with built and consented sites. When application stage developments are considered, significant visual impacts would be experienced from New Cumnock, it would contribute to the encirclement of Glen Afton, would contribute to the encirclement of New Cumnock and surrounding landscape and would contribute to the creation of a windfarm landscape.

6.30 Part 21 of the Addendum provides some clarification of policies ECON 6 and ECON 7. This development is located in a potential area of constraint but notes that this does not necessarily preclude development. At part 24 the Addendum notes that heritage resources and their settings shall be protected. As noted above, the proposal is considered to be acceptable in relation to impacts on the historic environment.

6.31 Part 25 of the Addendum notes that landscape character (amongst others) is a valuable resource and a key part of Ayrshire’s attractive and high quality environment, contributing to sense of place and local distinctiveness and important to future well being and economic development. The planning system has to ensure that wind farm development needs are met in ways which do not erode this environmental capital. Where development compromises the objectives or overall integrity of the regional and local natural heritage and biodiversity designations, such as Sensitive Landscape Character Areas, they will not be supported. As noted above it is considered that the development does affect and erodes the objectives and integrity of the Southern Uplands SLCA.

6.32 The importance of the SLCA to tourism and recreational interests is noted through Part 26 and 27 as is the connection with Robert Burns. The Addendum advises that tourism makes a significant contribution to the economy of Ayrshire and has the potential for significant growth and at the heart of this growth is environmental quality, increasingly seen as a key economic driver, and which requires to be protected and enhanced. Again as noted above, the development is considered to have an unacceptably adverse effect on significant parts of the SLCA.

6.33 Part 28 of the Addendum highlights that amenity and quality of life are key assets contributing to the attractiveness and economic potential of an area. Wind farms have the potential to create significant long term adverse impacts on the amenity of an area or health, well-being and quality of life of people living or working nearby. Visually, within 2km, wind farms are a prominent feature in
the landscape. In this case the applicant has located the turbines more than 2km from settlements and more than 10 times the rotor diameter from properties. This ensures that the settlements are not dominated by the turbines, albeit affects are still often significant, and shadow flicker should not be experienced at all. In relation to noise the Council’s noise consultants have considered the submitted information and have advised that subject to the adoption of the proposed noise limits as identified by ACCON there would be no over-riding reason for refusal in respect of noise.

6.34 Finally the Addendum notes at Part 30 that Glasgow Prestwick Airport offers significant international connectivity and competitive advantage for economic development. Developers will be required to show that their development does not impinge on the current operation of the airport and would not threaten the requirements for growth sought by Government. As GPA have no objection to the development subject to appropriate conditions, the development complies with this part of the Guidance.

Noise PAN 1/2011

6.35 PAN 1/2011 provides advice on the role of the planning system in helping to prevent and limit the adverse effects of noise. Site selection and the design of the development and any conditions that may be attached to any consent can all play a part in preventing, controlling and mitigating the effects of noise.

6.36 Para 29 of the PAN refers to wind turbines and indicates that “good acoustical design and siting of turbines is essential to minimise the potential to generate noise.”

6.37 In this case the Planning Authority consulted with Accon Ltd to assess the submitted environmental statement noise chapter and to provide a report. This report is attached as a background paper and the findings are referred to below.

Accon Ltd

6.38 Accon Ltd assessed the applicant’s environmental statement noise section and concluded that subject to the adoption of the proposed noise limits as identified by ACCON there would be no over-riding reason for refusal (of the windfarm) in respect of noise.

Landscape Consultants – Ironside Farrar

6.39 As referred to in the Cabinet report of 21 May 2014 the above consultants have been procured by the Council to undertake an assessment of the landscape and visual impact section of the applicant’s submitted environmental statement.

6.40 In its conclusions Ironside Farrar advise that ‘We have reviewed the LVIA which we have found to be comprehensive and thorough, although some effects have been omitted or not fully described. We have some reservations regarding
the methodology, in particular that used for the assessment of landscape effects. We are broadly in agreement with the findings of the assessment in terms of the extent of significant effects and the receptors affected’.

6.41 They further advise that ‘The proposals are located within a landscape type with a capacity for a degree of larger scale wind energy development. However its proximity to more sensitive landscape character types, substantial settlement, and its location within the East Ayrshire Sensitive Landscape Area (EASLA) introduces significant constraints to large scale wind energy development. It is not demonstrated in the LVIA, or by our assessment, that the proposals address these constraints in such a way as to be supported by strategic guidance’.

6.42 Additionally Ironside Farrar found that ‘The development would result in significant and adverse effects to five landscape types; the Southern Uplands, Southern Uplands with Forest, the Upland Glen, the Upland Basin and Upland River Valley around New Cumnock. A substantial part of the Southern Uplands EASLA would be subject to significant effects. The visual influence of the turbines is relatively large, with significant visual effects identified in the LVIA occurring up to 14km to the north of the development across well populated lowlands. Effects on the landscape and visual resource appear large compared to the number of turbines involved’.

6.43 Finally Ironside Farrar notes that ‘The proposals would have significant cumulative effects when seen with existing, consented and proposed developments. These effects derive from the difference in design of the proposals to other local windfarms, its prominent position in the landscape, and prominence in relation to a relatively large number of existing/ consented/ proposed windfarms when seen from the north and the principal direction of views for most visual receptors. From here the proposals would be seen to introduce a new pattern of wind energy development into the landscape, with resultant significant cumulative effects’.

**The East Ayrshire Landscape Wind Capacity Study 2013 (EALWCS)**

6.44 According to the EALWCS the landscape character type of the majority of the application site and turbines is southern uplands. This character type “form steep sided, rugged open hills strongly containing the Upland Glen of Glen Afton and providing a dramatic backdrop to the low lying Upland Basin”. It notes that “higher and particularly steep sided and well defined hills on the eastern edge of Glen Afton form landmarks features” and “Lower and relatively narrow ridges occur west of Glen Afton”. The EALWCS goes on to note that “this landscape is not settled although it is highly visible from settlement and roads within the Upland Basin to the north”.

6.45 “There would be a high-medium sensitivity to the large typology (turbines >70m) and a medium sensitivity to the medium typology (50-70m)”. The EALWCS lists potential cumulative issues including intervisibility with larger turbines in this LCT and smaller turbines in adjacent settled LCT’s and the potential for encirclement of the upland basin LCT should turbines be consented
in foothills with forestry and opencast mining LCT and plateau moorland LCT. It also notes a number of potential constraints including the landmark hills, potential exacerbation of intrusion from Harehill turbines on the small scale and settled Upland Glen of Glen Afton and on views from the upland basin, cumulative effects with Harehill where different turbine sizes will be apparent in close views from Glen Afton and cumulative effects with existing and consented windfarms seen from the upland basin limiting scope for new windfarms being accommodated in this LCT due to differences in turbine size and layout given variations in landform wither side of Glen Afton.

6.46 It concludes that there is no scope for large typology (>70m) and some limited scope for medium typology (50-70m) to be located in this landscape as an extension to Harehill windfarm.

6.47 In this case the proposal is for turbines up to 116m in height which is significantly greater than the recommended typology. The design of the windfarm corresponds to the landform on this side of the Afton Valley as noted by the EALWCS but it is this design which contrasts significantly with established windfarm pattern. Views of this windfarm will be extensive from the upland basin area due to the turbine height, their location on lower lying ground (than other windfarms) and proximity to the receptors.

**Impact on Amenity**

6.48 As previously stated in this report the proposal results in significant adverse visual impacts on large parts of New Cumnock and the smaller B741 settlements. Some more localised significant visual effects are found in Cumnock and Auchinleck. Additionally a number of rural properties receive significant visual impacts. The local settlements and properties will receive an adverse visual impact due to the prominence of the windfarm in views from public and private spaces. However, there is not considered to be an overbearing visual impact on any particular property.

6.49 In terms of cumulative impacts the proposal taken in conjunction with the other existing and consented windfarm sites in the area will result in significant adverse visual impacts on the amenity of settlements and properties primarily to the north where the windfarm would be viewed as being closer to the area, of larger turbine typology and of different design. The presence of opencast mining within this area adds a further degree of visual intrusion. Ashmark contributes to much greater cumulative impacts when the proposed windfarm schemes are also taken into account.

6.50 No property is expected to experience shadow flicker effects due to the separation distance maintained from residential property. Additionally, the Council’s noise consultant has advised that noise and cumulative windfarm noise would not be unacceptable. There will be a degree of disruption to those living on and near the windfarm access route however as advised previously within this report it is considered that appropriate planning conditions can reduce such impact to reasonable levels which when combined with the shorter term
construction period will ensure that properties and receptors would not be unacceptably impacted upon.

Consultation Responses

6.51 No consultee has raised an objection to the proposal subject to the imposition of appropriate planning conditions. The support of the New Cumnock Community Council is noted.

Representations

6.52 The application has attracted a significant number of representations. Objectors to the development have raised a diverse number of matters but with significant concern over the landscape and visual impact of the development generally and in relation to tourism and recreation such as the Robert Burns connection and walking/access routes. It is considered that this windfarm proposal will result in significant landscape and visual impacts which includes local landscapes, settlements and access routes.

6.53 There is the potential for some adverse impact on the Robert Burns heritage associated with the Afton Valley however on balance this is not considered to be significant. Additionally, impacts on the built and natural environment and heritage are considered to be overstated by the objectors and, subject to conditions where appropriate, would not be unacceptably impacted upon. Impacts on tourism facilities should be limited but some visual impact will occur. Such impact has the potential to adversely affect tourism however it is considered that the existing presence of windfarm development, separation distances, the effects of topography and screening and the nature of the local tourism resource make it likely that tourism will experience a minor impact at most. Local recreation routes will also experience visual impact and cumulative visual impact, particularly those on higher ground to the south and south east.

6.54 Subject to appropriate controls imposed through planning conditions, it is considered that the construction period impacts on settlements, properties and other locations such as the Burns cairn can be reduced to an acceptable level. Notwithstanding this it is accepted that properties along, and users of, the Afton Road particularly will be subject to a degree of disturbance during the construction period.

6.55 The comments made in support of the application raise a number of pertinent matters. It is agreed that the development will make a useful contribution towards the generation of renewable electricity which reduces carbon emissions and contributes to the Scottish Government target. It also has the potential for job creation and investment opportunities within the local area.

6.56 The above-mentioned reports to Council and Cabinet collectively set out an approach for the submission, agreement, implementation and monitoring of financial guarantees that are required in respect of the decommissioning, restoration, after care and mitigation of inter alia onshore windfarms.

**Review by Independent Assessor (Ironside Farrar) on behalf of the Council**

6.57 In compliance with para 24 of the Cabinet Report on Decommissioning, Restoration, Aftercare and Mitigation Financial Guarantees dated 21 May 2014 and in terms of financial security for decommissioning and restoration of the site the Planning Authority’s Planning Monitoring Officer (Ironside Farrar) has carried out an assessment of the value of the decommissioning and restoration guarantee for the Ashmark Hill development.

6.58 This assessment has concluded that the total decommissioning and restoration costs for the development would amount to £1,611,305 including a provisional sum to cater for a 5 year aftercare of the site.

**Applicant’s Proposals for Financial Guarantee**

6.59 In terms of securing the site decommissioning and restoration the applicant intends the following arrangements:

- Estimates that decommissioning and restoration costs of the windfarm will be in the region of £230,000.
- This is derived from an independent report which was recently used to discharge a restoration guarantee at an RWE Innogy site in construction.
- An allowance for 30% of the turbine demolition costs to be recovered from scrap value has been included.
- Would provide either a Parent Company Guarantee or a Bank Guarantee to provide the financial guarantee for the purposes of decommissioning and restoration;
- Consider that actual risk from a PCG should be determined by the financial standing of the organisation in question. In this case RWE AG which ultimately owns the applicant is rated as BBB+ by the business rating agencies Standard and Poor’s and Moody’s;
- Similarly Bank Guarantee risk is dependent on the standing of the bank providing the guarantee. The applicant envisages using a guarantee from a ‘high street’ bank for example RBS which has a credit rating of BAA- by Standard and Poor’s and Moody’s.
- Note the Council’s position on Escrow Accounts and Escrow Bonds, note that this form of bond would result in a considerable additional cost to the development and depending on the level of provision required by the Council could potentially effect the project’s viability. The developer would however consider this mechanism if it facilitated the Council’s ability to consent the application.
- Considers that some of the rates used by Ironside Farrar are higher than their experience would indicate but do consider that the Ironside Farrar report is a sensible basis on which to base negotiations and that a final restoration bond value and appropriate review periods can be discussed
and agreed with the Council following consent and prior to work starting on site.

- If necessary they propose that the final restoration bond value could be reported back to and agreed by the planning committee prior to construction.

7. **FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are potential financial implications for the Council in coming to a view on this application as, should the Planning Committee be minded to refuse the proposed Ashmark Hill development, this could lead to an appeal by the applicant. Furthermore, if the Council is considered to have acted unreasonably in refusing the proposed development, a claim for an award of expenses could be made by the applicant.

7.2 As stated above, should the Planning Committee support the recommendation that the Council refuse this proposed development then it could result in an appeal by the applicant to the Scottish Government Department for Planning and Environmental Appeals (DPEA). The Council would require to participate in whatever procedure is considered appropriate by the DPEA in order to put forward its case. This could be via further written representation, hearing or inquiry sessions or a combination of these methods. This therefore may also lead to further costs being incurred to the extent it may be necessary to either engage expert external advice, support or representation and/or to engage professional expert witnesses to give evidence on the Council's behalf as necessary.

7.3 Also as stated elsewhere within the report, if the Planning Committee is minded to approve planning consent for this development certain matters should be addressed by Section 75 Legal Agreement under the 1997 Act, or through conditions or other means as appropriate, (as referred to throughout the report).

7.4 In this regard Heads of Agreement under Section 75 of the 1997 Act, to be concluded prior to the issue of consent, should comprise the following:

- Appropriate developer contributions towards the Renewable Energy Fund for the purpose of enabling mitigation measures and environmental improvements within East Ayrshire consistent with Council policy CS15.

- The developer shall provide an independent Planning Monitoring Officer for the development, the cost of providing this position being met by the developer.

- No section of development hereby authorised shall be commenced until a decommissioning, restoration and aftercare guarantee is provided by the developer and agreed with the Planning Authority that will secure the decommissioning of the turbines and the restoration and aftercare of the site.

7.5 Additionally, should the Planning Committee support the recommendation that the Council refuse this proposed development and the applicant appeals
that decision, the matters noted above should be put forward by the Council within the appeal process to ensure that these matters are secured in the event of a successful appeal.

7.6 In accordance with Council’s revised arrangements for consideration of Financial Guarantees relative to certain types of development, prior to sign off in this case by the Depute Chief Executive that Planning, Finance and Legal Services have all been involved in the process of assessing the applicant’s proposed arrangements for securing their decommissioning and restoration obligations (as set out above). In this case, no agreed position in terms of what would comprise the financial guarantee for the decommissioning and restoration of the proposed development has been reached between the developer and the Council. However, in compliance with the Council’s Cabinet Report on Decommissioning, Restoration, Aftercare and Mitigation of Financial Guarantees dated 21 May 2014 any windfarm proposal will require to comply with the terms of this report in relation to the submission, agreement, implementation and monitoring of financial guarantees.

7.7 Should the Planning Committee decide to grant consent, there is no requirement to refer this application to the Scottish Government under Circular 3:2009 - ‘Notification of Planning Applications’.

8. CONCLUSIONS

8.1 As indicated in section 5 of the report, this application is not considered to be in accordance with the development plan. As indicated at Section 6 of the report, there are a number of material considerations relevant to this application. It is considered that the material considerations are, on balance, not supportive of the application particularly in terms of national policy, national planning advice, the Structure Plan Addendum, the EALWCS 2013, the representations and the findings of the planning authority’s landscape consultant.

8.2 The proposed Ashmark Hill wind farm development does not comply with policies ECON6, ECON7 parts (D), (E), (F) & (G) and ENV1 parts (A) and (E) and ENV2 of the Ayrshire Joint Structure Plan 2007.

Furthermore the proposal does not comply with policies SD1 (i), (ii) and (iii), CS12 (ii) and (iv), CS14 (D), (E), (F) and (G); ENV3, ENV15 (i), (v) and (vi); ENV16 and ENV 17 (iv) of the East Ayrshire Local Plan 2010.

In relation to the development plan it is considered that the proposal:

- Has a significant adverse impact on the landscape character of the surrounding area including impacts on Glen Afton, the landscapes to the north of the site and on the upland landscapes above Glen Afton.

- Is very visually intrusive with extensive visibility across the populated area to the north which includes large parts of settlements such as New Cumnock and the small settlements along the B741, across the rural area and from parts of Cumnock and Auchinleck.
• Contributes significantly to cumulative landscape and visual impacts through its addition to existing and consented schemes already in the area, its location nearer to populated areas, its design conflict with other windfarms and its scale/height.

• Would adversely affect the setting and appearance of the Sensitive Landscape Character Area including by its contribution to cumulative effects on the SLCA.

• Has an adverse visual effect on local recreational routes including hilltops, rights of way and core paths.

• The turbine layout responds well to the application site characteristics, notwithstanding the adverse impacts the development has on visual receptors noted above.

• The development has minimal adverse impact on natural and cultural heritage features, transport and access matters would be considered acceptable subject to appropriate planning control and tourism related impacts, excepting where this may cross over with the recreational impacts noted above, are likely to be negligible.

8.3 Turning now to the material considerations, it is considered that a number of these offer support for the proposal although others do not, often reflecting fully or partly the findings of the development plan position outlined above. In this respect the concerns of the objectors, the findings of the Council’s landscape consultants and the East Ayrshire Landscape Capacity Study all highlight the significant landscape and visual impacts and cumulative landscape and visual impacts of the development.

8.4 It is noted that no consultee has objected to the development, subject to planning conditions and that the local community council has expressed its support for the proposal. In relation to national energy and planning policy and guidance, the benefits of the scheme and in particular the benefits of renewable electricity generation are given particular importance although it is made clear that this must still be balanced against impacts on various other matters which include landscape and visual impacts and the impacts on communities. The representations submitted in support of the application make clear reference to a number of these benefits.

8.5 Some of the key benefits of the scheme include:

• The contribution that the development makes towards the Scottish Governments renewable energy 2020 target by the generating capacity of up to 21MW of renewable electricity and would result in a reduction in greenhouse gas emissions;

• Providing a better degree of public access to the application site, once constructed;
- Benefits accruing from the significant investment that potentially would generate economic benefits and temporary and longer term employment opportunities in the East Ayrshire economy;
- On site environmental improvement works such scattered woodland planting.

8.6 Taking all matters into account the potential benefits to be accrued from the proposed development do not in this instance outweigh the significant adverse and unacceptable impacts of the proposal due to its landscape and visual impact and its contribution to cumulative landscape and visual impacts and the resultant adverse impacts on local recreational routes.

9. **RECOMMENDATIONS**

10.1 It is recommended that the application be refused for the reasons on the attached sheet.

**CONTRARY DECISION NOTE**

Should the Committee agree that the application be approved contrary to the recommendation of the Acting Head of Planning and Economic Development the application would not require to be referred to Council as it would not represent a significant departure from Council policy.

David McDowall  
**Acting Head of Planning and Economic Development**  
FV/DMCD  
27 August 2014

**LIST OF BACKGROUND PAPERS**

1. Scottish Government National Energy Policy  
3. Scottish Planning Policy  
4. Scottish Government online advice sheet May 2014  
6. Adopted East Ayrshire Local Plan (2010).  
7. Addendum to the Ayrshire Joint Structure Plan  
8. The EALWCS 2013  
9. Scottish Historic Environment Policy  
10. Historic Scotland ‘Managing Change in the Historic Environment’ Setting  
11. The Ashmark Hill windfarm Environmental Statement Volumes 1-3  
13. The Ashmark Hill windfarm Design and Access Statement
14. The Ashmark Hill windfarm Non-Technical Summary
15. Accon Ltd noise report dated August 2014
16. PAN 1/2011 Planning and Noise
19. Applicant financial details (letters dated 27/3/14, 2/7/14 and 26/8/14)
20. Consultation responses
21. Letters of representation
22. Reports to Council and Cabinet regarding decommissioning and restoration.

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

*Implementation Officer: Craig Iles Acting Operations Manager*
The above Planning Permission application should be refused for the following reasons:

1. The proposal fails to comply with AJSP policy ECON6 as the proposed development cannot demonstrate that there will be no significant adverse impact, including adverse cumulative impacts and the design of the development is not sensitive to the landscape character of the surrounding area.

2. The proposal fails to comply with AJSP policy ECON7(D) and EALP policy CS14(D) as the proposed development results in unacceptable significant adverse cumulative landscape and visual impacts on the surrounding landscape, settlements and receptors.
3. The proposal fails to comply with AJSP policies ECON7(E) and (G) and EALP policies SD1(ii), CS12(ii), CS14(E)(iv) and CS14(G) as the proposed development as it has unacceptable adverse visual impacts on communities including New Cumnock, the B741 settlements and the general local rural area by way of its proximity, scale, design and appearance and its adverse impacts on the surrounding landscape.

4. The proposal fails to comply with AJSP policy ECON 7(E) and EALP policies CS14(E)(iii) and ENV15(v) as the proposed development results in significant adverse visual impacts on recreational interests including on the setting and experience of public rights of way and footpaths due to its size, scale and proximity and results in a reduction in the quality of the recreational experience.

5. The proposal fails to comply with AJSP policies ECON7(F) and ENV2(B) and EALP policies SD1(iii), CS12(iv), CS14(F) and ENV 3 as the proposed development does not respect, and represents an unacceptable adverse impact on, the landscape character and quality of the Sensitive Landscape Character Area due to its design, size, scale and location.

6. The proposal fails to comply with AJSP policies ENV1(A) and (E) and with EALP policies SD1(ii), ENV15(i) as the proposed development will have an unacceptable adverse impact on the setting, character and appearance of local communities and will have a pervasive impact on prominent views within and around settlements to the north of the development due to its location, height and design and will contribute towards an unacceptable cumulative impact on the local area and communities.

Reason for the Decision

The principle of renewable energy generation is given significant support within the national policy context although this support is conditional. Additionally, the development brings other benefits and has minimal impacts on cultural and natural heritage. However, the development does result in significant adverse landscape and visual impacts over a considerable area and contributes strongly to cumulative landscape and visual impacts. On balance it is considered that the adverse impacts of the development on landscape character and appearance, its visual impact on nearby settlements and the rural area and adverse visual impact on recreational routes and its contribution to cumulative impacts makes the proposal contrary to development plan policy. The material considerations do not, on balance, indicate that the proposal should be approved contrary to the development plan.